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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Thursday 10 February 2011

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House of Commons

Thursday 10 February 2011

The House met at half-past Ten o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

ENERGY AND CLIMATE CHANGE

The Secretary of State was asked—

Oil Prices

1. **Alun Cairns** (Vale of Glamorgan) (Con): What steps he is taking to mitigate the effects of high oil prices on energy consumers. [39408]

7. **Stuart Andrew** (Pudsey) (Con): What steps he is taking to mitigate the effects of high oil prices on energy consumers. [39414]

12. **Henry Smith** (Crawley) (Con): What steps he is taking to mitigate the effects of high oil prices on energy consumers. [39420]

13. **Nadhim Zahawi** (Stratford-on-Avon) (Con): What steps he is taking to mitigate the effects of high oil prices on energy consumers. [39421]

The Secretary of State for Energy and Climate Change (Chris Huhne): Oil is an internationally traded commodity with prices derived from the global market and, as such, the Government cannot control fuel prices. Within the UK, we have an open market for oil, which we believe provides the best long-term guarantee of competitive prices for the consumer. We are encouraging more energy-efficient cars and homes, and we have asked the Office of Fair Trading to report on the heating oil market. Internationally we are working to improve the functioning of the global oil market, and we are reinforcing the work of the international energy forum, especially by increasing transparency. The key is speeding up the shift to the low-carbon economy by getting us off the oil price hook.

Alun Cairns: On 17 November, one of my constituents paid £490 for 1,000 litres of kerosene heating oil. By 18 December, they were forced to pay £745 for 1,000 litres of heating oil. Although fuel price is an issue for everyone across the UK, does the Secretary of State recognise the particular plight of people who live in rural areas and who do not have the option of mains gas and other sources of energy?

Chris Huhne: My hon. Friend is absolutely right; this is a key issue in rural areas to which the ministerial team have given a lot of attention. The Energy Minister, my hon. Friend the Member for Wealden (Charles Hendry), has suffered the effects of this in his own home and feels strongly, as we all do, that we need to get a grip on this.

That is precisely why we asked the Office of Fair Trading to look at the heating oil market. We want to be absolutely assured that there is no exploitation and that the market is open and fair, which in the long run is the best guarantee. But we are also concerned about these off-gas-grid homes, and in the longer term we want to ensure that they have the best benefits from the green deal.

Stuart Andrew: Back in December, Age UK expressed concern about the rise in heating fuel cost. What response has my right hon. Friend had to his announcement on the investigation into the heating oil and liquefied petroleum gas market?

Chris Huhne: There has been cross-party support for the investigation and we await the outcome with interest. There is a genuine concern throughout the House that we need to be confident that people in this position can secure the best possible deal in the marketplace.

Henry Smith: Tomorrow is suggested as national fuel poverty awareness day. What steps are the Government taking to ensure that people have access to better environmental enhancements, particularly to their homes, for the sake of the environment and the economy?

Chris Huhne: The key part of the green deal, which is the centrepiece of the Energy Bill making its way through the Lords at the moment and shortly to come here, is an emphasis on being able to tackle fuel poverty. If we get to the roots of fuel poverty, which is often not low income per se, but people relying immensely on energy because they have poorly insulated homes, we can tackle the problem at its core, rather than merely stick on plasters.

Nadhim Zahawi: The renewable heat incentive is one way to mitigate this. My constituents, who are early adopters of ground-source heat pumps and other renewable sources, are disappointed that it appears they will not be able to access the RHI as they will not have installed their equipment before the launch of the incentive. Will the Secretary of State therefore please clarify the position on RHI in relation to individuals who have not installed equipment before the initiative is launched, as it appears that not only is the current uncertainty about new installations confusing constituents, but it is affecting the renewables industry?

Chris Huhne: Obviously, we are trying to eliminate uncertainty as rapidly as we can and trying to be as clear as possible about the policy framework. As can be seen from the announcement of the review of feed-in tariffs, it is important to get these policy details right. We cannot have a situation in which the budgeting is so badly miscalculated that there simply will not be the money to support it. We are determined to go ahead with this. Individuals will be supported under the renewable heat incentive and the details will be forthcoming.

Mr Speaker: May I ask the Secretary of State to face the House when speaking and not look behind him with his back to the Chair?

Albert Owen (Ynys Môn) (Lab): The Secretary of State mentioned that the Office of Fair Trading was looking at off-grid gas customers who have been ripped off in the way the hon. Member for Vale of Glamorgan

(Alun Cairns) explained. Will the Secretary of State consider extending the scope of Ofgem to look at both on-grid and off-grid energy supplies so that there is a level playing field? The OFT takes an awfully long time and looks only at competition, whereas Ofgem has a wider responsibility.

Chris Huhne: Ofgem of course keeps the market under review and is looking at it at the moment, and there would be a possibility of referral if it decided that that was appropriate. Clearly, it is crucial that we have competitive markets, because that is the best guarantee that consumers will get the best possible deal.

Mr Chuka Umunna (Streatham) (Lab): It has been mentioned that these issues affect those living in rural areas, but of course they also hit people living in urban areas. One in five homes are now affected by fuel poverty, which is the highest rate in 15 years. Will the Secretary of State tell us how the various other measures that the Government have introduced, such as the housing benefit changes and the VAT rise, will help those living in urban areas such as my constituency to deal with high and rising energy prices?

Chris Huhne: The hon. Gentleman will be aware that we have announced the Warm Homes discount, which will ensure, through legislation, that the particularly high fuel bills suffered by those in fuel poverty are tackled, which is a considerable advance on the voluntary arrangements that we have had until now. I come back to the point I made in response to my hon. Friend the Member for Crawley (Henry Smith), which is that we must tackle the roots of the problem. The energy bills of people on low incomes can vary by a factor of six. If they are lucky enough to be in decent home standard social housing, they will have low energy bills, but if they are in private rented housing they may have very high energy bills. That is what we have to tackle and that is what we will do with the green deal.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): I am delighted about the investigation into domestic fuel prices, which my hon. Friend the Member for North West Durham (Pat Glass) and the official Opposition have been calling for, and glad that the Government have finally acted. Rising oil prices, as my hon. Friend the Member for Streatham (Mr Umunna) and others have indicated, are only part of the problem. The Government's record on standing up for consumers is, frankly, very poor. In recent months, we have seen price rises of between 2% and more than 9% from all the main energy suppliers, yet Ministers sit back and refuse to intervene. We have seen Consumer Focus abolished, with insouciance from the Secretary of State on what that means for consumers. At the same time, we have seen mis-billing and doorstep selling investigations showing that not all is well with the big six energy companies. The Government's response is that we must leave them alone or they will not invest. Does he understand that that investment is customers' money? Can he tell the House that he is entirely confident that customers are getting a fair deal?

Chris Huhne: The hon. Lady will know that it is precisely because we are not confident that customers are getting a fair deal that we have, for example, asked

the OFT to look at the heating oil market and why procedures are under way to investigate doorstep selling. In all markets we must be ever-vigilant, which is precisely what the Government have been. We have put the consumer's interests first.

Oil Prices (Supply)

2. **Nick de Bois** (Enfield North) (Con): What assessment he has made of the likely effects on oil prices and supply of the political situation in Egypt. [39409]

11. **Nigel Mills** (Amber Valley) (Con): What assessment he has made of the likely effects on oil prices and supply of the political situation in Egypt. [39419]

The Secretary of State for Energy and Climate Change (Chris Huhne): Egypt accounts for 2.1% of the world's oil production. We do not expect that disruption to Egyptian oil production and oil transiting the Suez canal is likely. The secretary-general of OPEC and the Saudi oil Minister Ali al-Naimi have both stated that, in the event of disruption to the Suez canal, OPEC would increase production to provide market-calming measures. About 5% of overall crude and petroleum products goes through the Suez canal.

Nick de Bois: I thank the Secretary of State for that answer. Will he outline what measures his Department may be planning to affect price stability?

Chris Huhne: My hon. Friend may be referring to the debate that has been going on about the fuel duty stabiliser, but that of course is the responsibility of the Treasury and the Chancellor of the Exchequer. I understand that work is continuing on that. The key for my Department is to ensure that we speed the transition to a low-carbon economy as quickly as possible. We have to get off the oil price hook, and this episode of oil prices rising above \$100 a barrel demonstrates the urgent need to make good progress on that, which is precisely why the Government are, for example, bringing forward subsidies for electric vehicles, pushing within the European Union for tougher standards on energy-efficient vehicles, and why we have the green deal. We want to ensure that our population is not vulnerable to precisely those sorts of shocks. Our policies will be—

Mr Speaker: That is extremely helpful.

Nigel Mills: I am grateful to my right hon. Friend for that information, but, given the current high price and the risk of uncertainty increasing it further, does he agree that there is now no need to encourage my constituents and his to change their behaviour through further duties, and that if we do such things we risk driving our constituents out of economic activity completely?

Chris Huhne: As I say, the fuel duty stabiliser is a matter for the Treasury. I merely point out that, over time, all European countries—in fact, all developed countries with the exception of the United States—have taken the policy view that, for all sorts of reasons,

including national security, we should encourage energy efficiency in our oil use. Any short-term concession that goes against that will make us more vulnerable in the long term.

Hugh Bayley (York Central) (Lab): I agree with the Secretary of State that our country needs to reduce its dependence on oil. Does he agree with me that the Government should do all in their power to promote democracy in north Africa and the middle east? Democratic countries are better for the people who live in them, better in terms of human rights and make for better trade partners of countries such as our own.

Mr Speaker: Order. A brief answer that relates to oil prices would be helpful.

Chris Huhne: Mr Speaker asks me to relate oil prices to democracy, which is the sort of A-level question that would test any Member.

Obviously, and crucially, open societies in particular are easier to deal with and easier to understand, and in our experience they tend to be more stable. That is a point we make to our friends right the way around the world.

Mr Speaker: I think the Secretary of State gets an A*.

Wind Power

3. **Mr Philip Hollobone** (Kettering) (Con): What estimate he has made of the level of (a) onshore and (b) offshore wind generating capacity in 2020. [39410]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): Modelling undertaken for the Department in 2009 suggested that the UK could have about 14 GW of onshore wind and 13 GW of offshore wind generating capacity in 2020.

The Government do not set targets for individual technologies; we take a market-based approach to energy generation. The actual amount of capacity that comes forward, and the timing, will depend on a range of factors, including how the market responds to the incentives that we have put in place.

Mr Hollobone: My constituency has at Burton Latimer a successful wind farm that is soon to expand, but my constituents would like to see greater incentives from the coalition Government to encourage offshore wind energy, and rather reduced incentives for onshore wind farms, because we do not want the English countryside despoiled by hundreds of wind farms all over the place.

Charles Hendry: My hon. Friend makes an important point, with which a significant number of colleagues in the House agree. There was a democratic deficit in the way the policy was driven forward in the past, and we want to move on from the hectoring approach that the previous Administration took. There do need to be appropriate incentives; wind farms should be put in place in the appropriate locations; and a banding review of the ROC—renewables obligation certificate—regime is coming forward this year, when we can look at those issues.

Hywel Williams (Arfon) (PC): Ports are a reserved matter. How are the Government enabling Welsh ports to participate in the offshore industry, and to what extent and in what way are they working with the Welsh Assembly Government?

Charles Hendry: We took a view that the best way for the funding to go forward was through an economic generation programme linked specifically to manufacturing projects, meaning that it ceased to be a ports programme and became an economic development matter. Funding was allocated through the Barnett formula to the Welsh Assembly Government for them to take forward their own programmes in the area, and we have also asked the Crown Estate to work with ports throughout the United Kingdom to see how they can all benefit from the renaissance.

Mr Charles Kennedy (Ross, Skye and Lochaber) (LD): Given the huge obvious potential in the sector, the Minister will understand the renewable energy sector's natural impatience to know how the green investment bank is progressing and whether the Department is receiving the necessary support that it looks for from the Treasury. Given that potential, can he update us on how things are progressing towards May? Big sites, such as Nigg and Kishorn in my constituency, are really looking to the Government for a lead.

Charles Hendry: My right hon. Friend picks up on an issue that is of great interest across the House. We are making good progress on the discussions about a green investment bank, and an announcement will be made shortly. We see this as a fundamental building block for bringing new investment into an area which is a massive driver for economic growth and recovery in this country.

Huw Irranca-Davies (Ogmore) (Lab): The Government have very warm intentions for community engagement through the Localism Bill, although *The Daily Telegraph* has today rather cruelly portrayed it as “bribes for windfarms”. Mike Landy, who is very well respected and has 25 years of experience of renewables internationally, says:

“It is hard to see how the UK's target of 15% renewable energy by 2020 can be achieved without a significant contribution from onshore wind. The localism bill has all the makings of a NIMBY Charter...there is a distinct danger we could be heading towards BANANA—Build Absolutely Nothing Anywhere Near Anything”.

So I have a straightforward question: what will be the average time taken for an onshore wind farm application by the end of this Government?

Charles Hendry: We are determined to stop the top-down approach that was taken by the previous Administration. We believe it is imperative that local communities should have an active engagement in the siting of big facilities in their communities, and the changes we are making will give them greater discretion. We will stop the regional spatial targets and strategies, but put in place significant benefits so that communities can see how they benefit from hosting a facility on behalf of the national interest instead of seeing it as something that is imposed on them, as at present.

Liquefied Petroleum Gas

4. **John Pugh** (Southport) (LD): What assessment he has made of the potential role of liquefied petroleum gas in reducing carbon emissions. [39411]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): In the heating sector, the carbon emissions associated with LPG are slightly higher than those for natural gas. It does, however, have the potential to reduce carbon emissions for those not on the gas grid, as it has a smaller carbon footprint than alternatives such as heating oil and electric heating, though higher than that of renewable energy technologies such as efficient ground-source heating pumps.

John Pugh: I thank the Minister for that response. He has adequately satisfied my curiosity on the subject, and I have no supplementary question, Mr Speaker.

Mr Speaker: I am very grateful.

Low-carbon Technologies

5. **Karl Turner** (Kingston upon Hull East) (Lab): What recent discussions he has had with ministerial colleagues on attracting private sector investment into low-carbon technologies. [39412]

The Minister of State, Department of Energy and Climate Change (Gregory Barker): Ministers in DECC have regular discussions with ministerial colleagues right across the coalition on new ways in which Government can attract private sector investment in low-carbon technologies. This includes discussions on the potential form and functions of Europe's first green investment bank as part of the coalition Government's comprehensive commitment to an ambitious green growth agenda.

Karl Turner: I am sure that the Minister will join me in congratulating the previous Labour Government on the work that they did to encourage E.ON and Siemens to invest in my constituency. Will he ensure that the Government continue that support and build on Labour's success?

Gregory Barker: We are determined to transform the level of green growth in this country, and certainly on the level that we inherited from the last Labour Government. It is instructive that in the offshore wind industry, 80% of those huge installations, on average, were contracted and manufactured abroad under Labour. That has to change; we need the investment and supply chain here in Great Britain.

Tony Baldry (Banbury) (Con): Will Ministers make time in their diaries to visit the Bicester eco-town project, which is a private sector-led initiative intended to be an international exemplar of how to build large-scale, low or no-carbon housing and develop large numbers of green-collar jobs?

Gregory Barker: That is a real recommendation coming from my hon. Friend, who has considerable expertise and a long-standing interest in these matters. The place he mentions sounds extremely interesting, and I hope that perhaps one day he will think of proffering an invitation to me to come and visit.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): We heard from the Secretary of State about speeding the transition to the low-carbon economy, and his Minister has reiterated the Government's commitment. If we were to measure the Secretary of State's success by headlines, as I am sure he is often keen to do, then we, like him, would say "A good job done." However, we judge on actions, not words, and we have seen nothing but confusion, dither and indecision. There is no detail on the renewable heat incentive, and change is afoot on feed-in tariffs and the green investment bank. Today we hear again that there will be discussions on the green investment bank, but when will the Minister decide on it, or is the Department simply being hobbled by the Treasury?

Gregory Barker: It really is a bit rich to have lessons on banking from Labour Members, who brought the British banking sector to the very brink of ruin and the country's finances into utter disaster. Their handling of the City was utterly catastrophic. We will bring forward, in good time, a robust new institution that will be a key part of the financial architecture of green growth, and we will take no lectures on any of this from Labour.

Meg Hillier: Well, all sound and fury signifying, so far, nothing. Let us be clear: there is talk about the new green investment bank, but no new money, and no detail, and different dates for when we will hear about it. Why? Because the announcement was made by the Secretary of State at the time of the comprehensive spending review without a deal having been pinned down with the Treasury. We are still waiting. When will we have the detail on the green investment bank and when will businesses get the certainty about investment that they need for green growth?

Gregory Barker: I tell you what—it will not take us 13 years to come up with a plan for a green investment bank. It was this Chancellor of the Exchequer who announced plans for a green investment bank, this coalition that is working on plans for it and this coalition that will bring it forward. The hon. Lady will just have to contain her excitement. She would do better to dwell on the Opposition's abysmal record on green investment, instead of asking fatuous questions from the Dispatch Box.

Tariff Information

6. **Mr John Baron** (Basildon and Billericay) (Con): What plans he has for the inclusion of provisions on cheapest tariff information in the forthcoming Energy Bill. [39413]

The Minister of State, Department of Energy and Climate Change (Gregory Barker): We are taking powers in the Energy Bill to require energy suppliers to provide their domestic customers with clear information about their lowest tariff. Initially, we are seeking the suppliers' agreement to provide that information voluntarily. However, if there is no satisfactory agreement to do so by the end of the summer, we will use this power.

Mr Baron: The Minister will recognise the importance of this issue, given the recent price increases and the confusion caused by the hundreds of different tariffs.

He will be aware that I submitted detailed proposals about how cheapest tariff information could be displayed on domestic bills, in consultation with the consumer magazine *Which?*. Will he meet me to discuss this issue further?

Gregory Barker: My hon. Friend is one of the House's leading experts on this issue. It is complex and the answers are not easy. He has submitted information to my Department, which has been extremely valuable. We are determined to get this right and I would be delighted to meet him in the Department.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): We welcome the Government's proposals requiring energy suppliers to display the cheapest tariff information on their bills. It is a positive first step, but more needs to be done to ensure that consumers get a fair deal from their energy companies. Given that the Government are scrapping the energy watchdog Consumer Focus, which last year uncovered that one energy supplier had overcharged about 1.8 million customers, it is fair to say that the Government have a lot of work to do to be considered a champion of the consumer.

Will the Minister commit to going further? Will he examine what can be done to help vulnerable households that pay a poverty premium because they cannot access cheaper payment methods such as direct debit or because they use a pre-payment meter, to ensure that they get the best deal possible from their energy supplier?

Gregory Barker: The hon. Lady makes some valid points in a sensible way. She is right to say that we need to do a lot more to help the poorest. There is a debate about rising block tariffs, but they, too, can have perverse consequences. We are determined to simplify the tariffs system, and I would like to do that on the basis of consensus. If she would like to contribute to the thinking, I invite her to meet me and share her ideas.

Feed-in Tariff Review

8. **David T. C. Davies** (Monmouth) (Con): What progress he has made on the feed-in tariff review; and if he will make a statement. [39415]

14. **Neil Parish** (Tiverton and Honiton) (Con): What recent progress he has made on the feed-in tariff review; and if he will make a statement. [39422]

The Minister of State, Department of Energy and Climate Change (Gregory Barker): The first comprehensive evidence-based review of the feed-in tariff scheme has started. It will consider all aspects of the scheme, but we will fast-track consideration of large-scale solar projects with a capacity of more than 50 kW and farm-scale anaerobic digestion projects. Above all, we want to provide a sustainable platform for ambitious growth across the range of renewable technologies, and to work collaboratively with industry to achieve that.

David T. C. Davies: I welcome the Minister's answer. Will he assure the House that the review will ensure that there are no perverse incentives to build smaller schemes operating at a higher capacity? If he has time in his ministerial diary, he is welcome to visit Monmouthshire, where we have three excellent hydroelectric schemes up and running.

Gregory Barker: My hon. Friend makes a good point. The scheme that we inherited from the previous Government was in danger of offering perverse incentives, particularly for micro-hydro. We will use the opportunity of the comprehensive review to iron out those incentives and get the scheme absolutely right. We are keen to see an expansion of hydro, which is a great renewable source. I will certainly look to see whether I can visit my hon. Friend.

Neil Parish: I very much welcome the Minister's comments on anaerobic digestion, because I think we can get a great deal more of it. Can he assure us that feed-in tariffs will be set at a fair rate? As we push up energy prices to the consumer, we push more people into fuel poverty. When he tapers the tariffs, will he ensure that hospitals and schools get a fair crack of the whip?

Gregory Barker: My hon. Friend makes some excellent points. We will endeavour to ensure that we are very fair in the review, and we certainly want to sustain investment in renewables in schools, hospitals and other community projects that fall above the 40 kW review level. We also need to ensure that we get value for money for consumers and that we do not offer what Labour did—an open cheque book approach to the industry.

Dr Alan Whitehead (Southampton, Test) (Lab): When the Secretary of State made his announcement about the feed-in tariff review on Monday, he included in it the fact that anything over 50 kW would be regarded as large photovoltaic solar, but everybody knows that anything marginally above 50 kW is not large. The effect of the review will be to eliminate a large number of schools, hospitals and other facilities from the feed-in tariff. Does the Minister accept that a mistake has been made in that calibration, and is he prepared to go back and reconsider the number to ensure that the right figure is put in place?

Gregory Barker: I think the hon. Gentleman is unduly concerned. The 50 kW level simply refers to the current legislative definition of microgeneration. It is not our intention to place draconian limits on those above 50 kW, particularly in relation to the school and hospital schemes that he mentions. However, there is a real problem with large solar fields, and that is our primary focus. Going for 50 kW allows us to settle the matter discreetly, quickly and before the summer recess.

Clive Efford (Eltham) (Lab): Because of the confusion that the 50 kW limit has caused, should not the review be completed swiftly so that community organisations know where they stand?

Gregory Barker: The hon. Gentleman is absolutely right, and that is why we are moving very quickly indeed and expect to publish the consultation in March. There is no reason for anyone involved in the community schemes that he advocates to be unduly concerned. We are very lucky that capital costs, installation costs and financing costs have all fallen quickly, and we must ensure that the taxpayer gets good value for money.

Mr Peter Lilley (Hitchin and Harpenden) (Con): Does my hon. Friend see any inconsistency between the position of the Secretary of State, who earlier claimed that the Government were doing their best to keep oil

and energy prices down, and his support for a tariff that, according to his own costings, means that energy costs 20 times as much as when it comes from conventional sources? Will his review consider the experience of the Dutch Government, who have just scrapped a similar scheme, the German Government, who have limited entry to their scheme, and the Spanish Government, who have nearly been bankrupted by theirs?

Gregory Barker: I think I can reassure my right hon. Friend that his concerns are misplaced, and that the ministerial team is absolutely united in supporting an ambitious roll-out of renewables. The current feed-in tariff scheme for microgeneration would add something like £8 to the total energy bill of the average household by 2030, which means that it is not getting out of control in any way, shape or form. However, we have to be prudent.

Huw Irranca-Davies (Ogmore) (Lab): Labour's feed-in tariffs have created thousands of green jobs and real growth in the nascent microgeneration power sector, which now hang in the balance because of the Government's panicked response to the narrow issue of solar parks. They are bringing forward an early review that throws the healthy baby out with the bathwater, jeopardising schemes for community housing, hospitals and schools. When the Secretary of State stood on the doorstep of Sharp in Wrexham a fortnight ago and announced the potential for 300 new jobs in British solar photovoltaics manufacturing, had he already made the decision to cut the legs away from under the emerging solar manufacturing and installation industry? Did he tell the managing director and the work force?

Gregory Barker: We know that the Labour party is a party of deficit deniers, who are in denial about their record. They are obviously also in denial about the potential costs of unchecked solar. We want to create a sustainable framework for long-term investment that is good for the industry. That is why we are fast-tracking the review and will improve the imperfect system that we inherited from Labour to make a much safer and securer platform for long-term green growth.

Mr Speaker: Order. We really must speed up. There is a lot to get through, and I want to serve the interests of Back-Bench Members who want to ask their questions.

Low-carbon Generation

9. **Mary Macleod (Brentford and Isleworth) (Con):** What assessment he has made of the potential effects of his proposed electricity market reforms on the ability of the UK to attract investment in low-carbon generation. [39416]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): We estimate that by 2020, the cumulative investment needed in electricity generation, transmission and distribution will be in excess of £100 billion. We believe that the policies set out in our consultation on electricity market reform will deliver this investment and the further investment needed to meet our longer-term targets, making the UK a prime location for low-carbon energy development.

Mary Macleod: I am delighted that the Department of Energy and Climate Change and the Treasury have joined forces to launch the electricity market reform project. How will those proposals build the necessary confidence to invest in low-carbon options over the long term and manage the transition period to ensure that stability is maintained?

Charles Hendry: My hon. Friend is absolutely right to pick up one crucial element of our reforms. We must remove uncertainty, because that is one of the biggest threats to investment. We therefore propose that the current regime run alongside the new regime for a period of years, giving people a choice of which system they work to. We believe that that deals with the transitional challenges.

Ian Lucas (Wrexham) (Lab): Low-carbon generation was hugely incentivised by Labour's feed-in tariff, which in the last month provided 300 new jobs in my constituency. Those jobs are endangered by Monday's announcement. Sharp says that the Government's investment will stop investors—private investment—in their tracks. How can the Government possibly justify their absurd claim to be in favour of growth and green manufacturing when they make an announcement as stupid as the one they made on Monday?

Charles Hendry: I remember well the debates on the introduction of feed-in tariffs. It was the force of Conservative, Liberal Democrat and Labour votes—[*Interruption*—Labour Back-Bench votes. That was the combination that forced the then Labour Government to accept feed-in tariffs. This Government are ensuring that that money can be targeted on areas where we can see a massive roll-out. It should not be diverted into big solar farms. We want to ensure that the maximum number of people can benefit, which is why we are undertaking our review.

Feed-in Tariff

10. **Jason McCartney (Colne Valley) (Con):** What recent assessment he has made of the effectiveness of the feed-in tariff payments system for electricity generated by domestic solar panels. [39418]

The Minister of State, Department of Energy and Climate Change (Gregory Barker): We want to drive forward deployment of decentralised renewables, and we are very pleased with the growth to date of solar photovoltaics supported by feed-in tariffs. However, we believe that the system can be improved and placed on a more secure and sustainable financial footing, which will be to the long-term benefit of consumers, industry and investors.

Jason McCartney: One of my constituents has contacted me because he has waited for up to three months for payments for electricity generated by domestic solar panels. Does the Minister agree that the public body that hands out those payments should speed them up?

Gregory Barker: I would be happy to look into that case, but obviously, the energy supplier and not Ofgem, the regulator, is responsible for dishing out those payments, which should be made quarterly. If my hon. Friend is

aware of longer delays in Colne Valley—he is a doughty champion for his constituents—I will be happy to look into those specific cases on his behalf.

Mr Mike Weir (Angus) (SNP): Is the Minister aware of the concerns in Scotland that the take-up of domestic solar panels through the feed-in tariff has been hampered by the unsatisfactory nature of the microgeneration certification scheme? Will he or his officials meet installers' representatives to discuss why the Department refuses even to engage with their proposals for a scheme to meet specific Scottish needs?

Gregory Barker: I am aware of considerable unease about the MCS, which was set up by the previous Government. A number of complaints have been made to the Department, and I take them extremely seriously. I would be happy to look at the issues that the hon. Gentleman raises.

Wind Power

15. **Chi Onwurah (Newcastle upon Tyne Central) (Lab):** What the net contribution of wind-powered electricity generation to energy supply was in the final quarter of 2010. [39423]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): The Department publishes data on electricity supplied to the UK electricity grid on a monthly basis. Figures for the final quarter of 2010 in full will be published on 24 February. DECC's latest figures show that for October and November 2010 in total, wind generation by major power producers contributed 3.5% of all electricity supplied to the UK electricity grid.

Chi Onwurah: On Monday I visited Siemens in Byker, just outside my constituency, to see the significant investment it is making to train apprentices in renewable technologies. However, Siemens told me that it would not take on more apprentices until there were more confirmed renewable power projects. The Secretary of State has delayed the green investment bank and the renewable heat incentive and is reviewing the feed-in tariff. When will he give the renewable industry the positive signal it requires?

Charles Hendry: The renewable heat incentive is not actually related to the offshore wind development sector, in which Siemens is looking to operate. We are working closely with Siemens. Yesterday I chaired the offshore wind developers forum to consider the barriers to potential investment. We see this as a massive opportunity for Britain to secure the sort of green jobs that the hon. Lady is talking about in her constituency, and which Siemens is looking at more generally in areas such as Humberside.

Andrew George (St Ives) (LD): In order to encourage greater wind generation, what assistance can Ministers offer to communities that live very close to large wind farms or turbines? How can they share the benefits of having those on their doorstep?

Charles Hendry: Our evidence shows that community schemes—where there is community ownership of the scheme—get through the planning process much more readily than non-community schemes. As we move forward,

we are keen to see schemes that will keep the local business rate within the local community and provide additional benefits through community ownership, so that communities can see exactly what they are getting out of having such a facility in their areas, rather than, as sometimes happens, getting the pain but not the gain.

Monopoly Electricity Suppliers

16. **Elizabeth Truss (South West Norfolk) (Con):** What steps he is taking to ensure that electricity consumers in areas with only one supplier are not charged excessive amounts. [39424]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): Ofgem regulates distribution network operators through price controls that limit the amount that they can charge for connection services. For most connection services, DNOs can recover only expenses that are reasonably incurred. When a customer disputes a connection charge, they can raise the issue with the DNO through its complaints procedure. Ofgem has powers to determine whether a connection charge is reasonable after other avenues are exhausted.

Elizabeth Truss: My constituent David Goulty has been quoted £1,200 for a connection by UK Power Networks. Also, the Snetterton industrial site near the A11 has been quoted £6 million to £8 million for connecting it to the national grid. I am concerned that this company is the sole supplier in this area, and I would like to know what action the Government and Ofgem are taking to ensure that it is not charging over the odds for connections.

Charles Hendry: My hon. Friend raises a very important point, which I hope she will pursue through Ofgem as well. The costs of those mechanisms are calculated by the local area network using a methodology agreed by Ofgem, which means that it can recover only reasonable costs associated with the connection work. If the complaints procedure has been exhausted, Ofgem can then determine whether the costs are reasonable. Consumers can also consider using an independent connection provider that might be able to offer a better deal.

Energy Prices

17. **Mr William Bain (Glasgow North East) (Lab):** What recent discussions he has had with energy companies on tariff and pricing policies affecting consumers. [39425]

The Minister of State, Department of Energy and Climate Change (Charles Hendry): Ministers and officials in the Department of Energy and Climate Change meet Ofgem and suppliers on a regular basis to discuss market issues. Ofgem monitors the market closely and reports quarterly on retail prices. Its latest report shows large increases in estimated supplier margins for the year ahead, largely owing 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.

Mr Bain: The Minister will be aware from a written answer to me on 10 January that without further Government action, by 2013 the impact of the Government's proposed electricity market reforms will

be felt by the poorest 10% of households three times more heavily than by the richest 10%. Will he therefore adopt Save the Children's excellent idea of obliging the energy companies to offer a compulsory rebate to the poorest families?

Charles Hendry: We have indeed introduced a new obligation for energy companies to help the most disadvantaged people. We are determined to take forward that agenda, and to ensure that we do it rather more effectively than it has been done in the past. We also have to ensure that we secure the investment necessary to rebuild our energy infrastructure, which was badly put off under the previous Administration.

Energy Efficiency (Rural Areas)

19. **Sir Alan Beith** (Berwick-upon-Tweed) (LD): What recent steps he is taking to improve the energy efficiency of privately rented housing in rural areas. [39428]

The Secretary of State for Energy and Climate Change (Chris Huhne): I want to see the energy efficiency of privately rented housing improve across the country, including in rural areas. Our green deal, due to be launched in late 2012, will help enable this to happen. It will offer landlords, in both urban and rural areas, a real opportunity to invest in the energy efficiency of their properties at no up-front cost. If they do not, we are taking powers in the Energy Bill to enable tenants to insist on the green deal. Furthermore, we will allow councils to ban rentals in F and G-rated properties. My Department is looking at how best to incentivise renewable heating for those off the gas grid, particularly those in rural areas.

Sir Alan Beith: I welcome what my right hon. Friend is doing on this matter, but I ask him to keep in mind the fact that some of the poorest people in my constituency live in former farm cottages that are stone-built, have landlords who are reluctant to improve them, are not connected to a gas supply and are at the mercy of monopolistic heating oil firms.

Chris Huhne: I entirely sympathise with my right hon. Friend's point about the problems that often exist in rural areas. Such problems are often overlooked precisely because they are not necessarily concentrated in large numbers, but poverty, including fuel poverty, can be a dramatic problem in rural areas. The green deal will be particularly helpful to the sort of constituent whom he has mentioned, because there will also be support for hard-to-treat homes, which will involve subsidising solid-wall insulation.

Mr Clive Betts (Sheffield South East) (Lab): I am sure that the Secretary of State is aware that many older privately rented properties do not have cavity walls. Therefore they can benefit from loft insulation, not cavity-wall insulation, and external or internal cladding is often problematic. In those cases, will he consider giving extra priority under the green deal to offering assistance with double glazing?

Chris Huhne: We are looking at exactly what the specifications should be under the green deal. I want us to get in as much as possible. Given that the scheme will be much bigger than any that we have had before, one of

the points that we are discussing with the industry is whether those economies of scale can be reflected in the prices of energy-saving products. If we can do that, we can make them susceptible to the green deal to a much greater extent. However, I would also refer the hon. Gentleman to my answer to my right hon. Friend the Member for Berwick-upon-Tweed (Sir Alan Beith) concerning solid-wall insulation. There are technological improvements being made in this area that I would not rule out as a source of comfort for the hon. Gentleman's constituents.

Anaerobic Digestion

20. **Dr Thérèse Coffey** (Suffolk Coastal) (Con): What recent steps he has taken to facilitate direct passage of the gas generated from anaerobic digestion into the national transmission system. [39429]

The Minister of State, Department of Energy and Climate Change (Gregory Barker): The coalition is committed to a huge increase in energy from anaerobic digestion. In addition to reviewing tariffs, we are simplifying the regulatory regime for operators of AD installations. The Health and Safety Executive has been asked to assess the quality of gas that can safely be injected into the grid, and Ofgem is consulting on what measures are required to overcome barriers to biomethane injection into the gas grid.

Dr Coffey: I thank the Minister for that answer. Would he be kind enough to meet with me to discuss the case of Adnams Biogas in my constituency? Adnams Biogas was set up by Bio Group and was the first to take methane and put it straight into the grid system. National Grid is happy with that, but Ofgem now seems to have a big issue with it. It seems ridiculous that we should have to add fossil fuel gases to natural gases in order to be greener.

Gregory Barker: My hon. Friend can rightly be proud of the Adnams facility in her constituency, and she is particularly well placed to understand its potential as she has a PhD in chemistry. I would be happy to meet her to discuss how we can make it easier for more companies to connect, because we are talking about a very important technology.

Topical Questions

T1. [39433] **Mr Philip Hollobone** (Kettering) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Energy and Climate Change (Chris Huhne): Since the previous departmental Question Time we have published proposals to increase liabilities for nuclear operators under the Paris and Brussels conventions. We have also opened a consultation on the long-term management options for the UK's civil plutonium stocks, and launched a review of the feed-in tariff scheme to ensure that we have investment certainty at reasonable budgetary cost.

Mr Hollobone: Britain's electricity system is at its most vulnerable during winter cold snaps when the wind is not blowing and the wind turbines are not

moving round. What steps is the Secretary of State taking to ensure that the plant capacity margin is big enough to ensure that we can keep the lights on with power from conventional sources during those periods?

Chris Huhne: My hon. Friend is right to highlight that as an important and ongoing issue, and it is one to which we have devoted a lot of attention in the Department. In the short term, the key is that the capacity margin has increased quite comfortably—sadly for the wrong reasons: because of the impact of the recession—but in the long run we are trying to ensure that we pay for capacity through electricity market reforms. That is in the consultation documents that we have tabled, and I believe that it will provide a long-term solution and ensure that we have an adequate margin.

T3. [39436] **Ian Murray** (Edinburgh South) (Lab): The Secretary of State for Business, Innovation and Skills came to the Environmental Audit Committee last week and told us that DECC had been heavily involved in the development of the green investment bank. What input has this Secretary of State had to the formation of the bank? Can he tell the House whether he is in favour of a bank or a fund—and whether the Treasury is pushing him towards a fund in order to keep the scheme off its books?

Chris Huhne: There are ongoing discussions between Ministers—[HON. MEMBERS: “Ah!”] I would merely make the point to Opposition Members that it is more important to get this right than to do it quickly and get it wrong. With the green investment bank, let us remember that we are looking at an institution that will be crucial in supporting the transition to a low-carbon economy not over a two or three-year period, but over 40 years. If we look back at our economic history, and at similarly massive changes in the way our economy has been powered—for example, the move to coal and then oil, with the internal combustion engine—we see that these things do not happen in a day. Let us get the green investment bank right. That is what Ministers are going to do, and announcements will be made in due course.

T2. [39434] **Miss Anne McIntosh** (Thirsk and Malton) (Con): The green deal will bring huge fuel efficiency benefits in heating homes. Will the Secretary of State consider extending it to cover water efficiency, and in particular to educating households to save water, and to save energy by heating only the water that they need to use?

Chris Huhne: I am very sympathetic to my hon. Friend's points. There is an important agenda for trying to make water use sustainable, as well as the other elements covered by the green deal. The difficulty lies in attaching measures that would affect water to an electricity and gas Bill, and that has so far proved insuperable for the ministerial team. We would like to see real improvements, however, and we have been working across Government on this. I know that the Secretary of State for Environment, Food and Rural Affairs, my right hon. Friend the Member for Meriden (Mrs Spelman) is also concerned about this, and is working hard on proposals.

Ian Lavery (Wansbeck) (Lab): The Secretary of State will be aware that the Hatfield colliery in South Yorkshire is in administration. It has more than 100 million

tonnes of coal. Has he had meetings with the owners or their representatives to try to resolve the situation, and will he agree to meet me and other representatives to discuss it?

The Minister of State, Department of Energy and Climate Change (Charles Hendry): We had regular contact with the owners prior to the administration. We have not had direct face-to-face contact with them subsequently, because we believe that this is a matter for them to sort out with the administrators. However, we recognise the great potential of that location and of the technology that is being developed there for carbon capture and storage, and as we take forward our plans for CCS, we hope that the plant will still be able to bid into the process.

T5. [39438] **Robert Halfon** (Harlow) (Con): Is the Minister aware of ECCO, a not-for-profit co-operative in Harlow that recycles textiles and batteries? Will he visit ECCO with me to see this important example of the big society, and to see whether such a contribution to recycling could be rolled out across the country?

The Minister of State, Department of Energy and Climate Change (Gregory Barker): It is important to take a holistic approach to these green and sustainability questions. My hon. Friend is a fantastic champion of the big society in Harlow, and I would be delighted to go there with him to see what is being achieved there.

Lilian Greenwood (Nottingham South) (Lab): As the Minister knows, the Meadows neighbourhood in Nottingham South is striving to become a low-carbon community. The three local primary schools, the community gardens and 55 local families are now benefiting from the feed-in tariff through their community-owned energy company, MOZES. Can he guarantee that his review of the feed-in tariff will not endanger its continued success?

Gregory Barker: I am delighted to answer this question, not least because I had the privilege of going to the Meadows last autumn and was very impressed with what I saw there. I can absolutely confirm that there is nothing retrospective about the feed-in tariff review. Any community, group or individual claiming the tariff will see no change in their tariff.

T6. [39439] **Stephen Mosley** (City of Chester) (Con): Has my hon. Friend had any discussions on the future of the treaty of Almelo, particularly in relation to modifying it to allow British and European companies to take full advantage of the opportunities offered by China's expanding programme of civil nuclear power?

Charles Hendry: May I begin by paying tribute to the important work that URENCO, which is based on the outskirts of my hon. Friend's constituency, does in this area? The treaty of Almelo was signed in 1970 by the Governments of the UK, the Netherlands and Germany, and covers the operation of the tripartite URENCO uranium enrichment company. It is not a vehicle for the promotion of specific commercial opportunities, and if there were to be any change in its nature there would have to be a new treaty, or an adaptation to the existing one.

Barry Gardiner (Brent North) (Lab): We have recently begun to see the decoupling of oil and gas prices, and technological innovations enabling us to exploit shale gas might expand that decoupling still further. How is that affecting the Government's thinking on electricity market reform, and what repercussions do they foresee?

Chris Huhne: That is absolutely right; this is one of the most interesting things happening in energy markets. The last figures that I looked at were very striking, showing that the price per therm in the United States is virtually half what it is in the UK or on the continent of Europe. Any electricity market reform must obviously involve a framework that could accommodate such changes, if this turns out to be a long-run trend. For example, if gas with carbon capture and storage were a particularly attractive technology providing low-carbon electricity for our consumers, the electricity market reform would have to enable it to be produced. It is not our job to pick winners in technology, but it is our job to ensure that we have low-carbon electricity and that the market framework can deliver it.

T7. [39440] **Claire Perry** (Devizes) (Con): Farmers in my Devizes constituency really welcome the inclusion of anaerobic digestion in the overall tariff and review currently taking place. That is long overdue, and an important way of reducing emissions and cutting waste from the farming industry. However, communities living close to existing or proposed sites are expressing real concerns about the possible impacts—an increase in traffic, unpleasant odours and so forth. What can be done to reassure communities and farmers that those things can co-exist in the countryside?

Gregory Barker: Obviously, the Environment Agency will continue to have oversight of such matters, but the brilliance of farm-based anaerobic digestion is that it is an on-farm solution, so it should diminish the number of road journeys that need to be made. As my hon. Friend the Energy Minister said earlier, at the heart of our proposals for an ambitious roll-out of renewables is the idea of community consent. We want a bottom-up approach, in which everyone has a chance to participate and be incentivised, rather than have things imposed from the top.

Mr Speaker: We have got the message about bottoming up; we are grateful.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The north-east of England has a burgeoning offshore wind sector, supported by the new renewable energy centre in Blyth. What is the Department offering to support the growth of that industry now that the very successful regional development agency, One North East, which provided a lot of vital support, is being wound down?

Charles Hendry: As the hon. Lady will know, the £60 million for the building of the manufacturing facility on the ports could be of massive benefit to the north-east and to other parts of the country. Companies such as Gamesa, Siemens, Mitsubishi and General Electric are already looking at the United Kingdom because of the massive opportunities that they see here. We are determined to have the jobs coming to this country, whereas historically too many of them have gone overseas.

T9. [39442] **Richard Graham** (Gloucester) (Con): Solar power offers a great opportunity to reduce both our carbon footprint and our household costs. Will the Minister say what his Department is doing to encourage its use in cities such as mine of Gloucester?

Gregory Barker: We recently launched “Community Energy Online”, which demonstrates to communities and local authorities the easy steps that can be taken to benefit from the range of schemes and initiatives that DECC has already launched and will launch in the future. I encourage people to look at this online initiative, which is easy to access. If my hon. Friend has any feedback about it, I would be delighted to hear it.

Tom Blenkinsop (Middlesbrough South and East Cleveland) (Lab): How does the Secretary of State intend to help the chemical and steel industries and other manufacturers of energy-intensive products, which will be less able to compete globally or even within the EU in response to his proposals for electricity market reforms and CO₂ floor prices?

Charles Hendry: The hon. Gentleman raises an extremely important issue. We have to be careful not to have carbon leakage and to ensure that the measures put in place in this country do not drive British manufacturing jobs abroad. That is why there is cross-co-ordination between DECC, the Department for Business, Innovation and Skills and the Treasury to make sure that we fully understand any knock-on implications and avoid any such unintended consequences: it is critical to keep those manufacturing jobs in Britain.

Duncan Hames (Chippenham) (LD): We have heard how households such as those off the gas grid, of which there are many in my constituency, would benefit from the new green deal. If demand for it initially outstrips supply, how will the Secretary of State determine who should have access to it first?

Chris Huhne: My hon. Friend raises an interesting point; it is a high-class problem. Up until now the main difficulty Governments have faced is in encouraging consumers to go for energy efficiency measures, which are enormously beneficial economically. For example, the payback period for both cavity-wall insulation and loft insulation is less than 18 months, yet there are still millions of homes outstanding. I look forward to having to deal with the problem of high demand, but it is not one that has detained us greatly as yet. We want to make sure that the market takes off, and that is where we have been focusing our attention.

Dame Anne Begg (Aberdeen South) (Lab): The all-party offshore oil and gas industry group heard this week of the difficulties faced by developers of small oil and gas fields in accessing infrastructure at a reasonable tariff. They say that the existing mechanisms do not work, and that the legal process for determining resolution has never worked either. Will the Minister turn his attention to that and ensure that they have proper access at reasonable tariffs, because it is these small developers that will be the future of the offshore oil and gas industry in the North sea?

Charles Hendry: We want a different relationship between Government and the offshore developers. We are considering restructuring PILOT, the organisation that deals with such matters. One of the most important aspects of its work will be access to infrastructure, alongside decommissioning and other issues that have been intractable for a long time. I am grateful for the work that the all-party group is doing in the House.

Sarah Newton (Truro and Falmouth) (Con): I welcome the Minister's recent meetings with private sector organisations in Cornwall that are working on deep geothermal and marine energy. Can the Secretary of State confirm that both those exciting technologies will be included in the review of the banding regime for renewables obligation certificates?

Gregory Barker: I am grateful for my hon. Friend's ongoing enthusiasm and determination to fight for geothermal energy. She has made some excellent points. The ROCs banding review will examine those issues and others to ensure that the right incentives are there to drive forward the whole green economy.

Nia Griffith (Llanelli) (Lab): May I return the Secretary of State to the question from my hon. Friend the Member for Middlesbrough South and East Cleveland (Tom Blenkinsop)? Will he agree to meet a delegation from the all-party parliamentary group for the steel and metal-related industry to discuss the effects of the carbon floor pricing proposals on high energy users such as the steel and ceramics industries?

Chris Huhne: The hon. Lady will know that we have been in close contact with high energy users. We are happy to continue to meet them to discuss their concerns.

Laura Sandys (South Thanet) (Con): Is the Department still considering the marine energy parks project, which was proposed before the election? What is its perspective on opportunities for the marine energy sector?

Gregory Barker: We think that there is huge potential for growth in the sector, which now needs to be gripped

and driven forward. There has been about a decade of talking about the issue, but no real growth. I was delighted to go to the south-west to convene the new marine energy programme board and to announce that the south-west would host the first marine energy park, consisting of a cluster of marine energy firms. I hope that that will be replicated all round the coast of Great Britain.

Albert Owen (Ynys Môn) (Lab): Much of the new low-carbon capacity plan will require either enhanced or new transmission lines. Will the Department encourage National Grid to consider installing underground and submarine cables as well as enhancing existing pylons?

Charles Hendry: The hon. Gentleman has raised a particularly important issue, which I know is of great significance to his constituency because of the possible building of a nuclear plant there. I am pleased about the work being done by the Institution of Engineering and Technology, which is trying to establish in detail what the costs of undergrounding will be. Additional work is being done by National Grid to ensure that we fully understand the relative costs of the various approaches, which will be one of the most contentious issues.

Naomi Long (Belfast East) (Alliance): The Minister will be aware that the development and expansion of wind and wave technology are having a very positive impact on research and development and manufacturing in my constituency. What discussions is he having with his counterparts in the Northern Ireland Assembly to ensure that the economic as well as the environmental benefit is harnessed?

Charles Hendry: The hon. Lady will be pleased to know that we have regular contacts with members of the Northern Ireland Government, as well as with devolved Governments elsewhere in the United Kingdom. We are keen to adopt an all-islands approach. We intend to assess the potential throughout the British Isles, including the channel islands and the Irish Republic, to establish where the resources are greatest and how they can be harnessed for the greatest overall good.

Business of the House

11.33 am

Hilary Benn (Leeds Central) (Lab): Will the Leader of the House give us the forthcoming business?

The Leader of the House of Commons (Sir George Young): The business for the week commencing 14 February will be as follows:

MONDAY 14 FEBRUARY—Second Reading of the Budget Responsibility and National Audit Bill [*Lords*].

TUESDAY 15 FEBRUARY—Motion to approve a money resolution on the Parliamentary Voting System and Constituencies Bill, followed by consideration of Lords amendments to the Parliamentary Voting System and Constituencies Bill, followed by a motion to approve a money resolution on the Public Services (Social Enterprise and Social Value) Bill.

WEDNESDAY 16 FEBRUARY—Opposition Day (11th allotted day). There will be a debate on an Opposition motion, subject to be announced, followed by, if necessary, consideration of Lords amendments.

THURSDAY 17 FEBRUARY—Motions relating to the draft Social Security Benefits Up-rating Order 2011 and the draft Guaranteed Minimum Pensions Increase Order 2011.

The House will not adjourn until the Speaker has signified Royal Assent.

Colleagues will wish to be reminded that, subject to the progress of business, the House will rise for the February recess on Thursday 17 February and return on Monday 28 February.

The provisional business for the week commencing 28 February will include:

MONDAY 28 FEBRUARY—Business to be nominated by the Backbench Business Committee.

I should also like to inform the House that the business in Westminster Hall for 3 and 10 March will be:

THURSDAY 3 MARCH—A debate on the Public Accounts Committee's report on tackling inequalities in life expectancy in areas with the worst health and deprivation.

THURSDAY 10 MARCH—A debate on the Work and Pensions Committee report on changes to housing benefit announced in the June 2010 Budget.

Hilary Benn: I am grateful to the Leader of the House for that reply.

We are due to have the Committee stage of the Scotland Bill at some point. Our clear understanding is that the legislative consent motion from Holyrood will be finalised before we start consideration in Committee. Will the Leader of the House confirm that that is still the case?

This week, we learned that more than half the donations to the Tory party have come from City financiers. A party spokesman denied that City donors were influencing policy, but may we have a debate on this?

Scarcely was the magic ink dry on Project Merlin—that was some conjuring trick—than the Lib Dem Treasury spokesman in the other place, the noble Lord Oakeshott, could contain himself no longer. He called the deal “pitiful”, the Treasury negotiators incompetent and

arrogant—I wonder who he could have been thinking of—and he then said this about the bonus deal:

“Whether...paid in cash or shares...a multi-million pound bonus is still a multi-million pound bonus whether you have to wait two years to buy the yacht.”

Clearly, this was all too much for the truth deniers on the Treasury Bench, and especially his colleague the Chief Secretary to the Treasury who, it seems, sacked him live on television. Does this not all show that when it comes to the Conservatives and the “spivs and gamblers”—not my words, but those of the Business Secretary last September—they certainly are all in it together?

The truth deniers have taken another battering this morning. Some 88 Liberal Democrat council and group leaders have signed an extraordinary letter in *The Times* attacking their own Government. This is what they say:

“Rather than assist the country's recovery...the cuts...will do the opposite.”

They accuse Ministers of

“chastising and denigrating local authorities through the media” and the Communities Secretary of letting them down. May we have an urgent statement from the Secretary of State so that he can finally admit that getting rid of a few chocolate biscuits and cutting a few salaries is not going to do it, and that the price of his policies will be paid by shut libraries, disappearing Sure Start centres, people losing their jobs and volunteers discovering that there is nowhere left to volunteer? That is why the big society is now in big trouble, and why advisers at No. 10 are trying to blame each other for the mess. So may we have a debate on the deep sense of betrayal that many in the voluntary sector feel, because having been marched up the big society hill, they now discover that on the other side there is not a pot of gold, but a precipice? Is that what Lib Dem MPs really signed up for last May?

To cap what has been a terrible week for Ministers, we heard this morning the sad news that the Deputy Prime Minister has had to cancel his trip to Latin America because the Government have been defeated again in the House of Lords on their gerrymandering Bill. Frankly, I am surprised that the Deputy Prime Minister has not taken the opportunity to flee the country after the battering he received on television last night from angry students. Still, Rio de Janeiro is just about waking up to the news that it will not be enjoying his company next week, and I would not be surprised if the students there try to bring forward the carnival and take to the streets to celebrate.

The House was surprised to discover this week that the Department for International Development gave nearly £2 million of its precious development budget not to vaccinate children or put them into a classroom, but to help pay for the costs of the Pope's visit to the UK. May we have a debate on this extraordinary use of our development spending, and will the Leader of the House assure us that when the DFID aid reviews are complete they will be reported to the House by the Secretary of State in an oral statement?

Finally, I have been reading the Leader of the House's blog again and very interesting it is too. I was particularly intrigued to see that he described answering business questions as

“like being in a pub quiz”.

As he invites me, and as almost everyone in the country now accepts that the cuts are being made too fast and are too deep, I will ask a question that is puzzling many people and perhaps he can provide the answer: why on earth should anyone vote Lib Dem in May? And for the bonus question: why should anyone vote Tory either?

Sir George Young: I am grateful to the right hon. Gentleman for that. I note that in our exchanges over the past four months he has never actually challenged the business that I have laid before the House. I hope that there is a broad consensus on the way in which the Government are conducting the business and putting it before the House, and that that is commanding support on both sides.

On the legislative consent motion, it is indeed our intention to secure that before we reach the appropriate stage in proceedings on the Scotland Bill, and I will contact my right hon. Friend the Secretary of State for Scotland to confirm that. We would be more than happy to debate party funding and draw attention to the fact that some 80% of the Labour party's funding comes from the trade unions, whereas my party has a much broader base. Any notion that we are over-influenced by any donations we may get from the City might have been destroyed by the statement on Wednesday, when £800 million was extracted from the banks in the City. I hope that will put an end to that particular myth.

On the statement made yesterday by my right hon. Friend the Chancellor, it was the Labour party that gave a substantial sum of money to the banks and got absolutely nothing in return. By contrast, as the right hon. Gentleman will have seen from the statement that we made yesterday, we secured substantial concessions from the banks—on lower bonuses, on more support, and on money for the big society bank. He needs to contrast the deal that we got with the deal that his party totally failed to secure.

I have indeed read the letter in *The Times* today from the Liberal Democrat councillors, and let me just remind the right hon. Gentleman of what it said:

“Local government has made efficiency savings of 3% in each of the past eight years—in stark contrast to the runaway spending of central government under the previous administration. We've also been planning for further saving since the true state of the economy became apparent six months ago.”

So that is where they are coming from.

On the next issue that the right hon. Gentleman raised about local government, we had a substantial debate yesterday about local government. The fact is that we are borrowing an extra £400 million every day to plug the gap between spending and income, and that means tough decisions for all Departments, including the Department for Communities and Local Government. The right thing to do is now to sort out the deficit and end Whitehall domination of local government.

On local government funding and closures, may I remind the right hon. Gentleman of what the right hon. Member for Barking (Margaret Hodge) said when she was Culture Minister? She published a libraries consultation paper, in which she said:

“I don't think Government should prevent authorities from taking local decisions to close libraries if that makes sense locally and the needs of the community are taken into account”.

We hope that local authorities will respond to the challenges that face them and that they will have a comprehensive and efficient library service, which is what they are required to do by statute.

On the Deputy Prime Minister's movements, the Bill on which we are debating Lords amendments next week is a Bill that he is sponsoring and it is entirely appropriate that he should be here to support it in the House. On the Department for International Development, the Catholic Church does a fantastic amount in terms of aid to underdeveloped countries and it seems entirely right that we should have recognised that in the support we gave to the Pope's visit. Finally, we look forward to the local government elections and we are confident of not only retaining the seats we have, but winning even more seats from the Opposition, who are still in total denial about the problems that they have left this country with.

Several hon. Members *rose*—

Mr Speaker: Order. As usual a very large number of right hon. and hon. Members are seeking to catch my eye. I am keen to accommodate people as best I can, but the House will be conscious of the fact that an important and very heavily subscribed debate is taking place afterwards under the auspices of the Backbench Business Committee, for which I must provide adequate time. So the emphasis is on short questions and short answers.

Nicholas Soames (Mid Sussex) (Con): Will my right hon. Friend make time for a debate on the middle east given that the Foreign Secretary will return, over the weekend, from an extremely important visit to some of our very important allies, and given that events taking place in Egypt and possibly elsewhere are of the first importance to the House and the country?

Sir George Young: I am grateful to my hon. Friend for his question. He is right that the Foreign Secretary is making a key visit to the middle east, and the Government will want to keep the House informed. We have had a debate on middle eastern matters in Back-Bench business time, but the Government have reserved the right, if necessary, to have debates in Government time on issues such as the one he refers to.

Natascha Engel (North East Derbyshire) (Lab): I thank the Leader of the House for listening to Back Benchers and allocating the next Back-Bench business slot in the Chamber to Monday 28 February. The leader is always very generous on a Thursday in pointing Back Benchers in the direction of the Backbench Business Committee when they demand debates in Government time. Will he emphasise that all non-Government business is legitimate Back-Bench business and that the Backbench Business Committee welcomes representations with open arms every Tuesday at 1 pm? Given the obvious and necessary conventions during statements and questions, will he meet me to discuss how I can make my public service announcements without thinly veiling them as rather convoluted questions?

Sir George Young: I am grateful to the hon. Lady for that. We did indeed listen to the representations that she and others made that Back-Bench business should not take place exclusively on Thursdays and, as she has generously recognised, we now have a Back-Bench debate on a Monday. I am a keen supporter of the Wright recommendations, which worked out the allocations for

[*Sir George Young*]

what the Government and her Committee ought to do, and we are anxious to abide by those. I welcome her public service announcements in the middle of business questions. In due course, we will move to a new regime, when we have a House business Committee, and there might then be an opportunity for her and other hon. Members to make such announcements in a different format.

Mr Greg Knight (East Yorkshire) (Con): May we have a debate on the increasing threat to endangered wildlife throughout the world? Is my right hon. Friend aware that growing demand for ivory in China is causing endangered African elephants to be butchered in ever-increasing numbers? If we cannot have a debate, will the Government at least tell the Chinese that all civilised countries in the world want to see an end to this sickening, barbaric and illegal trade?

Sir George Young: I entirely endorse what my right hon. Friend says and I shall draw his remarks to the attention of the Foreign Secretary, who will then want to respond in appropriate diplomatic language to the Chinese. On the broader point, it will be possible for the Backbench Business Committee to listen to his representations that the House should debate this crucial matter and I hope that on a Tuesday, at the appropriate time, he might present himself to the hon. Member for North East Derbyshire (Natascha Engel) and her Committee.

Mr Tom Watson (West Bromwich East) (Lab): Could we have a debate on the efficiency of the Cabinet Office, which appears to have got a bit rusty since my day? It has double-booked the Deputy Prime Minister—he has an important piece of legislation next week and he has cancelled a trip to Brazil. How much has that cost?

Sir George Young: The reason we are debating the Bill next week rather than earlier is because of the performance of the hon. Gentleman's colleagues in another place, who have taken much longer to process the Bill than they needed to. My right hon. Friend the Deputy Prime Minister is, as I am sure the hon. Gentleman would expect, putting the House first next week.

Greg Mulholland (Leeds North West) (LD): May we have a debate, led by the Leader of the House, on the conduct of Members in the Chamber? This follows the revelations that a Member who happens to have a disability was subject to mimicry, face-pulling and jeering. The response given was that had some of those Members known about that Member's disability, they would not have done that, but the inference is that they still feel that mimicry, face-pulling and jeering is acceptable, but it is not. Let us stamp it out.

Sir George Young: I think I am verging on to your responsibilities, Mr Speaker, in commenting on the performance of Members in the House, but I am sure that Members on both sides will condemn the way in which my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard) was treated when he made that speech on child trust funds. I very much hope that there will be no recurrence of that incident. On the general point about behaviour in the Chamber, responsibility for that happily rests with you, Mr Speaker, and not with me.

Hazel Blears (Salford and Eccles) (Lab): Last week in Munich, the Prime Minister made a very important speech about the need to tackle extremist Islamist ideology. At the same time, I hear that there have been significant cuts to the organisation Quilliam, which is a very effective counter-extremist organisation. Will the Leader of the House therefore arrange for us to have a debate about how we can tackle these extremely important, complex and difficult issues, and particularly about the role of Quilliam in being very brave on that agenda?

Sir George Young: I join the right hon. Lady in paying tribute to the Quilliam Foundation, which does heroic work in that important area and continues to receive six-figure funding from the Government. I will draw her comments to the attention of the Home Secretary. I hope there will be broad endorsement of what the Prime Minister said in his speech on multiculturalism about the need to tackle extremism in all its forms. We cannot allow extremists to propagate their message unchallenged and we need less of the passive tolerance of recent years and more active, muscular liberalism. I would welcome a debate on that subject.

Mr Bernard Jenkin (Harwich and North Essex) (Con): May I ask my right hon. Friend if we could find time for a short debate about the role of the Committee of Selection? Will he confirm that he is aware that one of our hon. Friends, who was elected to this House to major on the health service, was apparently asked by a Whip and a Minister to decline from tabling any amendments or speaking in the Health and Social Care Public Bill Committee, otherwise she would not be appointed to that Committee? I understand that she has not been appointed to that Committee. We are all grown-ups; we know that whipping happens, but are there not limits to how much Whips and Ministers should be seeking to influence the scrutiny process, and does not this make the case for making the Committee of Selection elected rather than full of people appointed by the usual channels?

Sir George Young: I heard the speech that my hon. Friend the Member for Totnes (Dr Wollaston) made in Westminster Hall last Thursday in the debate on parliamentary reform, when she shared with those there her disappointment at not being appointed to that Public Bill Committee. I served on the Committee of Selection probably for longer than anyone else in this Chamber as a non-Whip, and there was a Bateman cartoon moment when I called a Division, which apparently had not been done in the Committee of Selection for a very long time.

Speaking personally, I think that every hon. Member should have the right to put their case to the Committee of Selection that they should be considered for service on a Public Bill Committee, and then it is a matter for the Committee of Selection to decide. I personally would welcome the presence on the Committee of Selection of not just business managers but representatives of Back Benchers.

Mr Nigel Dodds (Belfast North) (DUP): I am sure the whole House will join with me in extending our sympathy to those who have been killed this morning in the crash of the Belfast-Cork flight and extend our best wishes for the early recovery of those injured.

May we have a debate in Government time, before the Budget, on the high price of fuel in Northern Ireland—the price of domestic heating oil and the prices at the pump for diesel and petrol, which are the highest in the UK?

Sir George Young: I am sure the whole House will share the sentiments that the right hon. Gentleman has expressed about the casualties in the aircraft at Cork and want to send our good wishes for the survivors.

We had a debate last night on precisely the subject that the right hon. Gentleman mentioned—the high price of domestic heating oil—which was answered by the Minister of State, Department of Energy and Climate Change, my hon. Friend the Member for Wealden (Charles Hendry). I will indeed see, perhaps in conjunction with the Backbench Business Committee, whether there are any other opportunities for debate; the right hon. Gentleman might like to apply for a debate in Westminster Hall or another debate on the Adjournment, which might focus on the specific situation in Northern Ireland.

Chris White (Warwick and Leamington) (Con): In Warwickshire, the number of people employed in manufacturing has fallen from 34,000 in 2001 to just over 26,000 in 2009—a fall of nearly 25%. As the latest Department for Business, Innovation and Skills report, “Trade and Investment for Growth”, made clear, boosting manufacturing is vital not only to increase employment but to rebalance our economy. Will the Leader of the House provide Government time for a debate on how we can achieve the manufacturing growth that is so essential to our economy?

Sir George Young: I endorse the sentiments that my hon. Friend expresses. Next Thursday there will be an opportunity to raise the matter with BIS Ministers, who will be at the Dispatch Box. We have acted to improve the environment for manufacturers, both nationally and in the midlands, with lower and simpler business taxes, investment in apprenticeships, wider access to finance and the Government-wide commitment to boosting exports—plus, of course, the regional growth fund, for which my hon. Friend’s constituents will be eligible to bid.

Nick Smith (Blaenau Gwent) (Lab): Early-day motion 1367 has received support from over 100 MPs in just 10 days.

[That this House recognises and honours the immense courage and patriotism shown by UK armed service personnel and their dependants; commits to providing them with the highest levels of support and reward; notes with concern the Government’s proposed permanent switch to the consumer prices index from the retail prices index for the annual indexation of benefits and pensions since this represents a year-on-year reduction which will impact when the economy has returned to growth; further notes the cumulative financial loss this will cause service personnel and their dependants, including war widows and those serving in Afghanistan now; warns that a double amputee 28 year old corporal will lose £587,000 by the age of 70 and a 34 year old widow of a staff sergeant killed in Afghanistan will lose almost £750,000 over the course of her lifetime; and urges the Government to commit to making this switch temporary so that as soon as the fiscal climate allows and the deficit has been paid off our forces and their dependants receive that higher rate of pensions and benefits they deserve.]

It calls on the Government to honour the military covenant and give our disabled soldiers and war widows RPI, rather than CPI increases on their pensions. Our servicemen have done their duty for our country, and are being let down when their need is greatest. Will the Leader of the House please agree to a debate on this important matter, so that the Government can hear the views of MPs who want a fair deal for our armed services families?

Sir George Young: I pay tribute to the work of our armed forces. We will soon publish a new tri-service armed forces covenant, which will be the first of its kind, setting out the relationship between the armed forces community, the Government and the nation. As the hon. Gentleman may know, the Armed Forces Bill, which is currently going through the House, places on the Secretary of State a commitment to lay before Parliament every year a report on what is being done to live up to the covenant, and he will have heard the Prime Minister yesterday, at this Dispatch Box, outlining the steps we have taken to support our armed forces.

Priti Patel (Witham) (Con): With co-ordinated strike action being planned by the paymasters of the Opposition—the trade union movement—will the Leader of the House make Government time available for a debate on reform of trade union laws?

Sir George Young: If my hon. Friend looks at the Queen’s Speech, she will realise that we are not planning any reform of trade union law in this Session of Parliament, which is already fairly congested. However, I would welcome a debate, perhaps in Back-Bench time, on the relationship between the trade unions and this House and the trade unions and society generally, and I hope that in that debate the moderate elements within the trade unions will put their case forward and see off some of the hotheads.

Mr Michael McCann (East Kilbride, Strathaven and Lesmahagow) (Lab): Last August, I received information that DFID Ministers had plans to cut 165 jobs at DFID in East Kilbride. At that time I was accused by Ministers of scaremongering and putting information into the public domain that was wholly inaccurate. At 10.30 this morning, the staff at DFID were told that more than 140 jobs will be lost in that office. Will the Leader of the House confirm to me, therefore, that DFID Ministers will make an oral statement to the House, explaining why these job losses are taking place, explaining the impact on both the multilateral and the bilateral aid reviews, and finally, apologising to the staff of DFID at East Kilbride and me for misleading them last year?

Sir George Young: Of course I understand the hon. Gentleman’s concern about the loss of jobs in his constituency. Next Wednesday, there is half an hour of questions to DFID Ministers, where there will be an opportunity for him to raise the subject. I will let my right hon. Friend the Secretary of State know that he is likely to be in his place to raise that important issue.

Dr Julian Lewis (New Forest East) (Con): May I endorse what the right hon. Member for Salford and Eccles (Hazel Blears) said about the cuts to the grant to the Quilliam Foundation, and call for a statement specifically on that? While I welcome the Leader of the

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House's response to her, may I point out to him that there is a great difference between a six-figure sum of about £124,000 and a six-figure sum in excess of £800,000? The right hon. Lady did very important work on this matter when she was a Cabinet Minister and her views deserve to be listened to very attentively.

Sir George Young: I am grateful to my hon. Friend for that. I repeat what I said to the right hon. Lady. The Home Office receives a wide range of bids for funding from many organisations, and as with other areas of public spending that funding is subject to value-for-money and effectiveness assessment, but I will ensure that my right hon. Friend the Home Secretary is aware of the very strong views in the House on that grant.

Stewart Hosie (Dundee East) (SNP): In response to the question that the shadow Leader of the House asked about the Scotland Bill, the Leader of the House said it was the Government's intention not to proceed until they had secured the legislative consent motion. Notwithstanding that this Government cannot secure any such thing—that is a matter for the Scottish Parliament—can we have a guarantee that the Committee stage of the Scotland Bill will not proceed until the Scottish Parliament has finished its deliberations and the LCM has been voted for?

Sir George Young: I understand the hon. Gentleman's concern. I prefer to rest on the answer that I gave to the shadow Leader of the House. It is our intention to secure the LCM before we proceed with the Committee stage of the Bill.

Graham Evans (Weaver Vale) (Con): A recent e-mail to Members from the Stop HS2 campaign was riddled with inaccuracies, exaggerations and distortions. The high-speed rail link between London and Manchester is absolutely essential for promoting investment in northern constituencies such as mine, but unfortunately a ragtag alliance of luddites and nimbys appears to be making ludicrous arguments against the plans. May we have a debate on high-speed rail so that these falsehoods can be tackled head on?

Sir George Young: The Attorney-General will have heard the robust language used by my hon. Friend to describe other hon. Members. I think that I am right in saying that there is a bid to the Backbench Business Committee for a debate on HS2, and I hope that that will be an opportunity to debate the matter further. I remind my hon. Friend that, as he knows, it is the Government's policy to proceed with this investment.

Mr Ben Bradshaw (Exeter) (Lab): May we have a debate on the big society and the yawning gap between the Prime Minister's warm words and the reality? Home-Start is a wonderful charity, working with the most vulnerable families in your constituency, Mr. Speaker, and that of the Leader of the House, and it has been repeatedly praised by the Prime Minister, yet funding is being completely withdrawn from 70 of its branches, including mine in Exeter, many of which are closing. Is that really what he means by the big society?

Sir George Young: I hope that the right hon. Gentleman will recognise that some 3 million people in this country want to volunteer but at the moment are not doing so

and that there is an untapped potential that we want to unlock through our big society initiative. There is a good tradition of volunteering in this country and it is right for the Government to try to develop that.

Nadhim Zahawi (Stratford-on-Avon) (Con): May we have a debate on the financial code on bonuses, which was introduced on 1 January? The Chancellor has introduced the toughest such code of any financial centre of any size in the world, but, most importantly, it should encourage behaviour that creates value by bonuses being deferred for at least three years, being linked to performance and being taken in shares, which can go down as well as up.

Sir George Young: My hon. Friend is absolutely right. He may have heard the statement that my right hon. Friend the Chancellor made yesterday when he contrasted the previous Government's lack of success in getting a number of banks to sign up to the code with the large number that we have persuaded to sign up to it, which, as he said, is one of the toughest in Europe.

Ian Austin (Dudley North) (Lab): May I add my voice to a call for a debate on the Prime Minister's important speech at the weekend, so that we can discuss in the House how we can build a much stronger sense of what it means to be British, based on the contribution that people are prepared to make, whether they want to work hard, play by the rules, pay their way, whether they are prepared to speak English, because that is the only way to play a full role in British society, and their commitment to the great British values of democracy, equality, freedom, fairness and tolerance?

Sir George Young: I very much welcome the hon. Gentleman's contribution, which is very much in the same vein as that of my right hon. Friend the Prime Minister. I would welcome such a debate, for which I think there is an appetite in the House. We should be absolutely clear what is meant by my right hon. Friend differentiating Islamist extremism, which is a political ideology, from Islam. As I said, we need a genuinely liberal country such as this one, which believes in certain values, and we should do more actively to promote them.

Stuart Andrew (Pudsey) (Con): Greenfield sites in my constituency and across Leeds are being lost to development at appeals, despite their being turned down by local councillors. May we have an urgent debate on how to prevent and preserve these sites, and reintroduce a sequential approach to planning, particularly during this interim period while the Localism Bill goes through the Parliament?

Sir George Young: My hon. Friend will welcome the provisions in the Localism Bill, which will give much greater weight to the views of local people than the present top-down arrangement. He raises a key issue about what happens before the Bill kicks in, and I will draw his remarks to the attention of my right hon. Friend the Secretary of State for Communities and Local Government.

Mr Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): In view of recent events in Sudan, most of them positive, but still in a challenging context, does the Leader of the House agree that there should be a debate

on the Floor of the House so that the many Members who are interested in this very important issue can participate?

Sir George Young: I understand what the right hon. Gentleman says, which reinforces a remark made by my hon. Friend the Member for Mid Sussex (Nicholas Soames) that there is an appetite in the House to debate the middle east. I would like to reflect on what he says and see whether we can find an appropriate opportunity for the House to share its views on these important issues.

Robert Halfon (Harlow) (Con): As a proud trade union member, not affiliated to the Labour party, will the Leader of the House find time for a debate on the safety of NHS workers. As I highlighted in my early-day motion 1409, many nurses in my constituency of Harlow and the nearby villages work alone late into the night. They are not always given safety equipment, such as panic alarms and torches, and they are not allowed travelling companions. Will he write to the Health Secretary to raise this issue?

[That this House is concerned by the risks and threats posed to nurses when working alone, especially when working late shifts in the evenings and at night-time, especially in Harlow or the surrounding villages; notes that nurses are not always supplied with panic alarms or torches, and that many are affected by lone working policies, where they do not have organised chaperones or a buddy system, even very late at night; further notes that this is almost never the case for a GP or doctor; regrets that mobile telephone signals are not wholly reliable in some areas for emergency contact; and therefore calls on the Government to look at what urgent steps might be taken to protect NHS nurses on the frontline.]

Sir George Young: Like my hon. Friend, I am also a non-trade union member. I was expelled from the Association of Scientific, Technical and Managerial Staffs in the 1970s and described as a “pin-striped bover boy”.

My hon. Friend raises a serious issue about the safety of staff working on their own for the NHS, which has a responsibility to look after its staff. The management service has rolled out an alarm protection service for NHS staff who work alone, and employers can take advantage of the service by providing staff who work alone with alarms. I understand that his PCT has taken advantage of this service.

Kevin Brennan (Cardiff West) (Lab): I think that the business statement implies that on Tuesday we will have a chance to debate the Lords amendment on a threshold before the referendum on AV becomes mandatory. As an electoral reformer myself, I want the referendum to go through and I will vote yes, but it would be difficult to accept that the result could be compulsory on an extremely low turnout. What is the Government’s attitude likely to be towards this on Tuesday?

Sir George Young: I think that I am right in saying that when we debated the matter in this House, Opposition Front Benchers were against a threshold, and that certainly remains the position of the Government. But there will be an opportunity on Tuesday, as I said, for the House to debate the Lords amendments, including the one on the threshold.

Gavin Barwell (Croydon Central) (Con): In the light of the comments by the shadow Chancellor claiming that the UK did not have a structural deficit before the recession, and figures from the House of Commons Library showing that it did in every year from 2000-01 onwards, may we have a debate on facing up to reality?

Sir George Young: In a sense, we had that debate on Tuesday, when the Chancellor took the shadow Chancellor to task. For the shadow Chancellor to deny that there was a structural deficit even before the banking crisis is simply to deny reality.

Barry Gardiner (Brent North) (Lab): Yesterday, the Government’s chief scientific adviser, Sir John Beddington, launched the Foresight project’s report on global food and farming futures. May we have a debate in Government time to consider the implications of the report and its effects on climate change, biodiversity, poverty, hunger and water shortages throughout the world?

Sir George Young: I understand the hon. Gentleman’s concern. It is an important report. I suggest that he apply for a debate in Westminster Hall, which I am sure would be well attended in view of the importance of the subjects that he has raised.

Brandon Lewis (Great Yarmouth) (Con): My right hon. Friend will no doubt be aware of the concern of communities in Norfolk and Suffolk about the effects of coastal erosion. One of the ways of potentially addressing that is by establishing a community solidarity fund to pay for preventive measures. Will he confirm that the Government support that approach, and perhaps help us to arrange for an early debate on the issue?

Sir George Young: The Government are very much in favour of the community support that my hon. Friend has just mentioned to tackled coastal erosion. Local authorities already have the necessary powers to raise funds and carry out coastal erosion works, but if there are any barriers to the initiative to which my hon. Friend refers, the Government would be happy to discuss them with him.

Dame Anne Begg (Aberdeen South) (Lab): Will the Leader of the House find time for a debate on the unfairness facing the 500,000 women who were born between 6 October 1953 and 5 April 1955, who will now have to wait for more than one year in order to reach their state retirement age because of the acceleration of the raising of the state retirement age to 66, and particularly the group who were born between 6 May and 5 June 1954, who will have to wait up to two years before they reach state retirement age?

Sir George Young: I understand the strong views that the hon. Lady expresses on behalf of those who are caught in the gap to which she refers. There will be Department for Work and Pensions questions on Monday, but, subject to a decision of the Backbench Business Committee, we usually have a debate on international women’s day. I do not want to pre-empt any decision by that Committee, but that would seem an appropriate subject to raise if such a debate took place.

Harriett Baldwin (West Worcestershire) (Con): I draw your attention, Mr Speaker, to my entry in the Register of Members' Financial Interests as a board member of the Social Investment Business. May we have a debate in Government time on yesterday's fantastic news about £200 million of private sector money going into the big society bank? I am sure that all Members would welcome that and want to attend, particularly the Leader of the Opposition, who tried to get that going in 2007 when he was in the Cabinet Office?

Sir George Young: I agree that such a debate would be well supported. My hon. Friend underlines the point that we managed to secure that from the banks, which Opposition Members totally failed to do when in government. The £200 million—a huge sum—will be put to fantastic use by those who believe in the big society.

Mr Dave Watts (St Helens North) (Lab): Given that it is the low-paid and those on low incomes who are paying the highest price for the cuts, that the people who caused those cuts, the bankers, are now bankrolling the Tory party and that those bankers are now enjoying better and higher bonuses and tax cuts, may we have a debate on who is generating this Government's economic policies—the Government or the bankers?

Sir George Young: It is no use going on and on and blaming the bankers. If the hon. Gentleman looks at the position this country was in before the banking crisis, he will see that we were running a huge structural deficit. There is no conviction at all when Opposition Members go on trying to blame the banks, because it is they who are responsible for the difficult decisions we now must take. His party did absolutely nothing about bonuses; they obliged the banks that they supported to go on paying market rate bonuses, whereas we have secured a reduction.

Rehman Chishti (Gillingham and Rainham) (Con): May we have an urgent debate on the performance of Southeastern trains, whose contract is due for extension, so that its performance figures can be fully and thoroughly scrutinised on the Floor of the House, because many of my constituents are receiving a poor service?

Sir George Young: I am sorry to hear that my hon. Friend's constituents are not getting the service to which they are entitled from Southeastern trains. There is a provision in the agreement for a two-year extension, subject to a continuation review where performance is assessed, and the performance data provided for assessment are subject to rigorous audit by performance analysts in the Department for Transport. My right hon. Friend the Secretary of State for Transport expects to notify the operator of the outcome of this review in due course, and I will draw my hon. Friend's remarks to his attention.

Ian Lavery (Wansbeck) (Lab): Will the Leader of the House allow time to discuss the alarming changes imposed on the terms and conditions of employees of the House and parliamentary staff, including the long service award for 30 years' service?

Sir George Young: As that relates to the employment of House of Commons staff, it might be a matter for the House of Commons Commission to discuss. I am

sure that it would be happy to receive a letter from the hon. Gentleman if he wishes to pursue the case further.

Sajid Javid (Bromsgrove) (Con): May we have a debate to convey the concerns of the House about the plight of Said Musa, who is in prison in Afghanistan and facing execution for being a Christian? Given the urgency and sensitivity of the matter, will the Leader of the House raise it at the highest levels so that we can stop that heinous act?

Sir George Young: This is a terrible case of denying the right of freedom of religion. We will continue to remind the Afghan Government of their duty to abide by commitments on freedom of religion and belief and to respect freedom of worship, as enshrined in the Afghan constitution. I will draw my hon. Friend's remarks to the attention of the Foreign Secretary.

Ian Murray (Edinburgh South) (Lab): Many hundreds of pensioners have written to me with concerns about their public sector pensions being increased in future by the consumer prices index, rather than the retail prices index. May we have an urgent debate on this important issue?

Sir George Young: The hon. Gentleman refers to a decision that we announced some time ago that affects all public sector pensions. We will have the Budget next month, and normally the Budget debate provides an opportunity to debate such issues.

Neil Carmichael (Stroud) (Con): May I ask the Lord Privy Seal for a debate on social care, and in particular on the introduction of personal budgets and their impact on the quality and range of providers?

Sir George Young: We attach great importance to social care, which is why an extra £1 billion has been found to invest in it. My view is that self-directed support and personal budgets enable a much better-tailored service to be provided to receivers of care. It is part of our agenda to drive that forward, move away from the set menu that all too many local authorities offer and have a much more diverse range of providers so that people can get better value for money.

Charlie Elphicke (Dover) (Con): May we have a debate on knife crime, which is a serious concern for my constituents in Dover and Deal? There were more than 100 serious knife crimes a day in 2008-09, and in 80% of cases the perpetrators escaped jail. With the Home Office having taken positive steps and the recent report by knife crime crusader Brook Kinsella, this would be a good time for the House to debate the matter.

Sir George Young: I welcome what my hon. Friend says. I cannot promise a debate, but he rightly draws attention to the initiative of Brook Kinsella. The Home Secretary has announced more than £80 million to tackle knife, gun and gang crime, responding to that report. Under Labour, there were more than 100 serious knife crimes a day, and we want to reduce that figure.

Andrew Bridgen (North West Leicestershire) (Con): May we have an urgent debate on the size of the national debt, and will the Leader of the House please ensure that it is wide enough to look at historical trends in its growth? Those trends will show that when the

Leader of the Opposition was born, national debt stood at £612 per person in this country, whereas today it stands at a frightening £22,265 per person.

Sir George Young: Opposition Members say that they are concerned that the Government are selling out on the next generation. My hon. Friend reminds the House graphically of the debt that we are passing on to our children and grandchildren. One of the reasons we want to take early action on the deficit is to reduce the burden that we inflict on the next generation.

Mr Philip Hollobone (Kettering) (Con): In order better to facilitate the future business of the House, would my right hon. Friend consider sorting out the wonky queuing system in the voting Lobbies? Those of us among the 245 Members who have to struggle through the G-to-M group have a far tougher time than those going through in his own group, in which there are only 192 Members. I suggest that the answer to the problem is to promote all hon. Members whose surnames begin with “Mc” to his queue, which would still be the smallest, as Divisions would be far less likely to be delayed.

Sir George Young: I want to speak up for the minority whose names begin with letters between S and Z. Having a name beginning with Y has been a serious disadvantage in every election I have fought, and a small compensation for that is going through the voting Lobby slightly faster than my hon. Friend. It is an advantage that I am reluctant to forgo.

Henry Smith (Crawley) (Con): I, too, feel that with a passion.

Recently, the Public Accounts Committee highlighted that over the past nine years approximately £1 billion of waste was incurred by the Highways Agency on upgrading the M25. At a time of public sector constraint in budgets, and when we need greater infrastructure investment, may we have a debate on the auditing of that important agency?

Sir George Young: There will be opportunities to debate PAC reports. We welcome the report to which my hon. Friend refers, which was published on 8 February, on the mishandled M25 project. We are determined to get value for money for taxpayers and want to learn the lessons of the report and act on its recommendations.

Alun Cairns (Vale of Glamorgan) (Con): Will the Leader of the House agree to a debate on financial regulation so that we can examine the failures of the system set up by the shadow Chancellor and move to a system in which banks can be competitive and yet pay their way?

Sir George Young: There will be legislation on financial regulation, as we hope to put right the regime that we inherited, which manifestly failed. When that Bill comes forward, in either substantive or draft form, my hon. Friend will have an opportunity to develop his arguments.

Points of Order

12.19 pm

Geoffrey Clifton-Brown (The Cotswolds) (Con): On a point of order, Mr Speaker. As Chairman of the Committee of Selection, I listened with great care to the remarks that my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) made during business questions regarding the non-selection of—or the wishes in respect of selecting—my hon. Friend the Member for Totnes (Dr Wollaston) to the relevant health Bill Committee. I shall report those remarks to the Committee of Selection when it next meets next Wednesday. I am sure the Committee will wish to investigate the incident fully and, possibly, take action following that investigation.

Mr Speaker: I am grateful to the hon. Gentleman, whose point of order has been helpful to the House.

Thomas Docherty (Dunfermline and West Fife) (Lab): On a point of order, Mr Speaker. Last Thursday during business questions I inadvertently misled you and the House about a part of some correspondence that I had received from Her Majesty’s Treasury. I have spoken about the matter to the Leader of the House, who has been very gracious, but I wanted the opportunity to set the record straight and to inform you, Mr Speaker, of my deep regret at having misinformed the House. I should be grateful for any advice on further action you feel it necessary for me to take.

Mr Speaker: I am extremely grateful for the gracious apology that the hon. Gentleman proffers, but I can think of no further action that is required on his part. I think the House will appreciate what he says.

Ian Murray (Edinburgh South) (Lab): On a point of order, Mr Speaker. During the business questions that have just elapsed, I was deeply concerned to hear the hon. Member for Leeds North West (Greg Mulholland) make unsubstantiated claims about an incident that allegedly took place in the Chamber. Will you, Mr Speaker, give us some guidance on whether his comments were in order, and on whether you or the media run this Chamber?

Mr Speaker: What I would say to the hon. Gentleman is twofold: first, there was nothing disorderly in what the hon. Member for Leeds North West (Greg Mulholland) said, because if there had been I would have prevented him from saying it or observed that it was disorderly, and it was not; secondly, of course I am in charge in the Chamber. I am aware of the matters to which the hon. Member for Edinburgh South (Ian Murray) refers and have myself made some public comment on the issue in question. It has also been the subject of private discussions, but I should want to leave it at that. I think that that is the wish of a number of people who have contributed to the exchanges on the subject, and I am grateful to the hon. Gentleman. I hope that is helpful.

Backbench Business

[20TH ALLOTTED DAY]

Voting by Prisoners

[*Relevant document: The Fifth Report from the Political and Constitutional Reform Committee, Voting by convicted prisoners: summary of evidence, HC 776.*]

Mr Speaker: I must inform the House that I have selected neither of the two amendments on the Order Paper.

12.21 pm

Mr David Davis (Haltemprice and Howden) (Con): I beg to move,

That this House notes the ruling of the European Court of Human Rights in *Hirst v the United Kingdom* in which it held that there had been no substantive debate by members of the legislature on the continued justification for maintaining a general restriction on the right of prisoners to vote; acknowledges the treaty obligations of the UK; is of the opinion that legislative decisions of this nature should be a matter for democratically-elected lawmakers; and supports the current situation in which no prisoner is able to vote except those imprisoned for contempt, default or on remand.

The motion stands in the names of the right hon. Member for Blackburn (Mr Straw), my hon. Friend the Member for Esher and Walton (Mr Raab), my hon. and learned Friend the Member for Sleaford and North Hykeham (Stephen Phillips), my hon. Friends the Members for Kettering (Mr Hollobone) and for Basildon and Billericay (Mr Baron) and, of course, myself.

I thank the Backbench Business Committee for giving us the opportunity today to have this debate. There have been many important debates in this slot, but I lay claim to this one being unique, because it gives this House—not the Government—the right to assert its own right to make a decision on something of very great democratic importance, and to return that decision to itself.

The motion before the House about prisoner votes splits cleanly into two parts. First, is the requirement to give prisoners the vote sensible, just, right and proper? Secondly, who should decide? Should it be the European Court of Human Rights, or this House on behalf of the British people?

Let me start with the substantive question: should prisoners be given the vote? I yield to no one in my commitment to the defence of the ancient freedoms and rights of this country, and I hope the House accepts that, but there is an important point about not confusing the rights that are properly held by everybody who is a British citizen or who lives in our country with those much more circumscribed rights that are given to prisoners. Prisoners of course have rights—the right to be treated decently, not to be ill treated, to be fed, and to be kept warm, given shelter and clothing—but those rights do not extend to the same rights of a free British citizen.

When someone commits a crime that is sufficiently serious to put them in prison, they sacrifice many important rights: not only their liberty, of course, but their freedom of association, which is also guaranteed under the UN charter of human rights and the European convention on human rights, and their right to vote. The concept is simple and straightforward: “If you break the law, you cannot make the law.”

The European Court of Human Rights argues that that is a blanket rule—that is its rather pejorative term. But, actually, that is untrue, and the Court is ill informed in saying so, because three categories of prisoner are excluded from losing the right: remand prisoners, contempt of court prisoners and fine defaulters. None of those loses the vote, and for different reasons. The remand prisoner does not because they have not been convicted or sentenced, so it is inappropriate for them to lose it until they are sentenced. That is a logical exception. The other two do not lose it because their crimes are below the threshold of seriousness that we judge means that they lose the civic right to vote.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I congratulate my right hon. Friend on obtaining the debate and on seizing upon the issue. I served on the Centre for Social Justice task force on prisons, chaired by our former friend Jonathan Aitken, and we discovered absolutely no demand from prisoners for that so-called right. Indeed, it was never an issue in the British prison system until the lawyers got hold of it through the European convention on human rights, and to that extent it is completely irrelevant to the real issues that face our prison system and the prisoners in it.

Mr Davis: I could not agree more with my hon. Friend. Indeed, if there were an argument that giving prisoners the vote would cut recidivism, cut re-offending rates and help the public in that way, I would consider the matter, but giving prisoners the vote would not stop one crime in this country, and that is after all the point of the justice system in the first place.

Let me return to the main text. Other prisoners do lose the vote, but we must understand that for someone to be sent to prison in this country in this day and age requires a very serious crime or series of crimes. There are convicted burglars and convicted violent criminals, who have never been to prison, walking the streets today, so there is a very serious threshold.

Naomi Long (Belfast East) (Alliance): Recently, in Northern Ireland, a young woman was given a custodial sentence for a first offence of stealing a pair of jeans worth £10. The case is being appealed, but it suggests that not every custodial sentence is given because of a very serious offence or string of serious offences.

Mr Davis: There is an old argument that hard cases make bad law, and it may well be—it sounds very likely—that that young lady’s custodial sentence will not be upheld. The general point, however, is very clear: it takes a pretty serious crime to get someone sent to prison. As a result, that person has broken their contract with society to such a serious extent that they have lost all these rights: their liberty, their freedom of association and their right to vote.

The law is not unjust. Every citizen knows that the same level of crime that costs them their liberty costs them their vote. What the Court calls a blanket rule, I call uniform justice.

Dr Andrew Murrison (South West Wiltshire) (Con): Does my right hon. Friend think it reasonable for the European Court of Human Rights to insist on a right for individuals if those individuals have not bothered either to register to vote or, indeed, to vote when they have not been in custody?

Mr Davis: My hon. Friend makes an interesting point. It would be quite interesting to see how many prisoners have ever voted, let alone how many voted at every election in the run-up to their incarceration.

The Court also argues that the penalty is not proportionate, but again that is plainly wrong. We are not one of those countries where, when someone is convicted of a criminal offence and sentenced to prison, they lose the right to vote for ever. Such places do exist. Indeed, in one state of the United States, people lose their right to vote *de facto* for ever, but we are not one of those places. When someone is in prison, they cannot vote; when they are released, all their civic rights are completely reinstated, meaning that that denial is an absolutely proportionate response to the seriousness of the crime. If the sentence reflects the crime, the denial of the vote also reflects the crime.

Let me be clear. In my view, convicted prisoners should not have the vote: robbery, rape, drug dealing—frankly, the crime does not matter, given its seriousness. But, despite what the Justice Secretary said the other day, violent criminals, sex offenders and drug dealers will get the vote if we accept the compromises that have been aired so far. The Government talk about a less than four-year rule, but 28,000 people convicted of serious violent crimes, sex crimes and crimes against children would be incorporated into that. Even a one-year rule would include thousands of people, many of whom will have committed serious crimes from which we would recoil.

Mr John Baron (Basildon and Billericay) (Con): I completely agree with my right hon. Friend. The right to vote underpins our democracy, but that right is a qualified right, not an absolute one. Does he agree that these qualifications should therefore be established by this Parliament, not by unelected European institutions that wish to bypass our established laws?

Mr Davis: My hon. Friend takes me ahead of myself. As he well knows, the simple truth is that these are politically appointed judges, many of whom do not have enormous experience in court. Indeed, some of them have no experience in court, even in their own countries, let alone ours.

Mr David Evennett (Bexleyheath and Crayford) (Con): I congratulate my right hon. Friend on obtaining this debate and on his excellent speech, which is developing a most interesting theme. Does he agree that giving votes to any prisoners is quite incomprehensible to our constituents, who sent us here to make the rules and the laws, not to have the European Court make them for us?

Mr Davis: Of course my hon. Friend is right. One of the points about laws in a democracy is that they exist, at the very least, with the acquiescence—the consent, we hope—of everybody in that democracy. Between 75% and 90% of the population cannot understand what we are doing in even considering this proposal.

Let me go back to the compromises that have been talked about. It is not my aim to put the Government into a difficult position from which they cannot escape; the issue is about whether those compromises would work. The proposals put up so far—four years, one year, six months—would not work. They would not escape the threat that we have had held over us of

compensation or some other form of penalty against our taxpayers. In fact, one member of the Council of Europe, Austria, did give the vote to prisoners serving less than one year, and it then appeared in the Court and was found against.

Just how ridiculous this is became clear earlier this week, when the European Commissioner for Human Rights appeared on Radio 4. Because he had said that a blanket rule would not work, he was asked what the guideline was, and he said, “A breach of electoral law.” That would put us in the ridiculous position whereby we denied the vote to somebody who broke electoral law, in however minor a way, yet gave it to the rapist and the murderer. It is so ridiculous that I cannot believe he really meant it.

Robert Halfon (Harlow) (Con): I congratulate my right hon. Friend on securing this important debate. Does he agree that it is rather strange that we are being forced to do this by the European Court of Human Rights, many of whose own judges come from authoritarian regimes? Is it not time to withdraw from its jurisdiction?

Mr Davis: I am now going to lose the House, because I do not agree with withdrawing from the regime. I will explain why in a moment.

Let me conclude this half of my speech—I am using up too much of my time giving way—by saying that it is clear to me that our current system is appropriate, just, proportionate, simple and well understood, and we should stick with it.

The second substantive issue before us is who should decide—the European Court or these Houses of Parliament? British courts themselves are clear on the matter. They rejected the claims of Mr Hirst, the axe killer, at every stage. The High Court said in terms that this was

“plainly a matter for Parliament, not the courts”.

To those who say, “But we must obey the law”, I say that the historical task of this Parliament is to correct bad law, no matter where it comes from.

George Hollingbery (Meon Valley) (Con): Will my right hon. Friend give way?

Mr Davis: For the last time.

George Hollingbery: The second half of my right hon. Friend’s argument illustrates the difficulty in the motion, which seems to conflate two highly related, but different issues, one of which is the right of prisoners to vote and the other is the enforceability of the European convention on human rights. As a parliamentarian, I find myself split: it is very difficult to know how I am supposed to vote once on something that asks two questions.

Mr Davis: My hon. Friend faces this issue every time he votes on a Third Reading; if he has not noticed that yet, I am sorry for him. The truth is that there are two issues, both important, in my view, and both with enormous strength behind them. If he does not feel that he can vote on the motion, perhaps he should abstain.

The Court’s authority rests solely on the European convention on human rights, which is both the source of its power and the limit of its power. When Britain

[Mr David Davis]

signed up to the European convention on human rights, it was to help to prevent a repeat of the horrors of the second world war and of Nazism, and, indeed, the horrors of the growing Soviet empire at that point in time; it was to protect people from ill-treatment, and to protect their life, liberty, free speech, and right to a fair trial. Those are all very serious and fundamental issues. What we emphatically did not sign up for was giving prisoners the right to vote.

Mr Robert Buckland (South Swindon) (Con): Will my right hon. Friend give way?

Mr Davis: For the very last time.

Mr Buckland: Was not the convention called the charter of fundamental rights and freedoms at that time, and have we not lost the plot in terms of its development?

Mr Davis: My hon. Friend is right—he makes a very good point. The then Labour Government well understood this when they excluded from the text the words “universal suffrage”. They did that because although we have a very wide and general suffrage and a very democratic state, we do not have universal suffrage. The Strasbourg Court has imposed judgments on Britain that are outside the original treaty. We have signed a contract; it has gone beyond that contract.

The Attorney-General (Mr Dominic Grieve): Will my right hon. Friend give way?

Mr Davis: If my right hon. and learned Friend insists, although I am very short of time.

The Attorney-General: I have one advantage over my right hon. Friend, which is to have been able to go and look at the archives on what happened in 1951. I think the reasons why we objected to the use of the words “universal suffrage” were twofold: first, there was some anxiety over the position in the colonies; and secondly, there was a concern over whether proportional representation would be imposed on us as a result. Once those issues were clarified and removed, the United Kingdom signed up.

Mr Davis: I am sure that my right hon. and learned Friend, who is a very close friend as well, checked the travail préparatoire in which one of his predecessors—Dowson, I think—said in terms that we had general suffrage but it could not be described as universal suffrage. That is what I was resting the point on.

Since about 1978, the European Court has adopted the view that the convention was what it termed “a living instrument”. That meant that the Court could arrogate to itself the right to decide what its remit was. It did that without any mandate from this House or any other house of representatives of the member states of the Council of Europe. This has been picked up, not by some Tory or right-wing Eurosceptic, but by Lord Justice Hoffmann, an eminent judge with enormous civil liberties credentials, who said that the Strasbourg Court has

“been unable to resist the temptation to aggrandise its jurisdiction and to impose uniform rules on member states”.

Even the Court itself understands this. In the minority report, Judge Costa, the President of the Court, a man who believes in extending the powers of his own court, said that he

“accepted that the States have a wide margin of appreciation to decide on the aims of any restriction, limitation or even outright ban on the vote”

and pointed out that the judges were not legislators and should not overrule the legislatures of the Council of Europe.

I want the European Court to succeed at its main business, which is why I differed from my hon. Friend the Member for Harlow (Robert Halfon). However, I do not want it to try to interfere in the business of legislatures around the European continent.

Andrew Bridgen (North West Leicestershire) (Con) *rose—*

Sir Alan Beith (Berwick-upon-Tweed) (LD) *rose—*

Mr Davis: If colleagues will forgive me, I am almost out of time.

So where do we go from here? If Parliament decides by a strong majority today, the Government will have to go back to the Court and tell it to think again, because it cannot deliver a third of its rulings. If this House will not provide a change in the law, it cannot deliver a change in the law. That will lead the Court to have to decide how it deals with this sort of crisis in future. Lord Justice Judge and Lady Justice Arden, and others, have predicted this crisis and pointed out that we need to have the right of recall, the right of review and the right of challenge. That is what should come out of this motion.

As my right hon. and learned Friend the Attorney-General was kind enough to intervene on me, I thought I would remind him that today is almost the anniversary of the day when he said the following words:

“The Government must allow a parliamentary debate which gives MPs the opportunity to insist on retaining our existing practise that convicted prisoners can’t vote.”

I agreed with him then, and I agree with him now. The House should insist that this is our decision, and from this place we will not move.

12.39 pm

Mr Jack Straw (Blackburn) (Lab): I rise to support the motion in the names of the right hon. Member for Haltemprice and Howden (Mr Davis), the hon. Member for Esher and Walton (Mr Raab), other hon. Members and myself. I should perhaps explain that the hon. Member for Esher and Walton underwent an operation yesterday and is hoping to be present later today, such is his interest and, as a former Foreign Office lawyer, his expertise in this issue. I thank my hon. Friend the Member for North East Derbyshire (Natascha Engel) and the Backbench Business Committee for choosing our motion for today’s debate.

At the heart of this debate is a conflict of principles, which sometimes have to be faced in politics and by Governments. On the one hand, there is the issue of whether convicted prisoners should be allowed to vote while serving their sentence. On the other, there is the question of how we meet out treaty obligations in

respect of the Council of Europe, the European convention on human rights and the Court in Strasbourg. I will deal with those points in turn.

A ban on convicted prisoners voting while in jail has existed in this country at least since 1970. Post-war, the question has been considered under a Labour Administration in 1968, a Conservative Administration in 1983 and a Labour Administration in 1999-2000. On each occasion, the position was confirmed by an overwhelming cross-party consensus. On each occasion, amendments could easily have been moved in the House by those who supported an end to the ban, and voted on. On none of those occasions, and on no other occasion that I can recall, has this ever been a matter of active pursuit for Members of any party in this House. Significantly, and to echo the point made by the hon. Member for Harwich and North Essex (Mr Jenkin), neither I nor my staff can recall one letter, among the hundreds of complaints from prisoners with which I have dealt in my 32 years in this House, calling for the right to vote from prison.

I turn to the European convention on human rights and the Strasbourg Court's decisions. The convention was drafted principally by distinguished British jurists, including David Maxwell Fyfe, who was later Home Secretary and Lord Chancellor in Conservative Administrations. The convention is a fine statement of what we all understand to be fundamental human rights. As an instrument, it has stood the test of time, and I strongly support it. One key problem for many years after the convention was agreed in 1951 was that, in contrast to most signatory states, it was not incorporated into our domestic law. That meant that the United Kingdom was much less likely to be given the latitude offered to other countries—the so-called margin of appreciation—by the Strasbourg Court, because our courts were not able to adjudicate on the convention's articles.

Mr Edward Leigh (Gainsborough) (Con): With respect to the right hon. Gentleman, is the problem not that his Government got us into this mess by incorporating the convention into our law? There is no way out now for this Government. There is a queue a mile long of people on no win, no fee cases, waiting to sue the Government. What is he going to do about it?

Mr Straw: I spelled that out in *The Times* this morning, and I was just about to come on to that point. I am grateful for the cue from the hon. Gentleman.

The Human Rights Act 1998 is part of the solution to the problem; it was never part of the problem. I shall explain why. We have not been able to enjoy the margin of appreciation and our courts have not been able to adjudicate on the convention's articles. The first attempt to deal with that issue in the House was made in 1987 by the then Conservative Member of Parliament, the late Sir Edward Gardner, QC. His private Member's Bill failed after receiving considerable Back-Bench support from all parts of the House, but scepticism from the Government and Opposition Front Benches. Ten years later, I was privileged to do what Ted Gardner had begun with what became the Human Rights Act 1998. In the end, it gained all-party support, as proceedings on Third Reading show.

Importantly for this debate, and to answer the hon. Member for Gainsborough (Mr Leigh), the White Paper preceding the Human Rights Act was entitled "Rights Brought Home". It was about repatriating British rights in the convention that we had provided for other countries in Europe, but that were not available to our own citizens.

Several hon. Members *rose*—

Mr Straw: I will give way in a couple of seconds, but I will just make some progress.

The retired Law Lord, to whom the right hon. Member for Haltemprice and Howden referred, has recently said that the Human Rights Act could be "a perfectly serviceable British Bill of Rights". That, in essence, is what it is. The Act was expertly drafted. It gave the courts the power to declare primary legislation incompatible with the convention, but no power to strike down that legislation.

Mr Jenkin *rose*—

Alan Johnson (Kingston upon Hull West and Hessle) (Lab): Will my right hon. Friend give way?

Mr Straw: Of course I will, and then I will give way to the hon. Member for Harwich and North Essex.

Alan Johnson: I support the motion in the name of my right hon. Friend and the right hon. Member for Haltemprice and Howden (Mr Davis). Does my right hon. Friend agree that the important issue is not the European convention on human rights, the European Courts, or the universal declaration of human rights, but the reason that the European Court gave for denying a margin of appreciation, which, among other things, was that this House had not debated the issue? That was wrong, but the service provided by this motion is that the House can now judge. People will take different views and put perfectly reasonable arguments, but the important point is that my right hon. Friend and the right hon. Member for Haltemprice and Howden have done us the service of allowing us to debate whether prisoners should have the vote.

Mr Straw: I agree entirely with my right hon. Friend, and I thank him for his support. Like any former Home Secretary, he knows how difficult but vital it is to balance rights, liberties, duties and obligations in that very high office.

Mr Jenkin *rose*—

Mr David Ruffley (Bury St Edmunds) (Con) *rose*—

Andrew Bridgen *rose*—

Mr Straw: I give way to the hon. Member for Harwich and North Essex.

Mr Jenkin: I am listening carefully to what the right hon. Gentleman is saying about the margin of appreciation. I think that we are in danger of overselling that as a solution, because the problems with our current relationship with the convention are about the drafting of the convention and how the Court interprets its words. Geoffrey Robertson, QC, who is no slouch on human rights and is currently representing Julian Assange, explained in the article, "Why We Need a British Bill of Rights":

"The European Convention also failed to include the rights Parliament won by the 'Glorious Revolution' in 1689".

[Mr Jenkin]

He went on to state:

“There is mounting evidence that the weasel words of the European Convention are damaging other basic British rights.”

He also stated:

“The Convention is in some respects out of date.”

Does the right hon. Gentleman agree with those words? How are we going to address those problems?

Mr Straw: The hon. Gentleman is taking us into wider territory. I happen to think that the problem is not the plain text of the convention, but the way in which it has been over-interpreted to extend the jurisdiction of the European Court. I will come on to that point in a moment. I do not, however, subscribe to the view that the 1951 convention is the last word on what should be in a Bill of Rights. I share Lord Hoffmann’s view that it is a very good starting point. There is a wider issue—a rabbit hole I do not intend to go down if the hon. Gentleman will forgive me—about whether we should have a written statement of our key constitutional rights. I think that we should, and that the sovereignty of Parliament should be right at the top of it. However, that is a separate point.

Several hon. Members *rose*—

Mr Straw: I shall give way to the hon. Member for Bury St Edmunds (Mr Ruffley), but then I must make some progress.

Mr Ruffley: I am grateful to the right hon. Gentleman. Is not the essential problem that the European Court in Strasbourg became an appellate court for British cases in 1965—not in 1950—and that that was decided by a British Cabinet without any debate in this House?

Mr Straw: I was not in the House in 1965. [HON. MEMBERS: “Are you sure?”] I was causing trouble at universities at the time, so I have an alibi—I was at the scene of some other crimes.

I do not quite subscribe to the hon. Gentleman’s view about that piece of history. The signing of the protocol that gave the Court that power was very public. Anyway, where we are is where we are, and subsequent Administrations of either persuasion have not objected to the Court’s having that power of what amounts to individual petition.

Our Human Rights Act was expertly drafted, giving our courts the power to declare primary legislation incompatible with the convention but no power to strike down that legislation. In that way, the sovereignty of Parliament is respected and indeed protected by the Act. Our senior judiciary, without question among the best in the world, have applied the Act with the sensitivity that one would expect. As the right hon. Member for Haltemprice and Howden said a moment ago, when the British courts first considered the *Hirst* case, prior to its going to Strasbourg, they found no breach of the convention whatever. In addition, they said that any change in the law was a matter for Parliament. For the avoidance of doubt, let me put it firmly on record that the tension and conflict that we have to resolve today can in no sense be laid at the door of the Human Rights Act or, in my judgment, at that of the plain text of the convention.

Andrew Bridgen *rose*—

Charlie Elphicke (Dover) (Con) *rose*—

Sir Alan Beith *rose*—

Mr Straw: I need to make progress, but I will give way to the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith) a bit later.

Rather, the problem has arisen because of the judicial activism of the Court in Strasbourg, which is widening its role not only beyond anything anticipated in the founding treaties but beyond anything anticipated by the subsequent active consent of all the state parties, including the UK.

In his major lecture two years ago, to which reference has already been made, Lord Hoffman spelled out in eloquent detail the difficulties that the situation was causing, including for the UK judiciary. He said that the Strasbourg Court

“lacked constitutional legitimacy”

in intervening in matters

“on which member states...have not surrendered their sovereign powers”.

He added well-founded criticism of the highly variable quality of its judges and administration.

Where the Court has given judgment against the UK in respect of fundamental human rights, successive Home Secretaries and UK Governments have readily complied, whether on specific cases, such as terrorist deportations, or on matters such as the need for proper regulation of phone-tapping and the intelligence agencies—and so has this House, whether or not it agreed with what the Court was saying, because we have voluntarily and readily accepted its jurisdiction.

Sir Alan Beith: Various states will from time to time think that the Court has overstepped its limits and taken too broad a view of its powers. Are they all entitled at any stage to disregard its judgments, and what does that mean for the convention?

Mr Straw: No, they are not, and I will come on to that. The fundamental distinction to be drawn is this: all of us, as I have just spelled out, are required to respect and observe decisions of the Court on fundamental human rights, because it was in respect of those that we and other countries signed up.

Charlie Elphicke: Will the right hon. Gentleman give way?

Mr Straw: No, I have to make progress.

The issue before us today—here is the heart of the matter—is by no stretch of the imagination a breach of fundamental human rights. Rather, it is a matter of penal policy, which the minority of judges at Strasbourg—and very senior they were, too—said should be left to the UK Parliament. Through the decision in the *Hirst* case and some similar decisions, the Strasbourg Court is setting itself up as a supreme court for Europe, with an ever-widening remit. That is why the tension that I mentioned now threatens to become a collision.

Even in countries with supreme courts much more powerful than ours, there is a democratic override of their decisions. For example, in the United States or Germany, which have very strong courts that can strike

down primary legislation, the courts' decisions can be overridden by, for instance, democratic amendment to their constitutions. There is no such democratic override available for decisions of the Strasbourg Court, so we are faced with a court judgment following which, without warrant from the treaties to which we signed up, we as elected MPs are expected to do the opposite of that in which we believe.

My predecessor as Lord Chancellor, Lord Falconer, and I wrestled for five years to find a way through the problem. Initially, Lord Falconer's view was that the requirement on us following the 2005 Hirst decision was simply

"to consider carefully the basis"

of our law. He went on that it could be the case

"that it is a proportionate conclusion that all people who are convicted and sent to prison cannot vote."

He began one consultation, and when that was inconclusive I launched a second. However, unless and until I found a way—if one existed—that could satisfy the Strasbourg Court, this House and the British people, there was no appetite throughout the House, or among our Whips, for me to bring forward legislative proposals.

The Attorney-General: I am grateful to the right hon. Gentleman for giving way and for how he is articulating his powerful case. Does he not agree that, with hindsight, it is rather unfortunate that such a debate did not take place? When we were first confronted with the problem we had only the Hirst judgment, but since then we have had a number of further judgments without the UK Parliament's having had an opportunity to influence how the Court's jurisprudence evolved. He may recall that I asked for such a debate when we were in opposition.

Mr Straw: I understand the right hon. and learned Gentleman's point, and hindsight is a wonderful thing. If I thought that the only thing preventing the Court from coming to a reasonable compromise was the fact that I had not organised an earlier debate, I would be happy to be taken to Strasbourg to make my apologies. He knows better than anybody than neither set of Whips was keen on such a debate, not least because it was clear that it would be impossible, particularly in the pre-election atmosphere, to have the sober debate that we are to have today.

Mr Denis MacShane (Rotherham) (Lab): Does my right hon. Friend agree that, if the matter was that important to the then Opposition, they could have had an Opposition day debate on it?

Mr Straw: That is true. I shall now move on.

Our motion has been carefully drafted. It is respectful of the Court and our treaty obligations, but is intended to answer one of the three objections that the majority of the Court in Strasbourg had to our so-called blanket ban—that there had not been any substantive debate on the matter in the light of modern penal policy and human rights standards. This debate is a response to that.

One cannot judge the fairness and effectiveness of penal policy with reference to just one aspect of it, such as the ban on prisoners voting. That judgment has to be made in the round. Since the Strangeways riots of

20 years ago and the Woolf report that followed it, there has been a quiet revolution in penal policy. As the chief inspectors of prisons have recognised, conditions for prisoners have been transformed. Every effort is rightly made to treat prisoners with dignity, and to prepare them better for the outside world. The overall environment of our prisons stands up to comparison with any in the world, and is far above that in many European countries.

However, the exact mix must be for domestic Parliaments to decide. They have the knowledge and legitimacy to make appropriate judgments, and we have supervision by our courts of our Executive's administration of our prisons. The ban on prisoner votes is part of the mix of our penal policy. It is the subject of wide consent among the public, and at least of acquiescence by the vast majority of prisoners, as the silence of our postbags makes clear. Our motion is intended as part of a process better to strengthen the hand of the UK Government in arguing in Strasbourg that the majority of members of the Court are seeking a change in UK legislation which, on the face of it, is difficult or impossible to deliver, and in inviting them to find a constructive way forward.

Two objections to our approach have been raised. One is about the example that we may set, and the other is about compensation. On the first, the argument is that if we fail fully to implement the Court's decision, we will be unable to put pressure on others who also have outstanding Court judgments against them. That argument does not take account of the reality of the situation. There are scores of as yet unenforced judgments against countries such as Russia—but not just Russia—for egregious breaches of human rights, and for presiding over standards so low as to lack any notion of fair trial.

If I thought that our acquiescence in the Court's decision in Hirst would be the instrument for a change in approach to those recalcitrant countries, I might be persuaded to drop my objections for the greater good. However, there is no evidence of that—indeed, I suggest the reverse. By extending its remit into areas way beyond any original conception of fundamental human rights, the Court in Strasbourg is undermining its own legitimacy and its potential effectiveness in respect of the purposes for which it was established. In other words, the Court and the Council of Europe would have greater success if they reined in their unnecessary excursions into members states' policy. In that way, we might see some of those judgments better enforced.

This is my last set of points and I shall be brief. On compensation, I simply say this: there are many predictions that the Court in Strasbourg will award compensation against the UK Government, but as yet there is no certainty. In 2005, the Strasbourg Court denied Hirst compensation. Unless the Court now sees the purpose of compensation as some kind of gratuitous fine on the elected British House of Commons, I fail to see by what algebra or alchemy any court could equate the absence of a vote for prisoners, which almost no prisoners of their own volition ever sought, and which still fewer would exercise, with some monetary amount.

I am strong supporter of the Human Rights Act 1998, the Council of Europe and the text of the convention. I seek no train wreck, but a solution—that is the purpose of our motion. In turn, I hope the Court pulls back from placing the supporters of those instruments in a near-impossible position.

Several hon. Members *rose*—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Everybody will be well aware that there is a five-minute limit. We have 39 speakers to get through, and my intention is to get everybody in. If we have fewer interventions and shorter speeches, we will enable that.

1.1 pm

Mr Gary Streeter (South West Devon) (Con): I support the motion. This matter is not really about whether prisoners in this country have the right to vote, but about whether this House has the right to make its own laws for its own people.

There are 85,000 prisoners in this country, about 12,000 of whom are foreign nationals who would have no right to vote in any event. The remaining 73,000 are spread over 650 constituencies, so even if they all voted, which as hon. Members know full well from the sort of people whom we have visited in prisons is most unlikely, just over 100 votes would be added in each constituency. On that scale, the rights of prisoners to vote is relatively unimportant. Nor is it the case that the removal of the right to vote acts as a deterrent. Few burglars in my constituency have ever, I suspect, hovered at the windowsill, jemmy in hand, and thought, "Oh no! I'd better not break in or I'll be unable to vote for that nice Mr Streeter."

The motion invites us to address a much more fundamental issue: whether or not we can pass our own laws. I completely understand the inclination of civil servants to advise Ministers to comply with the European Court of Human Rights judgment. I am sure that that advice is technically correct, and certain that that is how we have always done things, under Governments of all colours. In addition, I recognise the understandable reluctance of Ministers to go against that advice and to ignore a decision of the Court that we helped to create, especially if there could be financial implications in this time of austerity.

However, there comes a time when it is necessary to take a stand. I argue that right now, on this issue, it is right for this House, today, to assert its authority. The judgment of the ECHR in the Hirst case flies in the face of the original wording and purpose of the European convention on human rights, in which it was clearly intended that each signatory should have latitude in making decisions on the electoral franchise in that country.

Andrew Bridgen: Is it not clear from previous speakers that the Strasbourg Court is seeking to extend its power? Is it not the duty of hon. Members to resist that power grab?

Mr Streeter: I completely agree and I intend to address that point in a moment.

We decided in this country centuries ago that convicted criminals should not have the right to vote, and I support that decision. After all, the punitive element of incarceration is the denial for the time being of certain rights and privileges that our citizens enjoy. We decided long ago that in addition to surrendering their liberty, convicted criminals while in prison would also give up their right to vote. That was the case in 1953 when the treaty on human rights was signed, and it remains the case.

What has changed since 1953? The answer is simply this: the European Court of Human Rights decided in 1978 that it could interpret the convention as a living document and effectively create law rather than purely reflect the provisions of the original convention.

Mr Leigh: There appears to be some sloppy thinking here. I oppose incorporation into our law, but the Supreme Court will always uphold prisoners' appeals because we cannot pick and choose between the judgments we like and those we dislike. I am afraid that that is the law.

Mr Streeter: If my hon. Friend exercises a little patience, I will give him the solution before my five minutes are up. I can assure him that there is no sloppy thinking down this end of the Chamber.

The rights taken on itself by the ECHR is the clearest case of mission creep that we will ever see. It is the ECHR's decision to award itself more power—much more power than the authors of the convention ever intended—that we must challenge today. That decision has led to a steady trickle of judgments and pronouncements over the past 30 years that have frequently left the British public baffled and extremely angry.

That is the real problem with the ECHR conducting itself in that way. Yet again, it has undermined the authority of this House, which leaves us wringing our hands hopelessly on the sidelines, and widens the gap between the electorate and their Parliament. If we, the people whom they send here on their behalf, cannot change things, what is the point of us being here, and therefore, what is the point of them voting?

Andrew Bridgen: Will my hon. Friend give way?

Mr Streeter: I will not give way, if my hon. Friend does not mind, because I have done so twice.

It is time to take a stand. I suggest three things—we are coming now to solutions. First, I suggest that we vote overwhelmingly today to reject the ECHR judgment and support the motion. In doing so, we will send a clear signal to our constituents that we understand and echo their desire not to put up with this nonsense any longer. We will also send a signal to ECHR judges that we do not appreciate, and will not accept, their attempts to legislate for us here in the United Kingdom. That is our job, not theirs.

Secondly, we need to start work immediately on amending, or at least on restricting or clarifying, the European convention on human rights. That will require the political will of the House and of the Government on this side of the channel, and political muscle and skill on the other side. Fortunately, machinery for that is in place—it is called the Council of Europe, which among other duties oversees the work of the European Court of Human Rights. I suggest that our Government, working with the British delegation of MPs to the Council, immediately set on a course to suggest to our friends across the channel amendments to the convention. They could suggest narrowing the rules governing the scope of the Court, or further protocols. We should use whatever the correct procedures are—I am sure that my right hon. and learned Friend the Attorney-General can advise us on those—to take this important but

increasingly abused convention back to its original purpose; namely, to underpin basic human rights, and to prevent the excesses of torture, imprisonment without trial and persecution perpetrated on European people in the second world war from ever being visited upon us again. I say to my hon. Friend the Member for Gainsborough (Mr Leigh) that that will not be easy, but it is not impossible, and we should start that journey today.

Thirdly and finally, I know not whether Mr John Hirst, the axe murderer—nice man—fought his case on legal aid, but I am certain that he fought it either on legal aid or on a no win, no fee basis.

Anna Soubry (Broxtowe) (Con): It was legal aid.

Mr Streeter: My hon. Friend shouts in my ear that Hirst fought his case on legal aid. In any case, we should now make a further change to the consultation process on legal aid reform that is currently being conducted by the Ministry of Justice, and make it clear that legal aid will no longer—from today—be available to prisoners or former prisoners suing the Government because they have been denied a vote. We are in the process of reducing legal aid for all kinds of legal action, so why not expressly exclude those claims, which the whole country deprecates? We have the power to do so and we should exercise it.

I was never any good at physics at school, but I remember one law: for every action there is an equal and opposite reaction. Convicted criminals and their lawyers and the ECHR have conspired to create an action. Let this House today decide to put into place an equal and opposite reaction. I support the motion and hope that it receives an overwhelming majority.

1.9 pm

Mr Denis MacShane (Rotherham) (Lab): It is a pleasure to follow the hon. Member for South West Devon (Mr Streeter), although I was a bit worried by his suggestion that legal aid should be taken away from people, so that only the rich—the Max Mosleys—have the right to go to Strasbourg.

I am nervous of getting between my right hon. Friend the Member for Blackburn (Mr Straw), the former Foreign Secretary, and the former Deputy Prime Minister, whom we heard on the “Today” programme this morning. When these two Labour buffaloes lock horns, smaller beasts in the jungle are advised to stay away. However, I want to make the case to the House that we should not completely throw away the good and honourable tradition of British liberalism. I know that this will make me unpopular with the *Daily Express*, the *Daily Mail*, *The Sun* and *The Daily Telegraph*, which have constantly supported my political views over so many years, but surely we can still find a tiny space for classic, do-gooding, bleeding-heart British liberalism in contemporary politics. It is sad that there is no one left on the left to say that the right is not right, as we are told to bow to this atavistic tabloid hate against prisoners.

What are the facts? Different democracies in Europe take different approaches. In January, I was with Conservative colleagues at a meeting with Swiss parliamentarians, and in non-EU Switzerland, all prisoners have had the right to vote for 40 years. That is also the case in Conservative-governed Sweden, Denmark and

other EU countries. Britain stands with Armenia, Azerbaijan, Moldova and—let us not forget—Russia in banning the right for prisoners to vote. Since WikiLeaks has told us that the mafia runs politics in Russia, it has been clear that criminals there get elected rather than end up in prison.

Ian Paisley (North Antrim) (DUP): Is it not the case that in the European Community, six other member states have an outright ban on prisoners voting, and 13 impose varying limits on the right to vote?

Mr MacShane: The hon. Gentleman takes me on to my next point. In other EU countries, prisoners can vote according to the sentence. In France, a judge adds a loss of civic rights to sentences for serious crimes, which is a compromise that satisfies the European Court of Human Rights and could easily be introduced here. However, sadly we are turning out backs today on more than a century and a half of prison reform. Retribution seems to be the order of the day for those who commit crimes. My view is that although someone may enter prison as a criminal, we should hope that they leave prison as a future citizen. Allowing people to take part in, think and read about, and ultimately—for non-serious cases—vote in elections would help the osmosis of turning criminals into future citizens.

Mr Jenkin *rose*—

Mr MacShane: I will not give way because of this five-minute limit.

Mr Ian Davidson (Glasgow South West) (Lab/Co-op): Speak up for Brussels!

Mr MacShane: The ECHR is not in Brussels, as my geographically slightly ignorant hon. Friend says from a sedentary position.

The ECHR has worried at this bone for years, just as it did over beating children at school. Who wants to bring that back?

Andrew Bridgen *rose*—

Mr MacShane: Ah! Some Government Members might want to bring back beating for children in school.

The ECHR outlawed domestic violence and upheld the right of British Cypriots not to be dispossessed of their homes in northern Cyprus. As has been rightly said, the European convention was written 60 years ago, mainly by British jurists. It does not mention prisoners voting, but nor does it mention gay rights, domestic violence or capital punishment. The European Court has handed down rulings—yes, like the US Supreme Court, it interprets old language. However, I believe that we are all the better for expanding liberal, democratic British values across Europe. Right now the ECHR is bogged down with 100,000-plus cases from Russia, but is that not a good thing? Russian citizens can now appeal against the neo-authoritarian concept of politically dictated justice in Russia. I am sure that there are comrade ex-Supreme Court justices in Russia who also think that the ECHR should keep its nose out of Russian business.

[Mr MacShane]

This has nothing to do with the European Union. Like the Council of Europe, the ECHR was shaped by Britain under Winston Churchill after world war two. It quietly and steadily upholds the values of liberal democracy. Britain began decriminalising gay relationships and abolished hanging in the 1960s. The ECHR took this British example and used it to prod other nations to follow suit. Some 47 countries adhering to the treaty and convention of the Council of Europe are expected to follow its rulings. I believe that the peoples of other regions of the world—such as Africa, Asia and south America—would die to have an ECHR to tell their Governments what to do.

Several hon. Members *rose*—

Mr MacShane: I hope that hon. Members will forgive me, but we only have five minutes each, and I do not want to overrun.

Traditional social and political liberalism has now been replaced by a raw economic liberalism—or perhaps a Labourist punitivism—since May 2010. There are no Roy Jenkins, no Jo Grimonds, no Michael Foots and no leading Liberals such as the right hon. Member for Ross, Skye and Lochaber (Mr Kennedy) and the right hon. and learned Member for North East Fife (Sir Menzies Campbell) to stand up for unpopular or even lost causes. The press has only to indicate its displeasure at a proposal for giving prisoners serving short sentences the right to vote, and MPs of all parties queue up to join this illiberal campaign. Populist illiberalism is the new politics of much of the continent, and it is a shame to see it arrive in the Commons. I hope that my country does not tear up the treaty or quit the Council of Europe. However, the fact that we are having this debate shows how far we have moved from the promotion of human rights that Winston Churchill and his successors up to May 2010 always believed in.

Mr Davidson: Is not the right hon. Gentleman, who speaks on behalf of the people of Rotherham and Berlaymont Central, in fact reflecting his own desire to be a controversialist, rather than the opinions of his own constituents?

Mr MacShane: When the day comes that any right hon. or hon. Member cannot express his point of view in the House of Commons on the basis of sincere beliefs, frankly we have a real problem with this, our House of Commons.

1.16 pm

The Attorney-General (Mr Dominic Grieve): I congratulate my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) and the right hon. Member for Blackburn (Mr Straw) on securing this debate. My right hon. Friend quoted my belief that this was a subject that needed debate. That was something I said in opposition, but it is a view that I continue to hold in government. I am therefore delighted that the House at last has an opportunity to have this debate. If I quipped the right hon. Gentleman, I am grateful to him for having facilitated it now that he is freed from the shackles of Government.

If the House is to have the debate that I think can help to inform this tension between ourselves and the European Court of Human Rights, it is important that as many Members as possible participate. I note, therefore, that the Government Benches are well crowded; I am sorry, however, that, for reasons on which I cannot speculate, the Opposition Benches seem to be, with a number of notable and eminent exceptions, rather bare. That might be a problem later in terms of the impact that this debate may have. From that point of view, the contribution of the right hon. Member for Rotherham (Mr MacShane), even if many Members disagreed with it, was nevertheless very valuable.

My reason for speaking at this stage of the debate, with the leave of the proposers of the motion, was to try to provide some assistance to the House in explaining the legal considerations relating to this complex, difficult and extremely controversial issue. As the House is aware, there will be a free vote for Government Members, so that the Back Benchers can express their views. Ministers will abstain. The Government believe that the proper course of action will be to reflect on what has been said and think about what proposals to bring back to the House in the light of the debate. The Government are here to listen to the views of the House, which are central and critical to this debate, as was acknowledged in the Hirst case and as was the subject of the critique that I raised earlier about the fact that we have not had this debate before. I look forward to taking on board and considering all the points raised, and to doing my best, as far as I can, to join the debate and assist the House.

Mr Jenkin: I am sure that it will be useful to the House that my right hon. and learned Friend intervenes at this stage. However, when he says that the views of the House are critical, does he not mean that they are decisive? We are a sovereign House; we make the law and the courts interpret it. This is a matter of policy, not a question of legal technicalities. If we do not want prisoners to have the vote, Parliament can legislate for it and that will be final. Does he agree that that is the power of the House?

The Attorney-General: First, I would say this to my hon. Friend. I am very respectful of the powers of this House and, having been a Member of it for 13 years, consider it to be very important. As he will also be aware, it is Parliament that is sovereign. I hope that he will excuse my making that delicate point. The Queen in Parliament is sovereign, and that includes the ability of both Chambers to legislate and to enact primary legislation. We are dealing with an international treaty. That international treaty was signed by the United Kingdom Government under the royal prerogative and was laid before both Houses of Parliament for their consideration. The rule that has been long established in this country is that once a treaty has been ratified by the United Kingdom Government through that process, the Government and their Ministers consider themselves to be bound by its terms. Indeed, as the right hon. Member for Blackburn will know, the ministerial code specifically says that that is the case, and the new ministerial code says it in exactly the same way as the old one did. From that point of view, although my hon. Friend is absolutely right, that does not remove the necessity for the Government to be bound by their treaties and international obligations.

Mr Jenkin: I am most grateful to my right hon. and learned Friend for giving way again. It has also been recognised that statute law overrides international law. It is statute law that should bind the courts of this land. Does he agree with that?

The Attorney-General: It is certainly true that our international legal obligations may alter by virtue of what Parliament has enacted, but the current position is that we have an international obligation that, if I understood correctly from what they said, is not one from which, in its principles, my right hon. Friend the Member for Haltemprice and Howden or the right hon. Member for Blackburn would wish to resile. We are bound by it as Ministers of the Crown. However, if my hon. Friend will bear with me, I will come to that in a moment.

I repeat the point that the Grand Chamber in the *Hirst* case commented on the lack of any substantive debate in Parliament. It must be the case, therefore, that the existence of a substantive debate—indeed, we may have to have more than one substantive debate on this issue—will be helpful to the process of finding a way through the problem that is exercising many Members of this House. However, although Members are fully entitled to express their disagreement with the judgment of the European Court—indeed, I have done so myself: I said that I consider the judgment in the *Hirst* case to be an unsatisfactory one, for precisely the reasons, which I will not repeat, that the right hon. Gentleman and my right hon. Friend articulated—the fact that we may be in disagreement does not in itself solve the problem.

In order for the views of this House to be helpful, we need to demonstrate that we are engaging with the concerns of the Court and that we are not just expressing our frustrations—although I have to say that on occasion I have felt very frustrated on this issue in the last few years, and actually rather angry. Through a dialogue about what the House considers to be proper and reasonable in respect of prisoner voting, we have to see whether we can bring our weight to bear as a legislature in the development of the jurisprudence of the Court. That will give us the best possible chance of winning the challenges that may arise thereafter. As we know, given the litigiousness of those who think that there is a gravy train on which they might be able to climb, we can guarantee that, whatever we do, there will be legal challenge to it that will go back to the European Court of Human Rights for determination.

Ian Paisley: I appreciate the Minister's helpful guidance. Will he address the point made by the right hon. Member for Blackburn (Mr Straw) when he quoted Lord Hoffmann, the former Law Lord, saying in a lecture that it cannot be right for a European supranational court

“to intervene in matters on which Member States of the Council of Europe have not surrendered their sovereign powers”?

Will the right hon. and learned Gentleman give us some guidance on that point?

The Attorney-General: The hon. Gentleman is right that there has been a great deal of commentary, including in some learned lectures by judges, such as Lady Justice Arden, Lord Hoffmann and others, who have expressed growing concern about the way in which the jurisprudence of the European Court of Human Rights is being

developed and about the Court's tendency towards micro-management. That is the nature of the challenge. That said, for the reasons I gave a moment ago, the judgments of the Court constitute an international obligation, so far as we subscribe to the convention and to membership of the Council of Europe. That is the dilemma the Government face, as did the previous Government: how can we find a way to persuade the Court to respect the views that the legislature may express without having to withdraw from the convention or the Council of Europe entirely, which, I have to say, would not come without cost or consequence for this country?

Claire Perry (Devizes) (Con): Can the Attorney-General help the House understand by what mechanism the European Court's judgment and—rather more unpalatably—the award of compensation to a convicted axe murderer could be enforced in this country?

The Attorney-General: There is no mechanism to enforce—[HON. MEMBERS: “Ah!”] My hon. Friend must listen carefully. The truth is that enforcing something against a Government who do not wish to have it enforced against them is very difficult, because the Government retain Executive power. If a judge in our High Court said that the Government should do something and the Government said, “We won't do it,” it would be very difficult to do. Equally, however, it is worth bearing it in mind that the Government would be in rather serious breach of the principles of the rule of law and would, in fact, be behaving tyrannically. One needs to be careful. The principles on which United Kingdom Governments have always operated is that if international obligations confer a power on a court and a court orders compensation, we will honour those international obligations as it is our duty to do so, because without that we diminish our own status, in terms of our respect for international law as much as domestic law. It is therefore a bit of a red herring to suggest that just because something cannot be enforced, that is a justification for ignoring it. It might be a justification for enacting other legislation or taking other steps, but it would be a fairly momentous change in UK practice if we ignored something to which we had indicated by international treaty we subscribe.

Mr Richard Shepherd (Aldridge-Brownhills) (Con): We of course have confidence, by and large, in our judicial system and our courts. I see this issue as a crisis in the question of whether we have confidence in the workings of another court system. That is the tension that underlines so much of what we are discussing today—whether we are talking about a credible court, with the extension of its remit as a living instrument, and so on. That is the criticism that is now coming from judges too. We respect one court; do we respect the European Court, and therefore the international obligation that my right hon. and learned Friend mentions?

The Attorney-General: There is no doubt that there has been criticism of the Court, just as I have at times heard views expressed in this House applauding judgments made in the European Court of Human Rights—the judgments on stop and search and on DNA databases come to mind. We therefore need to be careful about too much picking and choosing of what we might think is desirable or not. I recognise that there is a fundamental

[*The Attorney-General*]

issue in this debate, which the right hon. Member for Blackburn and others touched on, about the extent to which the Court is turning into a micro-manager.

Kate Hoey (Vauxhall) (Lab): If compensation was awarded, would it not be appropriate for the Government to decide to take it from the legal aid budget of the civil lawyers who will have brought most such cases about?

The Attorney-General: That is an interesting proposal from the hon. Lady, but, if I may say so, I would not seek to answer that question at the Dispatch Box today. It raises a number of ethical and practical issues to which, on the whole, I would want to give further consideration.

Rehman Chishti (Gillingham and Rainham) (Con): Will my right hon. and learned Friend give way?

The Attorney-General: I must make progress; otherwise I will not be able to do what I principally came here to do.

I want to deal with the point about the Grand Chamber in the Hirst case. The Grand Chamber declined, properly, to provide any detailed guidance on how to make our current regime compatible with the convention. It also made it clear that special weight should be given to the role of the domestic policy maker. Despite the difficulties that the House might face, we have a real opportunity, through debate, to shape the dialogue with the Court if we focus on the key issues.

I will now deal with the main legal issues on prisoner voting. I will set out the main points raised by the main judgments, because it might make the debate more difficult if the House does not have them in mind. I shall first outline the key points in the Hirst judgment, which dates back to October 2005. The Court took the view that it was well established that article 3 of protocol 1 to the convention, to which we are signatories, guarantees individuals the right to vote and to stand for election. The Court considered that to be a right, not a privilege. It also considered that that principle was important in ensuring an effective and meaningful democracy governed by the rule of law. It therefore felt that departure from the principle of universal suffrage risked undermining the democratic validity of the elected legislature and the laws that it promulgates. That might not have exercised us very much here, but in the context of the many east European states that have joined the European convention it is probably right to say that those are really serious, material considerations.

In the view of the Court, prisoners continue to enjoy all the fundamental rights and freedoms guaranteed by the convention. I do not think that either my right hon. Friend the Member for Haltemprice and Howden or the right hon. Member for Blackburn disagree with that. The Court's reasoning, with which I appreciate many hon. Members disagree, is that, in view of the fact that the convention does not allow prisoners to be subjected to inhuman or degrading treatment or to have restrictions placed on their freedom of expression or freedom to practise their religion, a restriction on their right to vote should have the aim only of

“preventing crime by sanctioning the conduct of convicted prisoners, and enhancing civic responsibility and respect for the rule of law”.

The Court also recognised that the participating states had a wide margin of appreciation in deciding on such restrictions, but that that was not an unlimited discretion. It felt that the restriction should be proportionate and—this is the nub of the issue—that section 3 of the Representation of the People Act 1983 imposed a blanket ban, which was seen as being so indiscriminate as to fall outside the acceptable margin of appreciation.

Mr Baron: The central questions are whether the interpretation of the treaty that we signed has gone beyond what the original treaty contained, and who, thereafter, has the right to make a decision on the matter. Should it be this Parliament or an unelected European institution that makes such decisions? The clear evidence is that it should be this House, and that the interpretation has gone beyond the terms of the original treaty. That is what this vote is about today.

The Attorney-General: I appreciate that that is what my hon. Friend and many others believe the issue for debate to be. I recognise that it is going to be a major topic for debate this afternoon, but, if he will forgive me, I will suggest that hon. Members might also wish to focus on why they consider the current ban, or some variant of it, to be reasonable and proportionate in our own national context. It was the absence of debate on that issue that appeared to make the Court take the view that our ban was indiscriminate—

Chris Bryant (Rhondda) (Lab): Really?

The Attorney-General: Well, it was one of the reasons it took that view.

Mr Andrew Turner (Isle of Wight) (Con): Does my right hon. and learned Friend accept that we do not want a discriminatory rule on what we took a view on, but that they want an absolute rule?

The Attorney-General: I hope that I have understood my hon. Friend correctly. I do not think that the Court has suggested that there should be an absolute rule. In fact, it has made it quite clear in that and later judgments that there could be substantial flexibility for national legislatures to set their own criteria, which could be variable. For example, leaving a blanket prohibition to one side, it might be desired that a prohibition could be imposed after a particular period, so that someone could be banned from voting if sentenced to one, two, three or four years. The criteria could be different if the judiciary were given complete discretion over whether people should be banned and when such a ban should be applied. So there is a whole range of possible variants available to a legislature, if it were minded to consider them, that might well satisfy the Court's concerns.

I am mindful of the strong views held in the House on this matter. On the maintenance of a blanket prohibition on all sentenced prisoners, the House should note that the Hirst case was followed by two other cases. This was the cause of my criticism of Labour's dilatoriness on this matter. The first was *Frodl v. Austria*, in which the Court found that a ban on voting imposed on people sentenced to more than 12 months was wrong. The second case was *Greens and MT*, in which the Court appeared to make it clear that it wanted the United Kingdom to enact some form of legislation.

Mr Leigh: It seems that everyone who has spoken so far is trying to have their cake and eat it. They all say that they want this incorporated into our law, but they do not like this particular judgment. They think that a debate will solve the problem. If the vote goes against us this afternoon, will the Attorney-General do the right thing and withdraw us from our incorporation in the convention?

The Attorney-General: My hon. Friend takes a very absolutist stance, although I have heard him utter such a view before. That is not Government policy, however.

Jeremy Corbyn (Islington North) (Lab): Is not the fundamental issue that the European convention on human rights applies to everyone, including those who are in prison, and that when people are convicted they do not lose their convention rights? They have to suffer a penalty following conviction, but losing their right to vote is outwith the terms of the convention.

The Attorney-General: The hon. Gentleman makes a perfectly reasonable point. Indeed, in some countries, the removal of the right to vote effectively forms part of the sentencing exercise. However, that has not been part of our national tradition in this country. I will be interested to hear hon. Members' reasoning in the debate. I assume that the underlying principle behind the ban—given that many people are convicted and not sent to prison—was that a person who was sent to prison had done something so antisocial towards the civil order that it was justified to remove their right to vote. Speaking personally, I have never thought that there was anything unreasonable about that approach, although I appreciate that some hold other views, including non-governmental organisations such as the Prison Reform Trust, which has argued powerfully in favour of giving prisoners the right to vote.

Mr David Nuttall (Bury North) (Con): In answer to the Court's concerns, may I point out that criminals in this country choose of their own free will to commit serious crimes, and they know that, if they are found guilty and sent to prison, they will lose their right to vote?

The Attorney-General: That is a very good argument, and it might be helpful to me if I ever have to stand up in front of the European Court of Human Rights to explain the reasoning of the United Kingdom Parliament.

I have pointed out that matters were made more difficult following the judgment in *Frodl v. Austria*, in which it was held that the disfranchisement of a person sentenced to more than one year in prison was a violation of article 3, and in the Greens and MT case, although the Court clearly stated at that time that judicial discretion was not a requirement. From that point of view, it is clearly open to the United Kingdom Government to put in place a system that would not involve judicial discretion. I have some hesitation, in any event, about whether the judiciary would wish to have that discretion inflicted on them. As hon. Members might be aware, however, the Government have made it plain that, even on minimal sentences, the power to remove the right to vote—in cases involving electoral fraud, for example—ought to be retained by the judges in any event.

It is for the House to provide a response today. I hope that that response will be useful to the Government in representing the House's views in what I anticipate will be a rather drawn-out dialogue between ourselves and the Court.

Mrs Anne Main (St Albans) (Con): I concur that we have already set quite a high bar for getting behind bars in this country. Given that, why is it any more reasonable to pick an arbitrary figure of one, two, three or four years than to set the bar at the point when people pass through the prison gates?

The Attorney-General: My hon. Friend makes a very reasonable point. If she looks around other European countries, she will find a great deal of variety in approach. Some countries do not allow any convicted prisoners to vote, although they might well be in serious difficulty as a result of the Hirst judgment. The Irish Government, for example, changed the law and gave their prisoners the vote. Others lay down differential criteria, and it seems clear that the Court is influenced by the consideration of whether those convicted to very short terms of imprisonment should retain the right to vote and those with longer terms of imprisonment should lose it. Four years, for example, has usually been regarded in our judicial system as the benchmark that separates a long sentence from a medium or short sentence. That is one reason why such benchmarks might play a role, and used to play a role, in providing some definition.

Naomi Long: The Republic of Ireland provides an interesting case. Although the Government have allowed their prisoners to register to vote, they do not necessarily guarantee that they will be able to vote in the sense of attending a polling station to exercise their franchise. I suspect that this is an interesting example of sleight of hand.

The Attorney-General: I would have to check that position. My understanding was—it might be incorrect—that the Irish Government provided a postal voting system.

Chris Bryant: Is it not an irony that prisoners in Britain had the vote for a while, but were unable to register and therefore were unable to exercise their right to vote?

The Attorney-General: I have no doubt that at one time that was correct. Indeed, before 1870, large numbers of people did not have the right to vote in any case, which adds another complicating issue. I think we should look at the here and now.

Ben Gummer (Ipswich) (Con): I am slightly worried by what my right hon. and learned Friend said earlier about the purpose of this debate. Surely the purpose of this Chamber hitherto has been to form statute law. He suggests that we should now take on the function of influencing the jurisprudential evolution of the European Court of Human Rights. Would it not be helpful to him if this debate also engaged with the realm of the relationship between this House and the European Court?

The Attorney-General: I certainly do not want to prevent my hon. Friend from debating such an important issue. He must forgive me for perhaps being too much of a lawyer, but on the whole I tend to look at the terms of

[*The Attorney-General*]

the motion, which are very specific and quite interesting. The motion first emphasises our respect for our international obligations, which I do not believe was included accidentally by the right hon. Member for Blackburn or my right hon. Friend the Member for Haltemprice and Howden. I assume that the motion thus encompasses our international obligations under the European convention on human rights. Secondly, the motion expresses what I take to be a view that we believe that our existing arrangements, which deny sentenced prisoners the right to vote, are fair, reasonable and proper and we wish to continue them. That seems to be the motion that we have to debate, and which we ought to debate, which is why I sought to answer the question in this way, although I accept that some wider issues could also be considered. At the end of the day, as I have also emphasised, the Government are bound by their international obligations. They have to think, sometimes laterally if not horizontally, about how to get themselves out of the conundrum of respecting the views expressed in this House while also wanting to see that the international obligations that this House wants to be respected are respected.

Rehman Chishti: On that very point of international obligations, Lord Hoffmann has said that “with support of other European states” that have also been at odds with the Court, “we can repatriate our laws on human rights.”

What steps are we taking to work with other European states that have also been badly treated to withdraw from the scope of the Human Rights Act 1998?

The Attorney-General: I am grateful to my hon. Friend, who is absolutely right; I have not had time to develop the point. Quite simply, negotiations have taken place concerning the difficulties facing the Court, in which the different countries making up the Council of Europe are, in many ways, expressing the common view that the Court is not functioning properly. Quite apart from anything else, there is a backlog of 120,000 cases. This matter is therefore not being ignored by the Government; we would like to make some progress to see whether reform can be achieved.

Mr Davidson *rose*—

The Attorney-General: If Mr Deputy Speaker does not stop me, I shall give way.

Mr Davidson: Does the Attorney-General accept that, in being a lawyer, he has the problem of over-complicating matters? [*Laughter.*] Is not the basic issue whether we in this country should decide our line on whether prisoners should be able to vote—or should it be decided by somebody else? Where do the Government stand on that question?

The Attorney-General: The object of lawyers is to take people’s concepts and to try to navigate them to their correct destination, if at all possible. [*Interruption.*] In this case, there is no specific financial benefit, however pleasant it would be to be able to charge a special fee to my Government colleagues for appearing here this afternoon. I do not think that they would have condescended that to me.

I hope that what I have said has been of assistance to the House. I look forward to hearing the rest of the debate and, above all, to helping the House further if I can during the course of it.

1.46 pm

Chris Bryant (Rhondda) (Lab): It is a delight to follow the Attorney-General, who puts me in mind of Peter the Great when he visited Britain and our Parliament. He commented to our monarch that there were an awful lot of lawyers in Parliament and that, so far as he was aware, there were only two lawyers in his kingdom, one of whom he was going to execute on his return.

I have three opening points. First, I believe that when someone breaks the law so seriously that the courts send them to prison, they should also be deprived of the right to vote. That is why it has never been Labour policy to give prisoners the vote and why we vigorously contested the Hirst case.

Tom Brake (Carshalton and Wallington) (LD): Will the hon. Gentleman give way?

Chris Bryant: If the hon. Gentleman will forgive me, I would like to make a bit of progress and give way later.

Secondly, it is not the role of the European Court of Human Rights to legislate on who gets to vote in the UK. As the President of the Court and others argued in their dissenting opinion on Hirst,

“it is essential to bear in mind that the Court is not a legislator and should be careful not to assume legislative functions.”

That is why we argued in the Grand Chamber that the Court was acting *ultra vires* and why we believe it is for Parliament—and Parliament alone—to legislate on this for the UK.

Thirdly, the Government’s proposals that prisoners sentenced to custodial sentences of less than four years should retain the vote—if indeed they still are their proposals; they might not be given what we have just heard—are far too generous and will not be acceptable to the vast majority of the British public. That is not to say that prisoners should be deprived of all their rights. Of course not—prisoners are humans. Torture and degrading treatment are repugnant. We abhor it when prisoners are treated as less than human in jails in Latin America, in Turkey or in Russia. In depriving someone of their liberty, however, the state should be able to decide that someone has also forfeited other freedoms. Prisoners retain a right to family life, as the European Court of Human Rights has rightly adjudged, but while in prison they cannot pick their children up from school or kiss them goodnight. They retain the right to freedom of expression and, for that matter, freedom of religion, but, by definition, they lose the right to freedom of assembly.

Ian Paisley (North Antrim) (DUP): The hon. Gentleman is absolutely right to say that choosing four years as the threshold is far too generous. I wonder whether Members have reflected on what that really means. It means 4,370 drug dealers getting the vote; it means almost 10,000 people involved in theft, burglary or robbery getting the vote; it means 1,753 rapists or people involved in serious sexual crimes achieving the vote; and it means 5,991 people involved in crimes against a person getting

the vote. Does the hon. Gentleman accept that although we do not get a lot of letters from prisoners demanding the vote, we will get a heck of a lot of letters from victims and their families if we give those people the vote?

Chris Bryant: The hon. Gentleman has made his point extremely well, and I think that it has been taken by many Members.

Jeremy Corbyn: I am very puzzled by my friend's approach. If we as a country are signed up to the European convention on human rights, which we frequently use—all of us as Members of Parliament use it in representing our constituents—and if the Court makes a judgment on the question of prisoners' voting rights within that convention, we are bound by that judgment, by treaty and by law. Why on earth are we debating this issue unless the long-term agenda—and I suspect that it is the agenda of many Members—is complete withdrawal from the convention? Surely that is the real agenda of many people.

Chris Bryant: It is certainly not my agenda, and I hope that I shall be able to please my hon. Friend with some of the things that I am going to say. I would add, however, that politicians engage in pick and mix sometimes—indeed, virtually every day of their lives.

Tom Brake: The hon. Gentleman said that it was not his party's policy to give prisoners the right to vote. Is he advocating withdrawal of the right to vote that some prisoners already have?

Chris Bryant: No, and, if the hon. Gentleman does not mind my saying so, I think that that was a rather fatuous contribution.

I know that many of my close friends disagree with me on this issue—indeed, the Archbishop of Canterbury and the former Bishop of Worcester, both of whom were my spiritual directors, disagree with me—but I reiterate that I think it perfectly reasonable that if a person puts himself outside the law, he should lose his vote when he loses his liberty. I will not, however, be joining any wholesale attack on the European Court of Human Rights. I lived in Spain under Franco, and I saw friends of mine tortured in Chile under Pinochet without the benefit of any court to stand up for their human rights.

The Court has been a vital part of the infrastructure of freedom in Europe since its inception. When David Maxwell Fyfe, later a Conservative Home Secretary and Lord Chancellor, advocated its creation and drafted the original convention for the protection of human rights and fundamental freedoms, he rightly saw the Court, and the Council of Europe, as a bulwark against both the atrocities of the Nazi and fascist regimes of the 1930s and the brutality of the communist thugs who ruled eastern Europe.

It is true that Maxwell Fyfe was no human rights saint—he made sure that Derek Bentley hanged, and waged a ferocious anti-homosexual campaign throughout his time as Home Secretary—but Britain's instincts in seeking a European structure for freedom and signing up to the European convention on human rights were right, and are still right.

Mr Shepherd: The hon. Gentleman speaks of Maxwell Fyfe, but it was, of course, a Labour Government who signed up to the convention. The hon. Gentleman will recall from his researches that Lord Jowett and the Cabinet had the greatest difficulty in reconciling that with the establishment of a court that would be outside the jurisdiction of this country. That is the issue that haunts what we are discussing today: that a court elsewhere reaches beyond our own competence.

Chris Bryant: People have claimed that either a Labour or a Conservative Government signed up to the convention, but in fact there was a cross-party agreement that we should move in that direction, just as we agreed on how we should prosecute throughout the Nuremberg trials. Hartley Shawcross was Attorney-General, but he none the less allowed Maxwell Fyfe to conduct the vast majority of the interrogation. Similarly, our approach to human rights was shared by both the main political parties throughout the period following the second world war.

Mr Shepherd rose—

Chris Bryant: I understand the other point that the hon. Gentleman made, and I hope to deal with it shortly.

Mrs Eleanor Laing (Epping Forest) (Con): Will the hon. Gentleman give way?

Chris Bryant: If the hon. Lady does not mind, I will make a little progress—oh, all right. The hon. Lady is very enticing.

Mrs Laing: I thank the hon. Gentleman. I seek, just once, to help him. I do not know whether he is aware that Winston Churchill, speaking at the Congress of Europe in The Hague in 1948, said:

“The Movement for European Unity must be a positive force, deriving its strength from our sense of common spiritual values... based upon moral conceptions and inspired by a sense of mission. In the centre of our movement stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law.”

I hope that that helps the hon. Gentleman.

Chris Bryant: It does help me, and I think that it helps the House as well. What Britain was seeking to do was enshrine throughout the rest of Europe the freedoms that we had enjoyed for centuries in this country from the Bill of Rights onwards. That was Churchill's vision.

Even in Britain, rights have been won thanks to the Court. The Attorney-General cited a couple of instances in which he agreed with the Court and disagreed with the previous Labour Government. Successive Governments, for instance, held out against allowing gays in the military in this country. It was the European Court that insisted in 1999, and today I am not aware of a single Member of Parliament who thinks that someone should be sacked from the Army, the Navy or the RAF solely by virtue of his or her sexuality. Likewise, it was as a result of the Court's judgment in the case brought by Denise Matthews against the Labour Government that Gibraltarians were granted the right to vote in elections to the European Parliament in 2004. So Labour supports the European Court, but as a critical friend.

[Chris Bryant]

We have heard several criticisms of the Court's operation today. Let me add a couple. The court has a backlog of many thousands of cases, which would take 47 years to complete. Its members are not all equally qualified. It has no effective triage system to filter out vexatious claims of little or no merit. There is no requirement for an appellant to seek leave to appeal to the Court from a national court in the first place, which is something that we might want to consider. Most important, some of its members believe that they are, or should be, a supreme court for all the contracting parties—to which I simply say that they are wrong.

Every high or supreme court in Europe has a democratic safety valve which allows its duly elected Assembly or Parliament to overrule the courts in certain circumstances. In the UK, that is our parliamentary sovereignty. We firmly contend that the 1688 Bill of Rights was right to assert that proceedings in Parliament cannot be "impeached or questioned in any Court or Place".

Mr MacShane: Will my hon. Friend give way?

Chris Bryant: I hate the fact that there was a pause there. I give way to my right hon. Friend.

Mr MacShane: Would my hon. Friend advance the same argument in respect of the European Court of Justice?

Chris Bryant: To be honest, I think that that is a debate for another day. I am keen not to conflate discussions about the European Court with discussions about the European Union, and I think that in that respect my right hon. Friend would agree with me.

Mr Straw: Will my hon. Friend give way?

Chris Bryant: Of course I will give way to the former Justice Secretary.

Mr Straw: Perhaps my hon. Friend will allow me to provide the answer to the question asked by our right hon. Friend the Member for Rotherham (Mr MacShane). Even in the case of decisions by the European Court of Justice, there can be, and sometimes is, the equivalent of a democratic override through decisions made by the European Council of Ministers. They will often change a directive in order to correct some judgment of the Luxembourg Court. The fundamental difficulty with the Strasbourg Court is that there is absolutely no mechanism for achieving that.

Chris Bryant: Indeed. Perhaps consideration should also be given to the role of the Committee of Ministers. It has not thus far been able to play such a part, despite often applauding critical interventions by Ministers following Court decisions.

Lorely Burt (Solihull) (LD): Will the hon. Gentleman give way?

Chris Bryant: I will give way to the hon. Lady, but then I really must make progress.

Lorely Burt: I am extremely grateful.

A moment ago the hon. Gentleman was advancing a compelling argument, supported by Members on both sides of the House, about the enlightened way in which the European Court of Human Rights has been able, through its legislation, to change people's idea of what is right and of morality. Does he not agree that if we pass the legislation that will give prisoners voting rights, in another 20 years that idea may prove just as unpalatable as some of the other measures introduced by the Court?

Chris Bryant: I have a problem with the position adopted by the Liberal Democrats since the general election. I should be happy to hear their arguments in favour of the substantive issue. Let them put the case, and put it convincingly, rather than hiding behind the process and the European Court. It would be quite nice to hear the Deputy Prime Minister say a single word on the subject.

Let me turn to the Court's decision in *Hirst v. the United Kingdom* that the blanket ban on prisoners from voting contravenes article 3 of protocol 1—a decision which, I should point out, was not unanimous, and was not supported by the then Swiss President of the Court, Professor Luzius Wildhaber. The problem is simple. As is stated in the report of the Political and Constitutional Reform Committee, published yesterday, "however morally justifiable it might be, this current situation is illegal under international law founded on the UK's treaty obligations."

Clearly, as some have already suggested today, we could tear up our treaty obligations. I believe that would be wrong in principle and foolhardy in practice. For the UK to leave the Court would be fatally to undermine its authority. It would be to abandon much of Europe to precisely the same disregard of human rights as was evident when the Court was founded, and for British industry and British citizens living, working and doing business across the continent, that rule of law, enforced through the right to petition the Court, is vital. Alternatively, we could seek to reform the Court, steering it away from trying to be a form of supra-national supreme court and quasi-legislature.

It may be that today's motion could help in that process, as the Attorney-General has suggested. After all, the Court asserted that

"there is no evidence that Parliament has ever sought to weigh the competing interests or to assess the proportionality of a blanket ban".

It was wrong on that, although there have not been many debates on the matter, but I think that is because there was unanimity in the House rather than because Members did not have a view on it. Following today however, a robust vote from this House will make it impossible for the Grand Chamber to maintain that claim.

The third course of action open to us is to enforce the Court's judgment, and here there is another problem. While the Grand Chamber maintained that a blanket ban on all convicted prisoners was disproportionate, it also argued that

"Contracting States must be allowed a margin of appreciation in this sphere"

and that

"the margin in this area is wide."

Subsequent judgments, not least those referred to by the Attorney-General of *Frodl v. Austria*, *Py v. France*—which he did not refer to—and *Greens and M.T. v. the UK* all point in different directions. In particular, *Frodl v. Austria* seems to suggest putting a new gloss on the Hirst interpretation, while *Greens and M.T. v. the UK* appears to be rather more lenient in its approach and allows a greater margin of appreciation.

The key question is: how wide is the margin, or how much wriggle room do we have? We know there are wide variations in European practice on prisoners' voting. In Belgium, four months is the length of time, whereas in some countries the ban on voting can continue after the imprisonment has ended. That is why I wholly agree with the dissenting opinion of Professor Wildhaber and others in the Hirst case when they say

“the legislation in the United Kingdom cannot be claimed to be in disharmony with a common European standard.”

They said that because there is not a European standard, and it is therefore difficult to see how the courts could enforce in this direction. What is the absolute minimum the Government would have to do in order to appease the Court?

Claire Perry: Does the hon. Gentleman further agree that part of the problem in defining this on a pan-European basis is that we have completely different definitions of what constitutes a crime and what sentencing should be applied? Therefore, trying to apply a blanket ban on a cross-border basis is inane.

Chris Bryant: Indeed, the Court itself has made it clear in successive judgments that a whole series of matters would determine how a national legislature decided to approach the issue of voting. The proportional representation issue has been raised in the debate, but that is not a matter of particular concern to the Court. Matters of concern to it include the history, tradition and pattern of voting. The Court has always accepted that, which is why a lot of us are very keen to make sure that the wriggle room that is allowed—the margin of appreciation to use its term—is as extensive as possible.

Mr Davidson: Does my hon. Friend accept that the criteria we ought to adopt are not simply about votes for prisoners, but votes for the guilty? The guilty includes two categories: those who are sent to prison and are therefore prisoners, and those whom it has not been deemed appropriate to put in prison. This House and other institutions constantly review the question of who is to be sent to prison and who is not, so there is constant evolution on this matter.

Chris Bryant: My hon. Friend makes a remarkably subtle and nuanced point, which is unusual for him. *[Interruption.]* I think he knows that I mean that in the kindest way. Following on from his point, I would add that the Court has been wrong to assert that we have a blanket ban in the UK. As has already been said by several speakers, we do not ban those on remand, or those who are in prison by virtue of contempt of court or for fines. It is therefore not a blanket ban, and I think the Court should have taken that into consideration.

I want now to refer briefly to the Government's record, as they have hardly covered themselves in glory. *[Interruption.]* I was not going to make these points

until the Attorney-General decided to attack the previous Labour Government; I had crossed these remarks out, but I have now decided to reinstate them.

In opposition, one Conservative right hon. and learned Member dismissed the idea of prisoners' votes as “ludicrous” and said that

“it will bring the law into disrepute and many people will see it as making a mockery of justice”.

I think many people would agree. The right hon. and learned Member who said that was the current Attorney-General. He also said that

“there is no reason why our courts should be bound by Strasbourg Court jurisprudence”

and

“the obligation on the UK to respect Strasbourg Court adverse decisions, in a particular case to which it is a party, is an international treaty obligation and not a legally enforceable matter at all.”

I do not think that is quite what he said this afternoon.

The Attorney-General: I thought I had made the position clear. First, this Parliament is entirely sovereign in both Houses in the enactment of primary legislation and can resolve what it wants. Secondly, the Executive are bound by the ministerial code to observe their international treaty obligations that have been ratified.

Chris Bryant: That is not quite how the right hon. and learned Gentleman expressed it on the radio before the general election, but I just want to check this: is it still the Attorney-General's legal advice that there is no need for Parliament to adhere to the treaty, the convention and the judgment of the Court? That seemed to be the point that he was making previously—I know the point that he is making about the Government's requirement.

The Attorney-General: If I may say so, I think the hon. Gentleman has taken my comments slightly out of context in the following sense. The debate that was taking place, and which has often been a problem, is about conflating EU law and the EU with the Council of Europe. EU law, by virtue of the treaty of accession—

Mr Straw: The '72 Act.

The Attorney-General: Yes, the European Communities Act 1972. I am grateful to the right hon. Gentleman for that. By virtue of the '72 Act, EU law has direct application in this country, whereas the Council of Europe and European convention on human rights do not, except in so far as we incorporate that in the Human Rights Act 1998. That is the distinction.

Chris Bryant: Fine; I am glad that the Attorney-General has clarified that. Can he clarify one other point, too? The one element on which he has not given us any advice today—and if he has any legal advice, I would be grateful if he published it—is his interpretation of the wriggle room or margin of appreciation that is genuinely available to us. He seems to have suggested today that one area that was insisted on in *Frodl v. Austria*—namely that judges should have to be able to make an individual decision on each person for that to be valid—is no longer necessary for us, although that was in the ministerial statement issued by the Parliamentary Secretary, Cabinet Office, on the day before we broke for Christmas.

[Chris Bryant]

[*Interruption.*] The Attorney-General appears to be disagreeing with that, but it was in that ministerial statement.

I also want to know whether the Attorney-General has had legal advice on whether four years is necessary, or whether one could get away with less than that. Those of us who want to be able to do everything we can are keen to know the absolute minimum that the Government would have to do to comply.

The Attorney-General: The hon. Gentleman knows the conventions in government—one of which is that Law Officers' advice, and whether it has been sought and what they have advised, is not published. I can say two things, however. First, I have sought to explain something of the legal framework. As for the questions about Greens and M.T. and Frodl, read on its own the Frodl judgment would suggest that judicial discretion was required. Subsequently however, Greens and M.T. does not appear to insist on judicial discretion. Judicial discretion appears to have particularly exercised people in this country, because they do not think the judges should necessarily make such a determination. In those circumstances, although the House might wish to look at judicial discretion issues—and it has been suggested that that might be a way of dealing with those who fell below a benchmark for normally being allowed to retain the vote—that is not necessary.

Chris Bryant: Again, I am grateful to the Attorney-General, as I agree with him; my reading of the Greens and M.T. case is wholly consistent with his in relation to judicial oversight. That was one of the questions that we raised in the debate in January, and I received responses from the Minister who took part in that debate only at 8.31 pm yesterday.

I reiterate that the Government have made various statements over the past few months. The Lord Chancellor made one yesterday on the radio, the relevant Minister made one in the House of Lords and the Minister who responded to the Adjournment debate in Westminster Hall made one then. Those statements have not been consistent with each other, but they have adverted to legal advice. It is the tradition of this House that when one relies on evidence, that evidence is published.

So what is the Government's policy? What is the absolute minimum that they believe the UK has to deliver to meet its treaty obligations?

Mr Jenkin *rose*—

Chris Bryant: I hope that the hon. Gentleman does not mind if I do not give way, because others want to speak and I ought to be drawing my comments to a close.

Would it be sufficient for the Government to present proposals—[*Interruption.*] I would be grateful if the Attorney-General would listen, just briefly. Would it be sufficient for the Government to present proposals—introduce legislation—but for Parliament not to agree them? Would that, in some sense, satisfy the Court? What do the Government believe will happen if the House supports the motion this afternoon? How have the Government arrived at the compensation figure? Previously it has been said that £160 million-worth of

compensation will be entailed, but I gather that last night the media were briefed that the compensation figure will be £143 million. I understand that that has been arrived at on the basis not of the Attorney-General's legal advice, but of advice given to the Government by others. Will that be published? Can he explain how the compensation would be enforced, given that all applications for compensation to the county court should surely be struck out by dint of section 6(2) of the Human Rights Act 1998, which reinforces parliamentary sovereignty? Indeed, is there not a claim in the High Court today from the Treasury solicitor to that effect?

The Attorney-General: All I will say on the issue of compensation is that it is very difficult to know how much compensation might or might not have to be paid. Let us suppose that there were two elections in which the entirety of the sentenced population in the prison system were deprived of the right to vote and they were all to bring a claim. On the basis of there being about 73,000 people in the prison system in that category and on the basis that about £1,000 to £1,500 of compensation and costs might have to be paid, the hon. Gentleman will be able to start to work out what sort of total cost might be involved. Of course, lots of prisoners might decide not to bring a claim, so I must accept that all the Government can do is provide a reasonable guide of the potential for the matter to be very costly. The hon. Gentleman will have no difficulty acknowledging that when he does the calculation.

Chris Bryant: I note that the Attorney-General was referring to general elections, but of course it was stated in evidence last week to the Select Committee that the Scottish and Welsh elections in the next few weeks present a real problem. I accept that there are problems, but I wonder how anybody conceives that compensation payments would be enforced.

The Attorney-General *rose*—

Chris Bryant: I will, of course, give way, but I am trying to end my speech.

The Attorney-General: I apologise for intervening, and the hon. Gentleman will appreciate that I had to bring my remarks to a close earlier as I did not want to take up too much time. He rightly says that arguments were placed before the Select Committee by lawyers saying that they thought that the matter applied also to voting in devolved legislatures. That is not the Government's view.

Chris Bryant: I am grateful to the Attorney-General for that. This is a Back-Bench debate and it provides an opportunity for the Government to take the temperature of the House without the intervention of a Whip. We believe that the Committee of Ministers, which is charged with ensuring the execution of the Court's judgments, should take proper cognisance of a clear, un-whipped majority in this House. The Court should step away from insisting on its most draconian interpretation of the margin of appreciation available, not just to this country, but to others, as there is no one European standard on this matter. Indeed, many countries maintain a complete ban. Finally, any British Court considering compensation or action based on the Hirst judgment should also think twice before "impeaching or questioning" this proceeding in Parliament.

2.14 pm

Mr Robert Walter (North Dorset) (Con): I congratulate the right hon. and hon. Members who have succeeded in securing this debate, but may I start by busting one myth? We have heard the mantra, “These are unelected and unaccountable judges.” I am not sure that I can recall any elected judges in this jurisdiction or in most other jurisdictions. Judges who are unelected are not that unusual. However, the judges in question are elected and I voted for one just two weeks ago. The new judge representing Portugal was elected by the Parliamentary Assembly of the Council of Europe, and 18 Members of this Parliament are mandated to vote for judges in the European Court of Human Rights. A number of them have been here for this debate, including my hon. Friends the Members for Gainsborough (Mr Leigh) and for Devizes (Claire Perry) and others who were in Strasbourg two weeks ago.

Dr Thérèse Coffey (Suffolk Coastal) (Con): Is there actually a choice of candidates or is there literally the same number of candidates as there are votes?

Mr Walter: I am delighted that my hon. Friend has raised that matter, because the next point that I was going to make was that a sub-committee vets the candidates. My hon. Friend the Member for Christchurch (Mr Chope) is one of the members of that sub-committee who successfully rejected a slate of three candidates put forward by Portugal four months ago, and Portugal had to go back to find some candidates who were acceptable to us. However, may I say that the candidates who come forward are not always of the highest calibre and the quality of judges in the Court has to be taken on board?

For more than 200 years, our criminal justice system has been guided by a simple and sound formula: if someone commits a serious crime, they forfeit the right to freedom. When someone breaches the contract with society they compromise their right to participate in civic processes. When someone breaks the laws of the land, they have no say in who makes those laws or governs this country. So it follows—I support this—that convicted prisoners automatically lose the right to vote. I believe that that is a proportionate and proper response following conviction and imprisonment.

Yet, today, we find ourselves debating whether prisoners should have the right to vote: whether a principle enshrined by our Parliament, endorsed by successive Governments and supported by the public, should be rescinded by this European Court ruling. I believe that the ruling by the European Court of Human Rights was wrong. I share many colleagues’ unease at the potential sea change that it could bring about. The notion that those who knowingly place themselves outside the rule of law could have electoral sway equal to law-abiding citizens strikes me as illogical and unfair.

My constituency is home to Guys Marsh prison, which has 578 inmates. The prison lies within the Melbury Abbas and Cann parish council area, which has 614 electors. So if we take this measure to its logical conclusion and prisoners are allowed to vote where they reside, they could potentially overrun the parish council elections. If they were also entitled to stand for election and if they were elected, where might the parish council meet?

Simon Hughes (Bermondsey and Old Southwark) (LD): Does the hon. Gentleman not accept that the logical position were there such a right to vote, as there is in some cases, is that the prisoner’s home address would be the place where they would vote? That is how we work as MPs and how a voting system would work for prisoners.

Mr Walter: I thank the right hon. Gentleman for his intervention. What he describes would be a logical and proportionate way to proceed, but many prisoners had no fixed abode before they came into prison, so where would they then “reside” or have their vote registered?

Withdrawing from the convention would be counter-productive, if not dishonourable. I appreciate that the Hirst ruling has raised legitimate constitutional questions that go right to the heart of the Court’s credibility and I also recognise that the Court is not perfect and is struggling to cope with a massive backlog of cases. It is in need of serious reform.

Ben Gummer: May I ask my hon. Friend a question as an expert on these matters? Would resiling from the 1965 agreement, under which petitioning to the ECHR would be allowed, constitute a withdrawal from the convention, or could we do that and remain a signatory to it?

Mr Walter: I am not a lawyer and would defer to the Attorney-General for a legal answer. As an hon. Member said earlier, “We are where we are”—I think we have to go from that particular point.

We need to put all this into perspective. Since the convention came into force, Russia has faced more than 1,000 adverse judgments; Turkey has had more than 2,000, 228 of which were in 2010 alone; Poland has had 761; Ukraine has had 709; and Romania has had just over 700. What if the UK defied the Court? Dissent is unacceptable, because we would be saying it was acceptable for countries that face thousands of charges, many on grave human rights abuses, to flout international law. That is clearly unacceptable.

How do we reconcile our opposition to the Court’s judgment?

Mr Peter Lilley (Hitchin and Harpenden) (Con): Will my hon. Friend give way?

Mr Walter: Sadly, I have only 30 seconds left, so I shall not.

The reform process that several hon. Members have mentioned is under way. It refers to subsidiarity and is very clear. The Interlaken process, which was started in Interlaken last year, will be continued in Izmir and I hope that the Government will support that when they take over the chairmanship of the Committee of Ministers.

2.22 pm

Mr Michael McCann (East Kilbride, Strathaven and Lesmahagow) (Lab): I support the motion, particularly the part noting that this House should be the place where legislative decisions of this nature are made. There have been a number of contributions from learned Members, but I should like to take the debate in a different direction. I read with interest the report, “Voting

[Mr Michael McCann]

by convicted prisoners: summary of evidence”, of the Select Committee on Political and Constitutional Reform, which states at paragraph 4:

“We took the evidence summarised in this Report with a view to exploring the current legal position, not with a view to questioning whether extending the right to vote to convicted prisoners in certain circumstances would be philosophically, morally or politically justifiable.”

Those words are important because those are exactly the kind of judgments that our constituents expect us to make and to use in the Chamber. However sophisticated or complicated the arguments get, this is about a basic belief system and whether giving prisoners the right to vote is right or wrong. I take the view that someone who has committed a serious crime or series of crimes and who has been incarcerated, apart from the exclusions that have been mentioned already, should lose that right.

I am not prepared to flinch from that position and I shall tell hon. Members why. The general public might not wish to discuss the details of the principle of proportionality put forward by Aidan O’Neill and they might not be too concerned about Lord Mackay’s conclusion that the right to vote is not an absolute right, but they know instinctively when something is right or wrong. I believe that the public think it is wrong to give prisoners the vote.

Tom Brake (Carshalton and Wallington) (LD): Have you asked them?

Mr McCann: I am just about to go into that. I have asked them, because I wanted to test my beliefs and whether my view that it would be wrong to give prisoners the vote would be taken on board by the public who elected me. The reaction I got from people was very similar. After I explained the issue, there was a pregnant pause because people thought that I was about to give them the punch line to a joke, rather than tell them about an issue that we were going to debate in Parliament. Then a look of disbelief came across their face at the very thought of giving criminals the right to vote.

I was lucky enough to visit Sandhurst earlier this week along with other hon. Members as part of the armed forces parliamentary scheme. We saw young men and women being prepared to be the officers of the future. In about six months’ time they will be serving in Afghanistan. I took that opportunity to ask those fine young men and women, as a litmus test, whether they believed it was right to give prisoners the vote. To an individual, they said no; it is very important to listen to them as well.

It is interesting to listen to the people who come to the debate from the other side. Liberty argues that denying prisoners the vote undermines the Human Rights Act, but I believe the reverse is true. The Howard League for Penal Reform suggests—ludicrously, in my opinion—that extending the right to vote to prisoners would be a natural progression of the ECHR. I disagree with that completely: it is an example of how risible an argument can become when it is over-egged.

What should we say to people who think we are over-hyping this issue when we say that rapists, paedophiles and murderers will get the vote? I looked up three

examples of people who have been imprisoned for less than four years. Are we going to give the vote to Corey Smith, aged 19? He was sentenced to just under four years for threatening to stab commuters on the Central line in a three-week crime wave in December. Should we give the vote to the Mazambi family, three of whom were convicted for less than four years for stealing £500,000 from Comic Relief? That money should have gone to good causes. What about the motoring case of Jonathan Francis McGonagle, aged 23? He was sentenced to less than four years for killing a 25-year-old pedestrian while being drunk in charge of a car. Are they the type of people who should be given the vote?

Simon Hughes: If I make a speech today, I am not going to argue for a blanket right to vote for prisoners, but what does the hon. Gentleman say about the fact that in most other countries that subscribe to the Council of Europe the same view is not taken and the right to vote is given to some prisoners? What is the difference between the British culture and the rest of Europe that means that people just a few miles away have such very different views?

Mr McCann: Because we are different. Northern Europeans’ view of life can be somewhat different to that of southern Europeans. They are entitled to their point of view, as are we; as Members of this House, we are entitled to take decisions on these matters. I dismiss the right hon. Gentleman’s point because this is about interpreting the European convention on human rights and how it is incorporated into UK law.

I was mindful of the words of Louis D. Brandeis, who was an associate justice of the Supreme Court in the United States of America. That gentleman said:

“If we desire respect for the law, we must first make the law respectable.”

That is an important point, which we should remember.

In my opinion, laws that command the support of Members of the House are being manipulated in unacceptable ways. It is perverse to argue that those who break our laws, and who have been incarcerated for doing so, should be given the right to vote, and there is a burden of responsibility for Members in this House to speak out. I have done so today and I will be backing the motion.

2.28 pm

Mrs Anne Main (St Albans) (Con): I am pleased to be able to say that I support the motion. I am disappointed that my amendment was not selected, because several hon. Members have raised the spectre of what this step will cost, and we cannot have that elephant in the room. We cannot grandstand today or make large speeches and not accept that someone, somewhere is looking at the detail of what is said and seeing whether they can bring us to heel with threats. Hanging over us is the fact that prisoners around the country will be studying what is said and queuing up to test the strength of our resolution.

Once somebody has been convicted of a crime so serious that they are jailed—not just any crime—they go to prison and their voting right is suspended. It is not removed; it is suspended until it is considered right for them to leave jail. If we pick an arbitrary figure of one,

two or three years, or certain categories of prisoner, it is my absolute belief that people will test the reasonableness of that decision. That is a deeply unsettling thought. The litigation will not stop because we have decided to draw the line in the sand at that particular point just because some other countries have done so.

I absolutely concur with the hon. Member for East Kilbride, Strathaven and Lesmahagow (Mr McCann): what other countries choose to do is completely up to them. They have found the level of reasonableness that is acceptable to them and to their population, and to the constituents who voted for them to make those decisions. We are here to represent our constituents. I am not a lawyer; I do not know the legalese, but it depresses me profoundly when I hear that we, a sovereign Parliament, are looking for wriggle room. Why are we looking for wriggle room? We should be able to say that this House's view is that we do not believe that anyone who is convicted of a crime so serious that they are going to jail can then exercise the right to vote.

In case there is a question whether we should be making that decision, I would like to read a quote that appeared yesterday on the Prison Reform Trust website. Juliet Lyon advocates:

"Instead of listening to MPs...the coalition government should listen to the advice of experienced prison governors and officials, past and present bishops to prisons and chief inspectors, electoral commissioners, legal and constitutional experts and most other European governments."

I say no. The people whom the coalition Government should listen to are the elected Members of this House, who serve thousands and thousands of law-abiding citizens, most of whom—not all, because I believe Liberal Democrats would argue to the contrary—find it repugnant that the Mr Hirsts of this world can believe, as he says, that the decision is

"going to be a great leap forward once the prisoners get the vote. They will start voicing their opinion and they'll start getting changes that they deserve, whereas before they were getting kicked and they're last in the queue when things were being dished out. But now they'll be on an equal footing to everybody else because their vote counts."

No, they are not on an equal footing. They have lost many of their liberties as a result of being in jail, and this right is something that they should also lose.

Simon Hughes: I have listened to my constituents for 27 years. I am quite clear that the majority would be in favour of restoring the death penalty. I do not accept that view. We do not have to accept the view of the majority. There is a perfectly reasonable view that, actually, the minority are sometimes right.

Mrs Main: And I respect the right hon. Gentleman for his own judgment on that matter, but we are talking today not about getting rid of someone's life but about suspending their voting rights while they are incarcerated at Her Majesty's pleasure, because 12 good men and true—and women—decided that their crime was sufficiently bad, and the judge agreed with them, to send them to jail. Bringing the argument about the death penalty into this debate does not help us one jot.

We should be saying, as part of the motion, that if the crime is so serious that someone is sentenced to jail, that is the benchmark. Other countries may have set a benchmark of a year, two years or three years, but our benchmark is perfectly just and reasonable.

If we leave this elephant in the room, leading to compensation, costs and judgments against us, costing our taxpayers money, we will be treading a path that most of our constituents would find incomprehensible; and if today we cannot debate that amendment because it was not selected, I propose that it be brought back as a motion before the House. I took comfort from the Attorney-General when he said he hoped there would be further debates on the subject, and I think that is a crucial debate. We should vote today in the certain knowledge that the will of House is that we do not extend voting rights to prisoners who are incarcerated, and in the next debate we must make it clear that we do not believe they should be compensated for that loss at all.

2.34 pm

Naomi Long (Belfast East) (Alliance): I apologise for the fact that immediately after my contribution I will have to leave the Chamber owing to circumstances beyond my control.

Before I begin, I am sure that hon. Members will wish to join me in expressing their condolences to the families of those who today lost their lives in a plane crash on a flight from my constituency in East Belfast to Cork. I know that hon. Members may have heard the news and will want to extend their condolences to the families affected and their best wishes to those who have survived that crash.

Mr Nigel Dodds (Belfast North) (DUP): I join the hon. Lady in those expressions of sympathy. It was a matter that I raised at business questions this morning, and Members from Northern Ireland sympathise with her and her constituents at this time. It has been a grievous loss which is felt deeply across the Province.

Naomi Long: I thank the right hon. Gentleman for his words of condolence, and I am sure that the people involved will appreciate them very much.

In the short time available, I want to touch briefly on two issues, namely the effect of the blanket ban and the Government's preferred option for change, which has been outlined. I share many of the concerns expressed about the idea of extending the right to vote to prisoners, which, I concede, is counter-intuitive. This debate has to be considered and balanced if it is to meet the requirements of the European Court of Human Rights, and, most importantly, to reach a just and reasonable position on the matter. Essentially we need to consider the rationale for removing the right to vote in a blanket ban and what purpose that serves. While gut instinct may tell us one thing, the rationale for it does not stand up to scrutiny.

Prison serves three purposes, the first and most important of which is to protect the public. Therefore, I agree with the right hon. Member for Haltemprice and Howden (Mr Davis) that it follows that those in prison ought to be those who have committed serious offences, although that is not always the case. It is also important that it is about punishment for the offence that has been committed. However, Members who have spoken in favour of retaining a blanket ban have themselves questioned whether it is effective, either as a punishment, given that few prisoners actually want to exercise the right to vote, or as a deterrent for future criminals.

[Naomi Long]

The third aspect of prison is to rehabilitate offenders so that they can effectively rejoin society at the end of their prison sentence and make a positive contribution. There is an argument that by re-engaging prisoners in civic responsibility in the latter parts of their sentences in particular, it is possible to establish more positive behaviours, which may then follow them into wider society on their release. Voting in certain circumstances may play a role in that. We have international treaty obligations, which have been outlined in some detail.

I would prefer any changes to UK law that introduce limited voting rights for prisoners to be based on length of sentence rather than left to the discretion of the individual judges and the courts. The Government proposal to allow voting for sentences of four years or less seems an overly generous response and not necessarily more proportionate and considered than a blanket ban. A preferable option, bearing in mind the rehabilitation argument, may be to limit the right of voting to prisoners serving sentences of one year or less, and to reintroduce the right to vote in the final year of a longer sentence as part of a wider programme of reintegration and rehabilitation. That may be seen as a more considered and more positive response.

Prisoner voting is a reserved matter. However, justice is devolved in Northern Ireland, so decisions taken in Westminster will have an impact on the devolved Administration, who will be responsible for implementing it directly. It is therefore critical that the Government consult fully with the devolved Administrations about their approach, and to listen to their concerns and their input as they take it forward.

It is important that we have had the opportunity to discuss the subject, and I hope that it will not lead simply to the removal of the blanket ban with nothing more considered being put in its place.

2.38 pm

Karen Bradley (Staffordshire Moorlands) (Con): I am grateful for the opportunity to contribute to this important debate. Before the hon. Member for Belfast East (Naomi Long) leaves the Chamber, may I add my sympathies to those already expressed to her and her constituents. I must also congratulate my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) on obtaining the debate, and the Backbench Business Committee on giving time for it. I will try to keep my comments short given how many hon. Members want to contribute, but the fact that so many do is indicative of the interest in the House and throughout the country on this matter.

I was elected to be the voice of my constituents in this place, and many of them have contacted me to express their concern about the matter. They are firmly, to a man and a woman, against any move to give votes to prisoners, and I am wholeheartedly in agreement with them.

Prison should fulfil three functions: protect the public, rehabilitate the prisoner and punish them. This debate is most concerned with its punishment function. Depriving someone of their liberty is in itself the strongest of punishments. There is the obvious physical restriction—the inability to move freely—but there is rightly another aspect to the punishment of a prison sentence: through the actions that have deserved such punishment, prisoners

set themselves apart from civil society in an important way. The right to vote is an important part of a citizen's rights; it is not something to be taken lightly. In fact, it is an indication of full participation in society. Losing the right to choose a democratic representative is an important part of the punishment, but it is also recognition of the nature of the punishment, which is more than the inability to go where one pleases.

Damian Collins (Folkestone and Hythe) (Con): I am following my hon. Friend's argument closely and totally support it. Does she agree that a legal anomaly that should perhaps be considered in this debate is the fact that prisoners serving a year or less in prison have the right to stand for election to this House, even though they do not have the right to vote?

Karen Bradley: That is a good point, and I am sure that we will come back to it.

Removal of the right to vote does not mean that prisoners are not represented. Indeed, I am sure that every Member of this House has had reason to act for a constituent in prison, by ensuring that appropriate rehabilitative courses are available or that inappropriate conditions are addressed, for example. Therefore, it would be wrong to say that prisoners are not represented. They must be treated fairly, and they are represented here. However, representation is a separate issue from the right to choose the representative. As well as a mark of full participation in society, the right to vote is a hard-fought privilege.

Mr John Redwood (Wokingham) (Con): I agree with my hon. Friend. Does she agree that if it is the will of this House that prisoners should not gain the vote, there must be no question of any payments of compensation?

Karen Bradley: I agree wholeheartedly.

It is not only particularly difficult to accept that the will of Parliament should be challenged on this matter of all things in the way we find it challenged today, it is also a direct insult to those men and women who fought, both politically and physically, to extend the franchise; it is an insult to the principled men who fought for the right to vote in the 19th century to grant the right to vote to serious criminals; and it is a terrible insult to suffragettes, such as Emmeline Pankhurst and Emily Wilding Davison, the latter, as Members will know, having hid in this House to make her case.

Lorely Burt: I am following closely the hon. Lady's remarks about our foresisters, the suffragettes. They were imprisoned, so by the logic of her argument she obviously would not like them to have the vote while in prison either.

Karen Bradley: I am not sure that I agree with the hon. Lady's argument. The fact is that the suffragettes were fighting for women's right to vote, something of which she and I are welcome recipients. It would be a great insult to their memory to allow prisoners who have abused women to enjoy the same rights that they suffered to earn.

As Members of this House, we are privileged to represent our constituents and should recognise the value that the electorate place on that right. Giving the

vote to prisoners who have committed serious offences equates them with the rest of society. Of all people, we should support the importance of the vote. It is no physical or psychological hardship, but a mature part of society's position. While a person is in prison, they should not have the right to vote.

2.43 pm

Yasmin Qureshi (Bolton South East) (Lab): The debate is about whether prisoners should have the right to vote, but it seems to have been turned into an opportunity to bash the European Court of Human Rights, the convention and the Human Rights Act. That is completely unfair, because over the past 30 or 40 years the European Court has been making judgments in cases where it is now accepted that the correct decision was made.

We have heard constant references to Lord Hoffman's opinion. When I was training to be a barrister, I was told that citing dissenting and minority opinions of judges is the last refuge of a desperate advocate. Let me tell the House a little about Lord Hoffman's background, and let us see whether, by the end of that, people still believe that he is the man by whom one should judge whether the European Court is right or wrong.

I shall start with the case of Peter Sutcliffe. His last victim's mother sued the police over the negligence of the investigation that led to her daughter's death, but the House of Lords decided that the police and local authorities could not be sued for negligence in any actions that they took. That principle existed in our courts for 10 years until, eventually, it was challenged, and, believe it or not, it was the European Court in Strasbourg that said, "No, local authorities and public bodies can be responsible and can be sued where there has been a dereliction of duty."

Cases of children who have been abused or not taken into care by local authorities—

Rehman Chishti: Will the hon. Lady give way?

Yasmin Qureshi: No, I will not. I want to finish my speech.

Ben Gummer: Will the hon. Lady give way?

Yasmin Qureshi: I will in a moment. So, local authorities—

Sir Peter Bottomley (Worthing West) (Con): On a point of order, Mr Deputy Speaker. When I might have tried in the past to go through a history of a Member of the other place, I might have been called to order, so I wonder how much of this background we are going to get.

Yasmin Qureshi *rose*—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I have to rule. Please, take your seat.

Sir Peter Bottomley has made a point of order and is absolutely correct. We should not mention another person in another place in that way, so I am sure that the hon. Lady does not need to continue down that line.

Yasmin Qureshi: If I may just finish, I should say that nobody now would think that suing a local authority or a public body over the negligence of their actions was wrong. So, using one person to criticise and castigate the whole European convention is plainly not right.

On prisoners' right to vote, I know that some people say that, because the prisoner has committed the offence, all their rights should be taken away, but does that mean that we should go back 100 or 200 years when hard labour was considered to be the right punishment? I am sure that, in those days, when people said that our penal policies should be much more humane and liberal, just as many people said, "Oh no, these people have committed crimes and therefore should be punished to the hilt." As we did not adhere to those policies then, why are we reacting so strongly to this issue now?

I agree with several Members who have said that, in reality, the number of prisoners who exercise the right will probably be quite small. In my years before becoming a Member, I represented and prosecuted many defendants, and I met many people who became prisoners, so I can say, anecdotally, that most of them are unlikely to vote, but the question is one of principle: what do we as a society and as a nation stand for?

Many years ago, we abolished the death penalty, bar for two offences: high treason and burning Her Majesty's shipyard. A few years ago, a Labour Government abolished the death penalty even for those offences. Why did they do that? We had not issued the death penalty to anyone since the '60s, but we abolished it for those two offences because we felt that as a society in the 21st century that was the right thing to do. A point of principle was involved, and for me the issue of prisoners' rights is a point of principle, too.

The disfranchisement of sentenced prisoners dates back to the Forfeiture Act 1870, and the origins of the ban are rooted in the notion of civic death: a punishment entailing the withdrawal of citizenship rights. But Dr Selby, the former bishop of Her Majesty's prisons, and now the president of the National Council for Independent Monitoring Boards, states:

"Denying convicted prisoners the right to vote serves no purpose"—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Time is up.

2.49 pm

Mr Philip Hollobone (Kettering) (Con): I am not a lawyer, which I think might be helpful in this debate. As we heard earlier, a lot of the lawyers in the Chamber and in Her Majesty's Government are over-complicating this issue, which I believe is quite straightforward. It is the settled view of the British people, through their elected representatives in the British Parliament, that prisoners should not have the right to vote, and it has been that way since 1870. Everyone understands and accepts that—it is one of those issues that, in modern parlance, has cut through. My role here, as an ordinary, humble Back Bencher, is to represent the views of my constituents. My constituents do not want sentenced prisoners to have the right to vote. If I walked down Kettering High street and asked shoppers whether that was a sensible policy, the overwhelming majority would say, "That is absolutely right, and Her Majesty's Government should not be trying to change the law."

[Mr Philip Hollobone]

We were told by Her Majesty's Government not so long ago that they had to agree to the judgment of the Court and that the minimum they could do was to limit this right to prisoners sentenced to four years or less. The consequences of that are absolutely appalling. There are 28,770 prisoners serving sentences of less than four years: 5,900 for violence against the person, 1,753 for sexual offences, 2,500 for robbery, more than 4,000 for burglary, and almost 4,500 for drug offences. My constituents in Kettering do not want those people to have the right to vote.

Mr Dodds: The hon. Gentleman is absolutely right. Would not his constituents and mine be equally outraged at the prospect of all those people having the right to sue or receive compensation?

Mr Hollobone: The legal industry has reached a new low in touting for business among convicted felons whereby lawyers will try to get fees for themselves by prosecuting Her Majesty's Government. That is appalling, and it makes the whole issue even more sickening.

Jeremy Corbyn: What does the hon. Gentleman think are the implications of challenging a European Court of Human Rights decision for all the other human rights that we hold dear and wish to see enacted and enforced in all member countries of the Council of Europe?

Mr Hollobone: The hon. Gentleman takes a perfectly reasonable position. I totally disagree with him, but he is a principled man and he makes an important point. The bottom line for me is that there would be less shame in leaving the European convention on human rights than in giving prisoners the vote. He may disagree with that, but it is the line that I would take. What people do in other countries is up to them.

I would like to stay in the convention, but we are dealing with a court that has gone wrong. It is clearly not functioning properly. It has a backlog of tens of thousands of unresolved cases. Many of its so-called judges have no legal training at all; they are probably less qualified than me to make judgments on these things. How has it come about that we, in a sovereign Parliament, have let these decisions be taken by a kangaroo court in Strasbourg, the judgments of which do not enjoy the respect of our constituents?

Angie Bray (Ealing Central and Acton) (Con): Does my hon. Friend agree that it is extraordinary that we should allow judges in Strasbourg to tell us that voting is not a privilege but a right? Try telling the people who fought so long and hard to get the ability to vote in their Governments democratically that it is not a privilege. Privileges can be conferred on those of us who contribute to our communities as law-abiding citizens, but they can also be taken away.

Mr Hollobone: I am most grateful for that very helpful intervention. Those judges in the European Court should reflect on the fact that there would be no human rights in Europe today were it not for the fact that this country stood alone against a tyrannical regime in the second

world war. It is only because this country was prepared to take on the might of Nazi Germany that there is a European Court.

We have to decide in the Chamber today whether we are going to draw this line across which the Court shall not pass, and we need from Government Front Benchers some guts and backbone to take it on. I have been very disappointed indeed by the stance of Her Majesty's Government since the general election. I know that they want European issues to go away and do not want to trouble the electorate with them, but frankly, the advice we have been given by Her Majesty's Government has not been good enough. There is no way in which they will get the four-year rule through this Chamber in legislation. In opposition, we were told by the Attorney-General:

"The Government must allow a parliamentary debate which gives MPs the opportunity to insist on retaining our existing practise that convicted prisoners can't vote."

In government, he has not delivered that. The only reason we are having this debate is that it was raised by the Backbench Business Committee. We want our Government to show leadership on this issue, to tell the European Court that it has lost its way, and to defend the settled will of the British people that we will not cave in to this kangaroo court and we will not give sentenced prisoners the vote in this country.

2.55 pm

Jeremy Corbyn (Islington North) (Lab): It is a bit strong to describe the European Court of Human Rights as a kangaroo court. That does not do any credit to the debate in this House or to the argument put by the Member who so described it. As a country, we signed up to the European convention on human rights because we wanted to ensure that basic standards of human rights were available to everyone across Europe. We did so because of the horrors of the second world war and the post-war period. It does no credit to anyone in this House to describe the Court in that way, as it is a derivative of a period in the world's history when we tried to develop a commonality of human rights conditions around the world.

Those who say that our House of Commons is a completely sovereign body and can do whatever it wishes are frankly wrong. Every time a country signs up to a treaty in any sphere of influence or activity, it removes some of its own sovereignty. That is the nature of international law and of signing up to treaties. Let us get real. We are part of the Council of Europe and the European convention on human rights, and that has made a big difference to the lives of an awful lot of people across Europe and in this country. We should approach this issue with a degree of rationality and sense about what is meant by human rights.

I remind the House that, in South Africa, prisoners have had the right to vote since the end of apartheid. It is worth thinking about the words of its constitutional court, because it is a country that has been through the most unbelievable turmoil and some of the worst abuses of human rights experienced in the world:

"The universality of the franchise is important not only for nationhood and democracy. The vote of each and every citizen is a badge of dignity and personhood. Quite literally, it says that everybody counts."

That is an important element. I have no more truck with people who commit violent crime or other crime than any Member. However, is prisoners having the right to vote not part of a rehabilitative process? Does it not encourage them to reflect on what they have done? Is it not a fundamental right that is enshrined in the European convention on human rights? Perhaps we should consider it as a useful step forward for this country.

I have received various lobbying letters on this issue, as I am sure have other Members. I will quote from two sources that I think are valuable. The first is an article by Frances Crook, who has spent her whole life at the Howard League for Penal Reform. She has done a great deal of very good work, as has that organisation, in encouraging a better prison system and better rehabilitation of prisoners. Her article from *The Guardian* online states:

“Voting is one way that people exercise their citizenship and prisoners too are citizens. We infantilise prisoners, treating grown up men inside as if they were small children who are not allowed to decide what they wear, what they do or make any contribution to the running of their lives.”

She makes, I think, a very strong case for treating prisoners in a more sophisticated way in order to improve them and their lives.

The other quotation is from Thomas Hammarberg, the Council of Europe human rights commissioner. When he came to speak in this building, many MPs came to listen to him and applauded what he said, the attitude he took to human rights and his determination to ensure that the European convention applied throughout Europe. He has said:

“Our forefathers accepted the principle that not only male persons, nobles, and those who owned property or paid taxes should have the right to vote, but everyone—irrespective of their status in society. We may now feel that some of these right-holders do not deserve this possibility, but to exclude them is to undermine a crucial dimension of the very concept of democracy—and human rights.”

I urge the House to think carefully about the matter and not to walk away from an important step forward in international law and human rights. We would do so at our peril.

3 pm

Mr David Ruffley (Bury St Edmunds) (Con): The right to life; the right to freedom of expression; the right to assembly; the right not to be tortured; the right not to be treated inhumanely—all English rights for which generations have fought against both tyrants at home and foes abroad. No one in this country, past, present or, I trust, future, has ever voted for prisoners’ right to vote. No one has ever voted for article 3 of protocol 1 of the European convention on human rights or the judgment in the Hirst case on giving prisoners that right.

If that so-called right is passed into English law, I believe it will have a profoundly damaging effect on public confidence in the English judicial system, which is meant to be in tune and in sympathy with the instincts of the British people, not an affront to those instincts. If the law is passed, the public will say that giving prisoners the right to vote is nonsense. They will say that the law is an ass, and an ass it is when it so flagrantly and brazenly violates the principles of rationality, decency, fairness and common sense.

It is completely unacceptable to my constituents, and I am sure to the constituents of all Members here today, that a criminal who has violated law to such an extent that he or she is incarcerated and has their freedom withdrawn for a period of time should be given the right to vote in a democratic election. It would give the British public the impression that the system has more respect for the criminal than for the sensitivities and interests of the victim, which are far too often overlooked. That is what the public think, and it is what I think. It would also give the impression of a Parliament out of touch at best, and at worst the poodle of a European court. I do not consider that defensible.

My hon. Friend the Member for North Dorset (Mr Walter), who is no longer in his place, said that no one elects judges. That is true, but at least in the case of English judges, British public opinion can be, and often is, brought to bear on them when they take decisions that are completely out of tune with it. Take the case of Lord Denning, who in effect was told to resign and retire early when he made what were judged inappropriate comments. Pressure is brought to bear on British judges. *[Interruption.]* If the right hon. Member for Bermondsey and Old Southwark (Simon Hughes) wants to intervene, he can do so. Is he saying that British public opinion does not weigh on British judges?

Simon Hughes: I cannot remember the exact details, but to my recollection, Lord Denning served as a judge in the highest courts of the land until he was over 80. He was one of the best-regarded judges of the last century, particularly because he was a judge in tune with the common person, not distant from him.

Mr Ruffley: The right hon. Gentleman really does not know his history. If he reads the Denning autobiography, he will discover that Lord Denning was forced out early because he said that the composition of jury trials in south London led to perverse judgments.

Simon Hughes *indicated dissent.*

Mr Ruffley: There is no point in the right hon. Gentleman shaking his head—he should read the history. I am sure the right hon. Member for Blackburn (Mr Straw) agrees with me.

The fact is that European judges have no accountability to the British public in the way that English judges do, and nor do Strasbourg judges have any accountability to the House. I suggest that the Strasbourg Court is the difficulty. Lord Hoffman—a liberal by any definition—said something very important on that. He said:

“In practice, the Court has not taken the doctrine of the margin of appreciation nearly far enough. It has been unable to resist the temptation to aggrandise its jurisdiction and to impose uniform rules on Member States. It considers itself the equivalent of the Supreme Court of the United States, laying down a federal law of Europe.”

He concluded, and I agree:

“The problem is the Court; and the right of individual petition, which enables the Court to intervene in the details and nuances of the domestic laws of Member States.”

In November, I asked the Justice Secretary about the possibility of withdrawing from the European convention on human rights, so that we do repeat these ridiculous exercises in which we are asked, for example, to consider

[Mr Ruffley]

whether prisoners should have the right to vote. He responded by saying that a proposal to withdraw was not in the coalition agreement—it was settled Conservative party policy for most of the previous Parliament to withdraw from the convention—but he also promised me that a commission would consider drawing up a Bill of Rights and the thorny question of the convention.

I should therefore like to ask the Attorney-General a specific question. Will he give an undertaking that the commission referred to in the coalition agreement will be set up by the end of this year? Will he consider reforms—if not full withdrawal from the convention—to the Court to improve its personnel and the competence of its judges, which is seriously in question? Will such reforms ensure that those judges are told to give wider discretion to English courts when decisions are made on matters affecting English people?

3.7 pm

Steve McCabe (Birmingham, Selly Oak) (Lab): May I first apologise for missing the start of the debate? I was serving on a Public Bill Committee upstairs.

I am not a lawyer. I am just a humble Back Bencher doing his best to represent his constituents in the place where, as I understood it, our laws are determined. I should say at the outset that I am not opposed the human rights agenda or against the Human Rights Act 1998, and I have no desire for us to withdraw from the European convention on human rights. However, I am not at all convinced that the Court in Strasbourg has the authority to intervene in the way that it is seeking to intervene in this matter. I doubt very much that that is what people intended, or thought we were signing up to, when we originally associated ourselves with the convention.

The convention was born as a result of terrible events in Europe in which real human rights issues came to the fore, and we were trying to create fundamental safeguards, such as the right to life, freedom from torture and the right to express one's opinions. Those are different rights than prisoners' right to vote, and it does the former a disservice to associate the two things and to talk about them as if they are the same.

Like one or two other hon. Members, I received a communication from the director of the Prison Reform Trust, who is quite rightly seeking to advance her view. She said in that communication that quite a lot of people who are in favour of rights for prisoners had contacted her, including a number of prison governors. Not a lot of people contacted me to argue for rights for prisoners, but I undertook a consultation in my constituency. Most of those who responded opposed the proposal to give prisoners such rights.

Mr Dodds *rose*—

Heather Wheeler (South Derbyshire) (Con) *rose*—

Steve McCabe: I am spoilt for choice. I give way to the hon. Lady.

Heather Wheeler: I am sure that in his many years in the House, the hon. Gentleman has visited prisons, so is he surprised to hear that when I visited a prison in South Derbyshire, I was asked by not one inmate whether I could please give them the vote?

Steve McCabe: No, I am not surprised to hear that. I do not think that a prisoner has ever contacted me to ask for the right to vote. Like others have said, I think that prison should be there to safeguard the public, that those who go to prison should lose freedoms as a punishment, and that there should be an opportunity for reform.

I want to talk about the people who work in prisons. I do not know whether it is true that prison governors have been contacting the director of the Prison Reform Trust and urging this on her. However, we all need to recognise that there is a problem in our prisons. For me, the people who work in prisons would be better off concentrating on some of the basics. When they have the chance, they should do something about the number of prisoners who cannot read and write, and they should work with people who need help with personal and social skills, and those who could develop some training or work skills. Furthermore, it is utterly absurd that someone can enter prison and have easier access to drugs than on the outside. My advice to people who work in prisons is to associate themselves with those issues and get them right, and if, while doing that, they want to put in place citizenship courses that might include helping people to understand how to vote and participate, I would be in favour of that as well.

As the hon. Member for Bury St Edmunds (Mr Ruffley) indicated, the problem is that the public believe that people such as Mr Hirst are having a laugh at us, which is why they are opposed to this. I do not know where the evidence is—I have not seen any, although I am not saying that it exists—that these prisoners, when they were on the outside and had the opportunity to vote actually exercised that right. I am not clear, therefore, that in the majority of cases it is a right of which they are being deprived. I am one of those who struggle with the idea of police and crime commissioners being elected. I find that slightly absurd.

Someone said earlier that prisoners would be registered at their home addresses. That may be the case, and I hope that it is true, because I think that there is research showing that at least six seats in this Parliament could have changed hands if prisoners had been registered at a prison address. What would happen if they were not on the electoral register at their home address before they went into prison? Again, I have doubts about whether that is the right way forward.

Finally, I want to touch on the issue of compensation. I am sorry that we are not going to vote on the amendment of the hon. Member for St Albans (Mrs Main).

Mr Tom Harris (Glasgow South) (Lab): My hon. Friend might like to know about the revelation in this morning's papers that the odious individual referred to in the debate—Mr Hirst—has seen the light and become a member of the Liberal Democrats.

Steve McCabe: Well, it is Liberal Democrat policy to give votes to prisoners, so I suppose that that makes a certain sort of sense.

We have to make it clear that we are not prepared to allow compensation. However, if these people do manage, with the help of all these wonderful lawyers, to claim compensation, would it be beyond the wit of the House to help their victims and families to claim part of that new-found wealth as part of the compensation

for the distress that they have suffered? That would be a much better use of our time, the courts' time and taxpayers' money.

3.14 pm

Tom Brake (Carshalton and Wallington) (LD): This afternoon, I feared cutting a rather lonely figure when standing up to argue that we should allow more prisoners to vote. I welcome, therefore, the support of the hon. Members for Islington North (Jeremy Corbyn) and for Belfast East (Naomi Long), the right hon. Member for Rotherham (Mr MacShane), who opened the debate for those supporting voting rights for prisoners, and the hon. Member for Bolton South East (Yasmin Qureshi).

I am arguing in favour of allowing more prisoners to vote, and the purpose of the intervention that I made on the spokesman for the official Opposition, the hon. Member for Rhondda (Chris Bryant), was to highlight the fact that a number of prisoners already do have the right to vote. People who are presenting this as a black-and-white issue, or a new departure, where, for the first time, prisoners are to be given the right to vote, are misleading the public, because we know that a group of prisoners already have the right to vote.

The case that I am making is based on two simple principles. The first is that when the European Court of Human Rights finds that UK law contravenes the European convention on human rights—in other words, that UK law is unlawful—the UK Government should address that illegality. Once we start picking and choosing the laws that we believe should apply and those that we can disregard—the pick-and-mix approach, as the Attorney-General put it—where does it end? The Americans know where it ends: in Guantanamo Bay and Abu Ghraib.

Even if the ruling makes some feel uncomfortable, what about the other rulings that the Court has made? A couple of Members have referred to those, including in the case of *S and Marper*, in relation to DNA, and the case of *Z and others*, in relation to child neglect. I would also mention the case of *Al-Saadoon and Mufdhi v. the UK Government* in March 2010, when our Government were criticised for failing to obtain assurances from the Iraqi authorities that those men would not face the death penalty there.

Jeremy Corbyn: The hon. Gentleman is right about where we would end up with a pick-and-mix solution. I am sure that he is also aware that the case of the Chagos islanders is coming before the ECHR this summer. A decision will come out, and whatever it is, we hope that the Government accept it. If we go down the other road, everything would be open for debate every time there is a Court decision.

Tom Brake: I thank the hon. Gentleman for that intervention. He has put on record what I know to be his long-standing interest in the Chagos islands, and I hope that a positive outcome will be secured there.

The second reason why I am speaking in favour of more prisoners being given the right to vote is that it is the appropriate course of action. Prisoners have committed a crime. Their punishment is to lose their liberty. That is fair and just. What is then gained by seeking to inflict civil death on them? In what way does that benefit the

victim? Does it increase the chances of rehabilitation? What is the logic behind the ban? We do not remove prisoners' access to health care, nor do we stop them practising their religion, so why should we impose a blanket ban on prisoners' right to vote? Surely we have moved on from the Victorian notion of civil death.

Simon Hughes: Nor do we prevent prisoners from continuing to have obligations outside—for example, in relation to any assets they own or income they receive, on which they have to pay taxes. All the countries where prisoners are allowed the vote have the additional advantage that people seeking election have to go into prisons and understand life from the inside, rather than commenting only from the outside.

Tom Brake: I am sure that my right hon. Friend and many others here have engaged with prisoners, and that he will have found, as I have, that there is a great degree of interest in what is happening outside the prison walls. It is therefore entirely appropriate that we should seek that engagement.

Mr Lilley: I am grateful to my hon. Friend for giving way. The answer to his question about why we take away the vote is that one forfeits the right to help to make the law when one breaks the law.

Tom Brake: I thank the right hon. Gentleman for that intervention, but that is a matter on which we will have to disagree.

Prison serves to protect and punish, but also to rehabilitate. Release from prison is not the point at which prisoners should re-engage with society. We should be encouraging prisoners to re-engage with society while they are still in prison. The way we treat victims says a lot about the society that we strive to be, but the way we treat prisoners also says a lot about the society that we strive to be. I do not want to shut the door on those prisoners who are ready and willing to re-engage with society and sign up to the tenets that underpin it. Anyone who has visited a prison will know that some prisoners are indeed seeking that engagement.

We have heard a lot said about public opinion and the views of constituents in this debate. The right hon. Member for Blackburn (Mr Straw) said in his article today that the “vast majority” of his constituents “feel strongly about prisoners' votes,”

and that in 32 years as an MP he had never had a letter from a prisoner seeking the right to vote. Can he recall whether he has ever had a letter from a constituent asking for the right to vote to be taken away from prisoners who already have it? I suspect that the answer would be that he has not.

I visited a group of year 11 pupils in a school yesterday. I started the question and answer session with the topic of the right of prisoners to vote. I expected the Q and A to turn quickly to the subject of tuition fees, but it did not. At the end of a full and frank debate, about 50% of the pupils supported the Government's proposals, and only about a third thought that no prisoners should have the right to vote.

Mr Straw: The difference between the people in prison who can vote and those who cannot is very clear and, self-evidently, justified. Prisoners who have not been

[Mr Straw]

convicted or sentenced to a term of imprisonment are able to continue to vote. No one would argue with that, because those people have not gone beyond the bar at which they would be unable to vote, so I do not understand the hon. Gentleman's point.

Tom Brake: The right hon. Gentleman will know that civil prisoners are also entitled to vote, and have been throughout the process.

Other organisations support the change. As we have heard, the Prison Governors Association supports it. Interestingly, Victim Support, whose representatives I met a couple of weeks ago, is also of the view that prisoners should have the right to vote. I hope that Members will take that on board. I acknowledge that the Government are between a rock and a hard place, and they have not been helped by the quality of the judgments. They are having to clear up yet another mess left by the previous Government, who sat on the issue for six years and achieved precisely nothing during that time. It is now time for this Government to bite the bullet and do the right thing.

3.22 pm

Kate Green (Stretford and Urmston) (Lab): It is a little unnerving to find myself disagreeing with so many right hon. and hon. Members and with a substantial proportion of public opinion, but I firmly believe that we must rescind the ban on a prisoner's right to vote. I have listened to the arguments on the law and the role of the European Court. It has been suggested that the Court is extending its brief and seeking to prevail over the will of this Parliament and stretch the ambit of the convention beyond the fundamental human rights that it was originally set up to address. I see this in a rather different context—namely, as an opportunity to maintain and extend our understanding of human rights over time. There has never been a time when much of the popular will has been directed towards driving up protections and rights for prisoners. That is why it is important that the Court and our belonging to the convention should exert outside pressure to challenge us to go further in the name of social progress.

It has been argued that our standards are already among the highest, and in some respects they are, although not in respect of a prisoner's right to vote. In many other countries, that right is extended either wholesale or on a more generous basis than it is here in the UK. It is absolutely right that we should aspire to the very highest standards in the rights that we afford people. The philosophical importance of convention rights is that they extend protection to minorities, even the undesirable ones that we do not like very much. We unpick and undermine those protections at great risk.

Mr Stewart Jackson (Peterborough) (Con): Does the hon. Lady agree that the House should be able to make a value judgment between a civic right and a human right? Human rights include the right to food, shelter and family life, whereas civic rights include the right to vote. There is a distinction between the two, and surely we can make a value judgment on behalf of our constituents and exercise our right to say that one is not the same as the other.

Kate Green: My point is that this external pressure is useful, as it repeatedly questions what our understanding of human rights should be. It is too easy for us to get locked into a narrow definition and understanding of those rights that constantly looks to the past. That is what will happen if we simply sit within our own jurisdictional context and fail to look at what is going on in the wider world.

It has also been suggested that the European Court is making some poor-quality decisions. Questions have been raised about the qualifications of some of the judges and their weakness. Points have also been raised about different sentencing systems in different convention countries. Although I absolutely accept that all of that is true, it should not provide a reason on its own to weaken the overall authority of the convention and the institutions in place to police it. The convention may well not be a perfect framework, but as things stand, it offers one of the best protections of human rights that we have.

I strongly agree with the Attorney-General and the hon. Member for Carshalton and Wallington (Tom Brake) that the convention will be weakened if we start to pick and choose which bits of the Court's findings we like or dislike. How can we expect other countries not to pick and choose if we start to do so ourselves? How can we expect prisoners not to pick and choose which laws they do or do not agree with if we do not seek to follow the rule of law?

Several hon. Members *rose*—

Kate Green: I am running short of time and I know many other Members wish to speak.

It is important to reflect on how to determine the balance when it comes to extending civil rights to those who disregard the laws of the land. That is a valid question which Members have raised. However, when it comes to setting sanctions in our criminal courts, I would start with the sentencing framework, the approach to sentencing and the identification of sentencing objectives that we already have in place in our criminal justice system. Sentencing should be proportionate and relevant; it is not clear that in all cases removing the right to vote would necessarily apply to all crimes.

It is true, as some hon. Members have suggested, that removing the right to vote might address sentencing goals such as punishment and possibly even deterrence, but what about the goals of rehabilitation and reintegrating prisoners into society, as others have mentioned? On that note, let us remember that so many people in our prisons are among the most marginalised and excluded in society before they go to prison, and they are often the most poorly educated, as has rightly been pointed out. I ask the Government to take the opportunity to develop good-quality programmes of prison education to address the range of factors that determine and drive social exclusion. Will Ministers identify how their thinking is developing about providing programmes to address the role and responsibilities of the citizen, as exercising the right to vote could become part of the rehabilitative process?

As I say, I am aware that these are not popular arguments—either in this House or perhaps beyond it—but I believe that there are strong arguments against the current ban. My starting point would be to have a

right to vote across the piece, but to allow judges to determine where it would be appropriate to remove it and then to justify their decision in open court.

3.28 pm

Rehman Chishti (Gillingham and Rainham) (Con): I start my comments in light of the doctrine of the supremacy of Parliament, as set out in Hood Phillips's "Constitutional and Administrative Law". As paragraph 3.13 clearly states:

"The legislative supremacy of Parliament means that Parliament (The Queen, Lords and Commons in Parliament assembled) can pass law on any topic affecting any persons, and that there are no fundamental laws which Parliament cannot amend or repeal."

Secondly, all our main legal authorities—from Dicey to Coke and Blackstone—assert that Parliament has the right to make or unmake any law whatsoever. Thirdly, no person or body is recognised by the law of England as having the right to override or set aside the legislation of Parliament.

In that light, if the House were to vote to confirm the current legislative provision that prisoners should not have the right to vote, that must surely be respected. Once a document is recognised as an Act of Parliament, no English court can refuse to obey it or question its validity. That is our common law, as established in the case of *Manuel v. Attorney-General* of 1983. The courts of our land must therefore respect the wishes of Parliament.

Schedule 3 to the Representation of the People Act 1983, as amended by the Representation of the People Act 1985, makes it quite clear that someone convicted and sentenced to imprisonment loses the capacity to vote.

Gareth Johnson (Dartford) (Con): Does my hon. Friend agree that no one is being forced to forfeit their vote? Criminals choose to forfeit their votes when they decide to break the law. All that people need do in order to retain their votes is comply with the law.

Rehman Chishti: My hon. Friend has highlighted the fundamental point that people have rights and responsibilities.

Successive Governments have made plain that when people are convicted and sentenced to imprisonment, they lose the moral authority to vote. In 2003, Baroness Scotland of Asthal clearly stated that those who were convicted and imprisoned would lose that moral authority. The earlier legislation was right then as this legislation is now, and we should respect that.

Parliament's supremacy has been challenged by the European Court of Human Rights. That cannot be right. It cannot be right for judges from developing judiciaries in eastern European countries to challenge the supremacy of our Parliament and our judiciary.

It is ethically and morally wrong to allow prisoners the right to vote. The concept that those who commit a crime must pay the price with their liberty and the withdrawal of certain rights must be correct.

3.31 pm

Mr Tom Harris (Glasgow South) (Lab): I apologise to you, Madam Deputy Speaker, and to the House for my earlier absence and for missing the opening statements. I was making my way back on the Eurostar from Brussels.

Chris Bryant: Not Strasbourg?

Mr Harris: No, Brussels.

Let me begin with as much of a mea culpa as a humble Back Bencher can offer for the previous Government. It has been said on a number of occasions that Labour should have dealt with this issue over the past six years, and I think that there is some merit and validity in that criticism. However, there may also be some merit in the political strategy of kicking something into the long grass for as long as possible, which seems to have been about the only strategy that the Labour Government had.

Chris Bryant: It was a very good strategy.

Mr Harris: Certainly it was the only strategy that was discussed. I therefore do not want to encourage my colleagues to criticise the Government for the position in which they now find themselves.

I was disappointed that the hon. Member for Carshalton and Wallington (Tom Brake) referred to Guantanamo Bay and Abu Ghraib in connection with prisoners' rights. It does not promote calm and sensible debate to suggest that reinforcing a legal position that this country has enjoyed for hundreds of years puts us on the road to destroying all civil liberties for all prisoners. That is absolutely not what is at stake.

There are two separate issues. Let me deal first with the principle, which relates to public confidence. I cannot bring myself to try to tell my constituents that the legal and penal systems are on their side when we are bending over backwards to give an additional right to people who have of their own free will chosen to commit an imprisonable offence, and have thereby chosen to give up the right to vote. So often we hear our constituents complain that the legal system is on the side of the offender rather than the victim. Whether there is a lot of truth or a little truth in that does not matter as much as the fact that people will perceive in this debate a further chipping away of what they consider to be our standards in relation to supporting the victim and the law-abiding citizen and not supporting the criminal.

Mr Dodds: The hon. Gentleman is absolutely right. Would not implementing the European Court's decision also reinforce the disconnection between ordinary citizens—ordinary people—and Parliament and politics generally? People already believe that we are out of touch to a great extent, and implementing the Court's decision would cement that view.

Mr Harris: I agree with the hon. Gentleman. I am sure that had it not been for the judgment in Europe, the House could have found something more important to discuss this afternoon, although I accept that we must put the issue to bed one way or another.

I believe that it is simply wrong to offer votes to people who have chosen to commit an imprisonable offence. The only upside for those of us sitting on these green Benches is that if they do get the vote at least when we go and canvass them they will almost certainly be in. The argument that giving prisoners the vote will help their rehabilitation is stretching the point to breaking point. Does anyone actually believe that someone sitting in a prison cell who is desperate to get out again will improve their behaviour and do everything that needs

[Mr Tom Harris]

to be done to lead a respectable life simply on the basis that they are to have the opportunity to vote in council elections next May? That simply does not make any sense. I suspect that there is not a single person currently incarcerated in this country whose rehabilitation will be affected one way or the other by being given the vote.

Lorely Burt *rose*—

Mr Harris: I am not going to give way.

I am not a lawyer, so much of the process here is beyond me. However, there have been occasions when British judges sitting in British courts have made interpretations of the Human Rights Act 1998, and sometimes they have made bad interpretations and we have had no choice but to go along with that. That is different from what is happening now. A decision has been made in a court in a foreign land, and it would be wrong for this House to bend over backwards and give way to that judgment without putting up a fight.

We have the right to represent our constituents' views. We also have the right to make a stand on a point of principle. I accept that the law may ultimately go against the opinion of the vast majority of the House on this, and we may have no choice but—God help us—to pay compensation to prisoners as well as allowing them the vote. From what I hear, that may well happen and I accept that, but it would be wrong of us to concede a point of principle because people are threatening to sue. We cannot allow law to be made on that basis.

Regardless of where the barrier is set—at one year, or four years—many people will get the vote who do not have the vote at present. If they think they can claim compensation, let us ask the courts this question: is it right to give compensation to a prisoner who, when he was imprisoned, had not bothered to register to vote? Surely if at that point he had no intention of voting, he has not been deprived of the right to vote because he chose to deprive himself of that right before he went into prison by not registering to vote, and therefore he does not deserve a penny in compensation.

3.37 pm

Tony Baldry (Banbury) (Con): The last Labour Government spent five years dithering over this issue. They did nothing. As with so much else, the Labour party left it to the incoming coalition Government to sort out the mess. Therefore, the one thing on which we can all be agreed is that this is an issue on which we need to take no lessons from those on the Opposition Benches. They had five years to sort out this problem while in government and simply failed to do anything.

The European Court of Human Rights has not said that we have an obligation to give every prisoner the vote. What the ECHR did find was that a blanket ban was not proportionate, that

“the principle of proportionality requires a discernible and sufficient link between the sanction and the conduct and circumstances of the individual concerned”

and that

“in sentencing the criminal courts in England and Wales made no reference to disenfranchisement and it was not apparent that there was any direct link between the facts of any individual case and the removal of the right to vote.”

I think we should seek to address those issues. It would be wrong simply to put two fingers up to the Court because we did not like the implications of its judgment.

There is a perfectly straightforward way forward that deals with the ECHR points and meets the collective view of this House that prisoners should lose the right to vote while in detention, because it has always been agreed that if one commits a serious crime, one should lose the right to have a say in how one is governed. The way forward lies in the ECHR's judgment in *Hirst*, but it also lies in the ECHR's judgments in cases involving other European countries: *Frodl v. Austria* and *Scoppola v. Italy*, the No. 3 case. In *Frodl*, the Court said that

“the sanction of disenfranchisement...should preferably be imposed not by operation of a law but by the decision of a judge following judicial proceedings”.

In *Scoppola*, the Court held

“that a decision on disenfranchisement should be taken by a court and should be duly reasoned.”

When a judge sentences an individual to prison the court has to make a number of decisions: on the length of imprisonment; on whether terms for individual offences should run concurrently or consecutively; and on whether part of the sentence should be suspended. Depending on the exact nature of the offence, the court will also have to put its mind to a number of other possible consequential orders.

I see no reason why a judge should not inform the defendant when sentencing that, in addition to their term of imprisonment and as a consequence of their conduct, they would, as part of their punishment, be disfranchised in regional, national and European elections for a specific period of time. As with every other aspect of sentencing, one would expect the Lord Chief Justice, senior judges and the Supreme Court to issue sentencing guidelines. Crown Court judges and magistrates are given sentencing guidelines on every other aspect of sentencing, so I see no reason why it should not be possible to devise effective sentencing guidelines on disfranchisement that start from the general premise that those who go to prison will lose the vote while they are in prison.

Chris Bryant: I am sorry to stop the hon. Gentleman's drift, but one of the problems with that argument is that many of us disagree with judges deciding who gets to vote or does not get to vote. There is another problem, because if we go over to a system where the judges decide, every current prisoner would be granted the vote.

Tony Baldry: I listened to the hon. Gentleman's speech. He raised lots of problems but gave no solutions. This is an exercise in finding what might be a solution. Sentencing guidelines are effective ways of informing judges and telling them what they should do. As we have heard, the English courts have been pretty robust on this issue, so I see no reason why on devising sentencing guidelines we could not put our trust in the English judges to get it right when advising Crown Court judges and others how they should approach the issue of disfranchisement. It would of course be possible for defence counsel at the time of sentencing to make representations on this aspect of a court's potential sentencing powers, as with any other aspect, and for the defendant to be heard before sentence was passed. Not only would it be made

very clear that there was a link between the facts of the case and the removal of the right to vote, but the courts would very publicly be making it clear that, so far as the UK is concerned, those whose criminal conduct is such that it results in their having been sentenced to an immediate term of imprisonment also risk losing certain rights of citizenship, including the right to vote.

I appreciate that for many hon. Members this debacle appears to be a convenient opportunity to put two fingers up to Europe, two fingers up to human rights and two fingers up to the judges. I simply note that the motion includes the words

“acknowledges the treaty obligations of the UK”.

The motion, in rightly acknowledging our treaty obligation but arguing for the retention of a blanket ban, puts the House in the same position that the previous Government put themselves in. That resulted in the Joint Committee on Human Rights observing:

“It is also a matter for regret that the Government should seek views on retaining the current blanket ban, thereby raising expectations that this could be achieved, when in fact, this is the one option explicitly ruled out by the European Court.”

Time prevents me from arguing why this House should seek to support human rights, so I simply conclude by saying that increasing judicial review will be a feature of our lives. If this House collectively started to pick and choose which decisions of the Supreme Court we supported and which decisions of the judges we did not support, that would be a very unsatisfactory way forward. What we need to do is not only acknowledge our treaty obligations, but meet them, and we need to do so in a way that meets the concerns of everyone in this House, from the Prime Minister downwards, about having to give the vote to those in prison.

3.44 pm

Mr Peter Lilley (Hitchin and Harpenden) (Con): As I read the judgments in the cases of Hirst, and Greens and M.T., I was struck by the supreme irony of what the European Court of Human Rights was proposing. The judges in that Court clearly surpass even the Red Queen in “Alice’s Adventures in Wonderland” in their ability to believe two impossible things before breakfast. On the one hand, they say that the right to influence the laws under which we live by helping to choose the people who make those laws is so important that even criminals should retain it. On the other hand, they say that even the law-abiding people of this country have no right of last resort to decide the laws of their country if they are overridden by the decisions of the European Court of Human Rights. One can believe one or other of those views, but one cannot uphold both views consistently at the same time.

How did we get into this pickle? As we have heard, after the war Lord Kilmuir codified what were seen to be British liberties and rights in the presumption that two things would follow, the first being that enshrining them in the European convention on human rights would bring the advantage of British liberties to

“lesser breeds without the law”,

as Kipling had it. Secondly, it was assumed that the convention would have no effect on the people of this country because it enshrined the laws and liberties that we already had so there would be no need to change them. It was assumed that whereas the European Court could overrule courts in other countries with judiciaries

who did not have experience in human rights or who were open to intimidation or bribery, we did not have that problem so there would never be any conflict between our courts or laws and the Court.

As we know, things have not worked out like that. In becoming a signatory to the convention, we did not just enshrine and encode the liberties that we had, we changed the way in which, and the basis on which, laws were made, and we changed the people who made them. British liberties evolved through Parliament making laws and the courts elaborating on and clarifying them, as well as through common law, but they were always subject to Parliament being able to have the last word and to make the law if it did not agree with what the courts had done. Our liberties did not result from giving courts the right to explicate an abstract list of rights. They were not given a right to strike down, invent or rewrite laws, but that is what we did, without realising it, when we signed up to the convention after the war—and that is what the European Court of Human Rights is empowered to do.

Rights are not absolute. One right must always be balanced against another. The rights to free speech and free expression must be balanced against the right to privacy or the right to our reputation under the laws of libel. That balance, reconciliation and limiting of extremes is essentially a political matter and it has always, in the last resort, been made by a political body—Parliament. We have done that reconciliation if it needed to be done, but it is no longer up to us—we are no longer allowed to do so. Instead, that power to make a political judgment rests with courts, which are not elected and which lack political skills or sensitivities. That is wrong, and that is why the long-term solution is for us to leave the treaty on the European Court, to entrench the convention rights in our law and to leave our courts to interpret them with Parliament having the ultimate right to disagree, as it does, if it wants to.

I have a question for Government Front Benchers. On what basis are we told that we have to sign up to the Court’s judgment in the short term because we will face a huge damages claim if we do not? In all the judgments I have read, the Court has explicitly refused to award damages. It has said that the ruling was sufficient justification in itself and that the prisoners did not need any damages. It considered whether exemplary and punitive damages should be imposed, not so much because the prisoners merited it but to force us to concede, and it concluded that it should not do so. The practice direction that goes to the Court says that it considers it

“inappropriate to accept claims for damages with labels such as”—

Madam Deputy Speaker (Dawn Primarolo): Order. I call Claire Perry.

3.49 pm

Claire Perry (Devizes) (Con): Thank you, Madam Deputy Speaker. I did not expect to be called so soon.

I am of course not a lawyer, so I speak, I hope, the language of common sense. I share the concern of my hon. Friend the Member for Meon Valley (George Hollingbery) that the motion conflates two complicated and quite separate issues. One is the question of the

[*Claire Perry*]

encroachment of the European Court of Human Rights into matters of British sovereignty and the other is the much more relevant and thorny question of whether any category of prisoner should ever be given the right to vote.

I confess that in preparing for this speech, I was rather torn. I spoke strongly against the first part of the motion about 15 days ago at the Council of Europe in Strasbourg, and the reaction was like sitting on a whoopee cushion in church. Apparently, the Court has never been criticised on the Floor of the Council. It is simply not done. So to stand up and say that we think the Court is encroaching on matters that should properly be taken as part of sovereign concerns was considered to be a small international incident. I was rather proud of that.

However, the point that I made then, and the point I would make today, is that I think there is a real concern—I say this as a non-lawyer—that the Court is encroaching into areas that are not part of its mandate. As we have heard so eloquently expressed today, the Court was set up in 1948 by Churchill and others to guarantee that there would never be another genocide in Europe. We seem to have gone from that to interpretations of the protocol. That protocol on voting is not about prisoner voting but the right to free and fair elections, which can be seen as completely different. So there has been real mission creep. Of course, the award of compensation of €23,000 to a convicted axe murderer suggests to my constituents that the Court has not only had mission creep but is in danger of becoming completely unhinged.

I am a passionate supporter of our rehabilitation agenda. I think it right and proper that we spend Government time and money on breaking the cycle of reoffending in which 65% of prisoners come out of prison and are re-incarcerated within two years, and I can see reasons to make the privilege of voting part of the rehabilitation package. That is not just my view. I have a category C prison in my constituency—Erlestoke prison. My very first political outing was a hustings at the prison, organised by the prisoners, where candidates were quizzed on this very issue. Everybody said, “It is an absolute right. You must have it. It is a human right.” I said, “I don’t think so. Perhaps this is something that could be part of your rehabilitation—potentially something that is awarded within six months of release.” Guess what? The prisoners agreed. They thought that was right and proper, and nobody stood up and demanded their right to vote. By the way, that is also the view of the governor of the prison—that it should be awarded, potentially on release, to certain categories of prisoners.

However, I have great sympathy for the viewpoint advanced by my hon. Friend the Member for Banbury (Tony Baldry). I think these are matters for British judges in British courts. I cannot see why, as has been done for years in France and Germany, these cannot be part of the sentencing decision, or perhaps of the parole decision. That would be a very sensible step forward.

Despite my concerns about the wording of the motion, I think I am going to vote for it, for the following reason. It is important that the House sends a strong political message to the Court. If the Court has never been criticised in the Council, perhaps there has never been a parliamentary vote that pushes back on its

particular proposals. [*Interruption.*] The hon. Member for Rhondda (Chris Bryant) says it has been done; I am not aware of it. It is important for us to stand up and say, “Enough is enough. You are crossing boundaries and we need to take proposals forward.”

In summary, I suggest to the Government that those proposals should look hard at the idea of the British judiciary making decisions about British prisoners. That, I believe, is the recommendation in the very sound report by the Political and Constitutional Reform Committee. The question of compensation seems insane. If we are forced to pay compensation to any prisoners who have been awarded these decisions up until now, I would ask that some, if not all, of it be paid to the victims’ compensation funds or put into the rehabilitation space.

Last but not least, can we please consider the words of Rob Owen, the head of the St Giles Trust, a social organisation which Members on both sides of the House think is doing incredible work? He said to me today that this whole debate is

“a distraction, and...a drain on”

extremely limited justice

“resources that could be far better used”

to

“dramatically reduce reoffending...saving taxpayers millions of pounds and creating thousands”

fewer

“victims of crime.”

3.54 pm

Simon Reeve (Dewsbury) (Con): I am pleased that this has not just been an in or out of the European Court of Human Rights debate, because many from all walks of life turn to that Court, whether they are concerned about the DNA database or hunting legislation. Who would criticise Gary McKinnon for taking his case there in the face of the Extradition Act 2003? Who, as a matter of principle, would not cast an eye to Strasbourg if a high-speed train route was being put through their constituency? But if it is not in or out, is it much better to talk about pick and choose? Is it really suggested that we can welcome rulings that we like, and simply ignore those that we do not?

Would we dream of taking that course if it were the House of Lords as was that had found in Hirst’s favour, and we were talking about a House of Lords judgment? Or in those circumstances, would the mood be that the Government should get themselves to Strasbourg and try to use the ECHR to overcome that ruling? Do we really suggest that some rights should be regulated by legislation in Parliament, over which there should be no prospect of review in the courts? If so, might we pause and wonder what would be on the list alongside prisoner votes? What if control orders, as were, came back and went on the list? What about challenges to the Extradition Act? I do not believe that prisoners should be allowed to vote, but I am more concerned about the rule of law, because we cannot be law-makers and law-breakers.

Cases such as the Hirst ruling catch the eye, but so do decisions of the UK courts, and there have been too many instances where the ECHR jurisdiction has been necessary. A trip to Sandhurst and the view of the officer cadets on the subject of prisoners’ votes was mentioned. We used to have a system of justice that

basically followed the principle of military justice of “March in the guilty man.” We had that system until a man called Findlay, a member of the armed forces, having been turned down by every court in the United Kingdom, went to Strasbourg and won his case. As a result of that, the military justice system was completely overhauled and the previous Government brought in the Armed Forces Act 2006, which, just a few weeks ago, we all ratified so that it continues. Were it not for the ECHR, that system simply would not have changed.

I do not like the Hirst ruling, but I like less the fact that it was ignored for more than five years. On balance, I like even less the idea of picking and choosing when it comes to this nation’s legal obligations.

Andrew Bridgen: Is not the crux of the argument that by supporting the motion this afternoon, we are not seeking to extend the powers of this Parliament but resisting the extension of the powers of the Strasbourg court, an unelected European body that has little respect for or makes little acknowledgment of the great and enviable democratic history of this place?

Simon Reeve: I used the phrase “pick and choose”, but it comes to the same thing.

We are entitled to moderate and we should, but we should do that within the rule of law. It is clear that four years is not appropriate, because that would see people convicted of serious crimes of violence, serious sexual offences, perhaps even including the offence of rape, and offences of drug distribution being included. We should not allow judges discretion, not because we do not trust them, but because we must have a robust system that will stand a challenge, and doing it in court on guidelines on a case-by-case basis weakens our position.

We should look at the duration of detention, not just the length of sentence. In fact, Mr Hirst, who pleaded guilty to manslaughter and whose plea was accepted because he had mental health problems, had served his tariff sentence and was being detained because he posed a risk as a result of his mental health when he brought his challenge. It is not a matter just of the length of the sentence, but of the time that someone is lawfully detained once the threshold sentence is passed. We should take the very simple step of amending the Limitation Act 1980, so that anybody who receives damages arising from litigation on this subject can have the damages taken away by the victims of their crime. What prevents that at the moment is the time limit that has usually been exceeded before the convicted person is in funds and so the victim is precluded from claiming. It would take half an hour to draft the amendments to the Limitation Act that would solve that problem.

There are too many examples to mention of necessary and welcome ECHR intervention, so we should not be tempted to walk away from that institution. We should make the best that we can of the situation in which we find ourselves—a situation that we on this side of the House inherited. We do not allow our citizens to pick and choose, so we should not seek to pick and choose ourselves.

4 pm

Ben Gummer (Ipswich) (Con): My right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) got to the heart of the matter when he said that two things were at stake, one of principle and one of politics. I will

deal first with two matters of principle on which I do not think the House has yet touched. The first has vexed moral and political philosophers for centuries: the difference, and combat, between freedoms and rights.

Many Members have rightly called the House’s attention to the thought of rapists and murderers being given the vote and what that would be like for our constituents. I wonder whether I can place a more positive image of voting in the minds of Members: that of the long queues that formed in the first democratic elections in South Africa, or in the elections that followed the fall of socialist regimes in the eastern bloc, and in those only a few weeks ago in southern Sudan when the people there found their independence. Those people were expressing a freedom; for the first time they were expressing their freedom from tyranny.

Voting is an expression of freedom, but it is more than that: it is the constructive act that makes freedom possible. Those who commit crimes deny freedom to others, either by the force of violence or by inhibiting the actions of people and communities through fear. It is a right and proper mode of retribution for a community to deprive such an individual of their freedom, because that is what he or she has done to others. Surely, therefore, it goes against the essence of the retributive punishment being meted out by the state on behalf of the community if the individual is able to participate in that community while in prison. On that simple issue of principle, I cannot understand, despite all the elegant arguments put forward, why prisoners should be granted that most special and precious freedom, which is an expression of the freedom of those in the community.

Lorely Burt: The hon. Gentleman is making a cohesive argument, but I ask him to reflect on what we are doing here. We are not taking away a freedom from someone, but a human right. That is the only difference between us.

Ben Gummer: I thank the hon. Lady for that point, because it brings me to the second matter of principle that I want to talk about, but I do not want to get into the dangerous territory of discussing rights and freedoms. I am trying to explain why I believe that voting is traditionally a freedom in this country, not a right. That is in part why we have got into this mess.

Taking the European Court of Human Rights on its own terms, those Members who have looked at the comments of the dissenting judges will know that they are very telling. The main point of dissent is that protocol 1 of article 3 is not a substantive individual right. It is one that forced contracting states to provide free and fair elections, but the bounds by which the states make those decisions are left to them.

What worries me, as I said earlier, is the encroachment of jurisprudential evolution on the Court’s decision making, which is changing the nature of the convention. It is not the convention that is at fault, but the Court. Here we come to the key point, because the reason we have to listen to the Court’s judgment, as my hon. Friend the Member for Bury St Edmunds (Mr Ruffley) so rightly pointed out, is that the Wilson Government decided in 1967 to allow petitioning in person to the European Court and for its decisions to hold force of law in this country. That changes entirely our relationship with the convention. The problem is with the Court, not

[Ben Gummer]

with the convention, and that is not my point but one that Lord Hoffmann has made with far greater eloquence and force.

There is a subsidiary point, which has been brought up several times in the debate, about the rightness of decisions. The hon. Member for Rhondda (Chris Bryant) is entirely correct that the shameful denial of service by homosexuals in the military was wrong, but the fact that the European Court judged it to be wrong does not make the existence of the Court itself right. It is right that we reflect on the ability of this House to make the right decision at the right time, even if other courts prompt us to do so.

I shall make quickly two other points about the political issues and why we need to face the matter now. First, I yield to no one in my passion for penal reform, rather like my hon. Friend the Member for Devizes (Claire Perry). I am a proud patron of the Longford Trust, and, with the fantastic plans that the Lord Chancellor has laid before the House, we are about to embark on the most significant period of penal reform since the era of Lord Shaftesbury; but, in what will be a remarkable period of reform and release for some of the most vulnerable people in our community, we will lose the public's confidence if we start off on this footing.

Secondly, I have many problems with the European Union and I disagreed with the Lisbon treaty, but the simple fact is that many people—a majority both in this House and on the Government Benches—believe in this country's continued membership of the European Union. This debate makes it impossible to have a clean debate about the European Union, however, because too many people understand the EU and the European Court of Human Rights to be the same thing. For those reasons, in principle and in politics, I shall support the motion.

4.6 pm

Dr Thérèse Coffey (Suffolk Coastal) (Con): It is a privilege, not a right, to participate in this place, and one that I enjoy thanks to the votes of my electorate.

Thomas Docherty (Dunfermline and West Fife) (Lab): Shame!

Dr Coffey: I shall see you later. [Interruption.] Sorry, I do not mean "I shall see Madam Deputy Speaker later".

Members have already discussed how today's debate could be portrayed as one of illiberalism versus liberalism, and that is a great shame, because it was Government Members who decided to scrap the DNA database for people who are innocent of crime. That was decided not because of an ECHR ruling, but because it was the right thing to do, so it is a shame when people cite particular examples, because it is this House that makes those decisions, and I am proud of that.

Members have also referred to judgments, and my hon. Friend the Member for Devizes (Claire Perry) talked about how the issue has become an aspect of the debate about what constitutes a free and fair election. In the Frodl case, the comments on that point were that universal suffrage is required, otherwise it

"risks undermining the democratic validity of the legislature thus elected"—

like this one—

"and the laws it promulgates."

Personally, I just think that they are wrong, but that is an example of the philosophy we are coming up against.

I, like many other Members, am not a lawyer, but I have a strong sense of justice. People commit crimes not because somebody else has told them to do so, but according to their own free will. Other Members have said that that usually deprives other citizens of their freedoms and rights, so there is a conscious decision to commit a crime, and that is why this House is entitled to make a conscious decision to deprive people who commit criminal offences and are sent to prison of their opportunity to vote in elections.

The 2005 Hirst judgment was a majority verdict, but not one that would pass in a court of law here: a vote of 12 to five means that we are in the situation we are in today. There was a lot of discussion in the judgment about whether this House had had the chance to debate whether depriving somebody of their opportunity to vote is just or proportionate in the light of 21st century standards. That issue has received limited attention today, but the key points about freedom of choice and depriving others of such freedoms have been made.

Members have also cited examples. The hon. Members for East Kilbride, Strathaven and Lesmahagow (Mr McCann), for North Antrim (Ian Paisley) and others talked about the sentences that people have received for particular crimes—the people to whom we would risk giving the vote if the original proposal that the Government made in December were to pass. I have used before in this House the example of someone in Barrow-in-Furness who was convicted of a crime—brandishing a knife during an armed robbery—that carried a sentence of less than four years. There are other examples involving people who have committed rape. These things matter to people in the street. When I went into any pub in Suffolk Coastal in December, everybody was appalled at the idea of any prisoner serving a criminal sentence having the vote.

I want to bring to the House's attention something that greatly surprised me when I was doing my research on this topic. The AIRE—Advice on Individual Rights in Europe—Centre represented prisoner Frodl from Austria against the Austrian Government at the European Court of Human Rights, and gave a contributing opinion to the 2005 Hirst judgment. It has also given evidence to the Political and Constitutional Reform Committee. I am not saying that the AIRE Centre should not exist, but I was surprised, as other Members may be, by some of the people who contribute to it. It might not be surprising that the Joseph Rowntree Charitable Trust and other charitable trusts provide funding, but I was a little surprised that Comic Relief does so. I was also surprised when I discovered that the Equality and Human Rights Commission, which uses public money, contributes to it, and even more surprised that the European Commission does so. I was most surprised when I found that the Foreign and Commonwealth gives money to this organisation, whose No. 1 priority is to help to represent prisoners in the ECHR. We should look into that use of public money. I hope that the Attorney-General listens to that and acts on it.

4.11 pm

Thomas Docherty (Dunfermline and West Fife) (Lab): I apologise for not being in the Chamber earlier, as I was in the Armed Forces Bill Committee. That got me thinking that this Government have done nothing to make it easier for our gallant men and women serving overseas to get the vote—I will not repeat the arguments that we have had on the Fixed-term Parliaments Bill—but seem rather keen to help criminals to get the vote. I hope that the Attorney-General will reflect on that.

Mrs Laing: In fact, it was the previous Government who did nothing to help our armed forces to get the vote. Some of us argued from the Opposition Benches, hour after hour, day after day, to try to make the Government do something about it, and eventually, three months before the election, they did.

Thomas Docherty: I have a great deal of time for the hon. Lady, but on this occasion she and I will have to disagree, although I hope she will be agreeing with me next Tuesday and Wednesday as we play ping-pong with the other place.

I have been raising the issue of prisoner voting rights for several months, particularly with reference to the Scottish Parliament elections. It is incredibly disappointing that none of the Scottish nationalists saw fit to grace us with their presence today, given that it is their Government in Scotland who have responsibility for the forthcoming parliamentary and local government elections next year. I raised the matter with the Cabinet Secretary for Justice last year. I do not intend to go through all the correspondence that my colleagues and I have had with him and with ministerial teams on this. However, the situation has been confirmed to me and to my colleague, Richard Baker, who is, for now, the shadow Minister but will, I am sure, become Justice Secretary. The SNP Government have not even bothered to write to the Deputy Prime Minister—who, let us be clear, is behind the move to give prisoners the right to vote—to express the Scottish people's opposition to it.

The Attorney-General *indicated dissent.*

Thomas Docherty: The Attorney-General shakes his head, but this is a Liberal Democrat policy. I remind him that in 2007 the right hon. Member for Gordon (Malcolm Bruce), who was president of the Scottish Liberal Democrats, urged the then Government to give prisoners voting rights in the Scottish elections. I am delighted that my right hon. Friends resisted that request by Scottish Liberal Democrats, and delighted that today we will again be resisting the pressure from Liberal Democrats to give people who have broken the law the right to vote.

I am deeply concerned by the Government's attitude towards the ongoing test case involving the devolved Parliaments and Assemblies. It is clear from the 2007 case that the European Court is minded to grant prisoners the right to vote in Scottish Parliament elections, because, as my hon. Friend the Member for Rhondda (Chris Bryant) has said repeatedly in this debate and elsewhere, the Scottish Parliament is a primary legislative body. It is difficult to envisage how the Attorney-General, as fleet-footed and talented as he is, will persuade the European Court that the Scottish Parliament is exempt.

I hope that the Attorney-General, when he is not looking at his BlackBerry, will clarify why he thinks the Scottish Parliament will be exempt from this issue.

My colleague Richard Baker MSP wrote to soft-touch Kenny MacAskill on 10 December last year. As I said, the Scottish Government do not believe that they have any role to play in lobbying the UK Government. That is another stain on the record of the SNP Government, who seem quite happy to pick fights with the UK Government, but will not stand up for what the people of Scotland want.

I think that Members from all parts of the House hold principled views on this issue. Although I fundamentally disagree with the Liberal Democrats on this issue, I respect their stance. I hope that they understand that voting is a right. As a former Prime Minister said, there are rights and there are responsibilities. People who break the law and who commit heinous crimes should not be allowed to vote.

As the Government have yet to clarify what the tariff limit will be if they lose the case, we have to assume that it will still be four years, as was leaked previously. I draw the Attorney-General's attention to one of the problems in Scotland, which is that the Scottish Parliament has its own sentencing policy, its own judiciary and its own tariffs. Under a tariff system, the limit might be set at one year, six months or four years. Crimes that have a certain sentence in England, Wales and Northern Ireland might not have the same sentence in Scotland. I hope that the Government will reflect carefully on what the impact will be on Scotland if they use a tariff system, rather than using specific crimes. I accept that the Liberal Democrats probably do not intend to give paedophiles the vote. However, if the limit was set at four years or less, the disgusting individuals involved in the shocking case of child abuse in the south of England last year would qualify to vote. I am sure that that is not the intention of any party.

I am conscious that other hon. Members wish to speak, and I have said my piece. I will vote tonight for the motion in the names of my right hon. Friend the Member for Blackburn (Mr Straw) and other hon. Members.

4.17 pm

Martin Vickers (Cleethorpes) (Con): It has become a badge of honour to stand up in this debate and say, "I am not a lawyer." The hon. Member for Devizes (Claire Perry) started her speech by saying that she was not a lawyer so she would speak common sense. If I were a lawyer, I am not sure that I would take too kindly to that, but I am sure that she meant it in the best spirit. I am not a lawyer and am more of a kindred spirit with those who have spoken, as I see it, as representatives of their communities.

We have heard many eloquent and learned explanations of the tangle that we find ourselves in as a result of the findings of the Court, and about how its decisions have evolved way beyond what was envisaged by a previous generation of politicians. In the aftermath of world war two and all the horrors of that conflict, politicians could not have foreseen a time when human rights would be referred to by many people in the same breath as health and safety. I seek not to trivialise the debate, but that is what can be heard in any debate on the

[*Martin Vickers*]

doorstep, in the pub or at the shop. What is meant is that the legislation that covers those issues has become disconnected.

Most Governments, if not all, come to power on a wave of public good will. Despite the current one not having come about in the normal way, they retain significant support from the general public. Like all Governments at various times, however, they have found themselves making a proposal that they know full well flies in the face of public opinion. The electorate store up such follies, as they see them, perpetrated by Governments. They eventually reach a tipping point and say to themselves, "This Government no longer speak for me". We are a long way from that, but the current proposal is a very small step in that direction. We are losing touch with those whom we represent. Hon. Members are elected to this place to articulate the hopes, fears and concerns of the electors.

Andrew Bridgen: Does my hon. Friend agree that we have been assured, and often reassured, in the House that we are a sovereign Parliament? Will he join me in urging all right hon. and hon. Members to act like a sovereign Parliament on this issue, and to represent the views of our constituents and resist those of an unelected European body that is seeking to push itself further into domestic UK affairs?

Martin Vickers: I agree entirely. I, too, thought I was being elected to a sovereign body, but as the weeks go by I am beginning to have more doubts than I had six or eight months ago.

We are here to articulate the concerns of the electorate. On some decisions there is room for doubt, but on this one they are giving us a clear message. In fact, they are agreeing with comments by the Attorney-General himself. I note that in the Westminster Hall debate that took place a few weeks ago, my hon. Friend the Member for Kettering (Mr Hollobone) quoted him—so I am sure it must be correct—as having said:

"The principle that those who are in custody after conviction should not have the opportunity to vote is a perfectly rational one."—[*Official Report*, 11 January 2011; Vol. 521, c. 2WH.]
Every member of the public to whom I have spoken would entirely agree with that.

If we go along the route of giving prisoners the vote, we will be acting contrary to the overwhelming views of those we represent, and in an irrational manner. I will support the motion. I do not approve of votes for prisoners, and I certainly do not approve of any form of compensation for them. I know that I speak for virtually 100% of my electorate in saying that.

Henry Smith (Crawley) (Con): Will my hon. Friend give way?

Madam Deputy Speaker (Dawn Primarolo): Order. I think he's finished.

4.22 pm

Nick Boles (Grantham and Stamford) (Con): This has been a very interesting debate, and rather unusual for me. I have to confess that in most debates, I arrive knowing what I think on the subject, sit here waiting for my chance to say what I think, say what I think and

then vote accordingly. On this subject, which is so complicated, I find that my views have shifted during the debate.

My views on prisoner voting have shifted very slightly. I am still of the view that all people convicted and given a prison sentence should lose their right to vote, but I was much struck and influenced by the comments of my hon. Friend the Member for Devizes (Claire Perry), who suggested that in the last six months of a sentence, as part of the rehabilitative process, the Parole Board or whatever is the right authority might give a person back that right if they were showing signs of becoming a good citizen. I have therefore changed my position. I still believe that all convicted prisoners should lose that right, but I am open to persuasion on the possibility of restoration of the vote in the last six months of a sentence.

Before I came to the debate, I was of the view that if the European Court imposed fines, we should simply refuse to pay them and challenge it to send a gunboat up the Thames to extract the money from my right hon. Friend the Chancellor. I would say good luck to it in that—I have tried to do so for my constituents on several occasions and so far not been very successful. That was my view before, but I was persuaded by my hon. Friend the Member for Dewsbury (Simon Reeve), who is no longer in his place, that we who believe in the rule of law and who want the laws that we pass in this place to be respected cannot allow a precedent to be created whereby it is okay to pick and choose which laws we obey and which judgments we accept. If we believe that the Hirst judgment is intolerable, we should go to the root of the problem and not try to evade the particular case.

Mr Brian Binley (Northampton South) (Con) *rose*—

Nick Boles: I am sorry. I will not give way because we have very little time.

What is the root of the problem? I have reached the uncomfortable conclusion that the root of the problem is the nature and location of the Court. Good judges are not good judges just because they are qualified—although there have been questions about the qualifications of some ECHR judges—or because they understand the laws of the country and respect the right of the legislature to make them, and that their role is simply to interpret and apply them. Good judges are good because they are products of the society within which those laws are created and to which those laws are applied. Judges earn legitimacy to make judgments, tough as they may be. Because they are part of that society, they understand it—they are part of the warp and weft of it.

My fear is that the Strasbourg Court can never be that. That is why I agreed most with the right hon. Member for Blackburn (Mr Straw) when he described why incorporating the convention into our law and making it subject to the interpretation of the Supreme Court—our Court and our justices sitting not 300 yards from Parliament—was a way of making the convention, which is a fine document, something that the British people would come to respect and even love as part of their fundamental freedoms.

I hope that the debate will be one small step along the way to us saying to the Strasbourg Court: "Back in your box! Your role is to bring to our attention—this Parliament's

attention—when you believe that our laws are out of kilter with the convention. But that is your role and no further. The specific questions of how the laws that we make apply to individual cases and citizens in this country should be for British judges in a British court.” In that way, we would have a law that we could all respect.

4.27 pm

Mr Ian Davidson (Glasgow South West) (Lab/Co-op): I wish to echo the remarks of the hon. Member for Cleethorpes (Martin Vickers), who started off by saying that he was not a lawyer, but I would go further. Not only am I not a lawyer, I have never been a lawyer, and I have no intention of ever becoming a lawyer. As far as I am aware, no one in my family unto the nth generation has ever been a lawyer.

We are in danger of turning this debate, which is about basic, simple questions, into a lawyers’ talkfest. There is always in tendency in these circumstances for lawyers to show how clever they are by overcomplicating the basic issues at stake. The essentially simple questions are these: should prisoners be allowed to vote, and who should decide?

On the first question, I am clear that prisoners should not be allowed to vote. That is the view of the vast majority of Labour party members and voters up and down the country—there is no doubt about that. As I indicated earlier, we take the view that prisoners are a sub-set of those who have been found guilty. For that comment I was denounced by my hon. Friend the Member for Rhondda (Chris Bryant) for being too subtle, of which, it must be said, I have not often been accused.

Chris Bryant: I said, “Not too subtle”!

Mr Davidson: The distinction between “Not too subtle” and “Too subtle” is too subtle for me, I must confess.

Our system decides who of the guilty should be sent to prison and who should not. That way of subdividing the guilty is perfectly acceptable to me. Those who are deemed to be prisoners have been found to have broken the civic contract that operates between members of society and the society in which they live. I am therefore clear that the vast majority of our people are hostile to prisoners voting.

The second question is this: who decides? I do not think that this is a judicial decision or a legal matter; it is a political decision about who should decide, and I am clear that we in this country should decide who should vote in our elections, rather than somebody external to this country. I was denounced earlier when I called on the Member for Doncaster and Brussels Berlaymont to speak up for Brussels—

Mr Straw: Rotherham.

Mr Davidson: Rotherham sorry. Again, perhaps I do not know the distinction. When the Member for Rotherham and Brussels Berlaymont, the right hon. Member for Rotherham (Mr MacShane), was sounding off, I said, “Speak up for Brussels.” His key response was, “Well, it is not physically or geographically in Brussels”—so presumably all my arguments failed. It is not a question of geography though; it is a question of mindset. There is a Brussels mindset, irrespective of where it is physically

located, that basically says that European is best and that there is a political elite in Europe that knows better than we do in this country how our country should be run. We have to say, “Up with this we will not put.” Enough is enough. In these circumstances, we ought to be saying that we wish to repatriate these powers, if they need to be repatriated, and if it is a question of ceasing or stamping on judicial activism by the European Court, that is what we need to do.

This issue should not be seen in isolation. Only today, in *The Scotsman*—so it must be true—the headline read: “Euro rule lets 900 accused escape justice. Judgment over human rights leads to ten prosecutions being dropped every day in Scotland.” The system in Scotland has done us fine for years, but here we have an example of the EU or its various arms, based in Brussels, Strasbourg or somewhere else—someone external—coming in and telling us how we should run our own affairs. As I said before, we ought to be sending the clear message that, “Up with this we will not put”, and that we will reject the influence of the Court as it constantly creeps across the United Kingdom.

4.31 pm

Sir Peter Bottomley (Worthing West) (Con): When someone is convicted of an offence, a number of elements are available to the court in disposing of the sentence. I cannot think of a single objective that is met by withdrawing the right to be registered to vote and to vote. It is clearly not a deterrent; I do not see that it is a punishment; I do not see that it helps rehabilitation; and I do not think that it is much of a penance either. The question is, therefore, why do we do it?

I think that Parliament should decide these issues. It should not be for the Supreme Court across the square or the European Court. I pay tribute to my hon. Friend the Member for Kettering (Mr Hollobone) for securing a debate in Westminster Hall on 11 January on this matter, and I am glad that we are having this debate now. The motion is defective in terms of setting policy, although it is very good for expressing opinion. I can agree with its first elements, but as my amendment—it would replace the last clause from the last semicolon in the motion—states, it would be a good idea to note that nearly

“a third of men have by the age of 30 been convicted of a serious criminal offence for which they could”

be sent to jail for six months or more. Hon. Members who have spoken about the problem of people breaking the law were right to phrase it that way. The question of whether someone is sent to jail as well is an extra issue. If we are going to say that breaking the law means that the right to vote should go, a third of us here would have lost the right to vote at some stage in our lives. Fortunately, however, most courts do not use a sentence of six months or more for offences for which one could be used.

We could split the motion—we might have to return to this point—between its European side, with which I mostly agree, and the question of whether we should maintain the blanket ban, or whether we should either say, as the Government suggest we might, a certain number of years, or, as others have said, a certain period before release. We can debate those issues without trying to put the two together. Although the debate has

[*Sir Peter Bottomley*]

been interesting—having listened to it for four hours, I have probably gained as much as many who have been here the whole time—I believe that we ought to consider the issues separately. By all means, we can talk to the public and the newspapers, and look at the good cartoons in the *Daily Mail* and *The Daily Telegraph*, most of which could form the basis of a good speech. However, we ought to return to the question: what is the objective of sentencing policy that makes the withdrawal of the right to vote so important?

I leave the House a question: who has the responsibility to register those who are convicted and sent to jail? If I am already on the electoral register, is there a system for the courts to tell my returning officer to take me off it, or am I just left on? If I have set up a proxy beforehand, would that still work? Those are matters of detail, which are not important today. The important question today is: do we, as the motion says we should, acknowledge

“the treaty obligations of the UK”?

I agree with my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) on that. As for the right hon. Member for Blackburn (Mr Straw), whom I knew before he became middle-aged, he said that it was not the right time to bring the issue up, when the period that was “not the right time” allowed for more than five years of procrastination, with one election followed by another within five years. That was not the strongest argument that he brought forward this afternoon.

Mr Straw: It may not have been strong, but it was true.

Sir Peter Bottomley: In the debate in Westminster Hall on 11 January, I quoted Justice Dennis Challen. He said—I will précis it—that we want people to be responsible, but we deny them more responsibility; that we want them to think of others, but we put them in situations where they do not. As for using the vote, if people could start saying what kind of society they want to be part of, and if they want to be law-abiding subjects and useful citizens on release, as many do, then it could be part rehabilitation. However, I do not believe that by giving the vote we will suddenly find the reconviction rate dropping by 20 points. That would be ambitious. Those are ambitions that we ought to have—I am glad that tribute has been paid to what the Lord Chancellor is proposing to do to change our penal system to make it work better—but would it not be even better if many fewer people were committing criminal offences for the first time, and if the period in which they did were reduced even faster?

Winston Churchill’s speech as Home Secretary from 1910 can be quoted, but that point is on the record, so I will not go into that. What I would say, to those who want to start condemning the Prison Reform Trust or the Howard League, or those such as myself—I have served on the council of both Nacro and Mind, the National Association for Mental Health, and I was chairman of the Children’s Society, trying to deal with those at risk of becoming serious and serial criminals—is that we have to recognise that most of the people whom we are talking about are bad, mad or sad, or a combination. However, they are not always that all the time, so the

sooner we start learning how to get deterrents, prevention, rehabilitation and can convert them to law-abiding citizens, the better.

I hope that we shall have this debate again, but after splitting the issues, so that we can make progress on both.

4.37 pm

Mrs Eleanor Laing (Epping Forest) (Con): My hon. Friend the Member for Worthing West (Sir Peter Bottomley) is right in much of what he says. He does not have a lot of support in the House today, but I agree with him that we ought to have another debate to consider the issues in greater detail and singly.

This issue is far more complex than it at first appears, and certainly more than the *Daily Mail* and others would have us believe. There is no question of criminals who have been convicted of serious crimes being given the vote as a result of today’s debate. The ECHR does not require it, the Government do not propose it and the vast majority of the British people—and, I think, of Members of this place—are firmly against it. The Select Committee on Political and Constitutional Reform took evidence last week, and we published a short report in an attempt to inform the debate. I am pleased that my hon. Friend the Member for Devizes (Claire Perry) mentioned that, and that other Members have said that, after listening to the debate and reading the Committee’s report, they have thought about the matter more carefully than before.

The point made by the court in the case of Hirst is that

“there has to be a sufficient and discernible link between the conduct and the nature of the punishment.”

As Lord Mackay told the Committee last week,

“if somebody commits a crime of serious violence...one can argue...that is a fundamental attack on the basic human rights of the victim...and, therefore, it is perfectly reasonable, as part of the punishment, that the deprivation of the right to vote should be imposed.”

Lorely Burt: As I understand it, the hon. Lady is proceeding on the principle of “an eye for an eye and a tooth for a tooth”. Like the hon. Member for Glasgow South West (Mr Davidson), who is no longer in his place, I am not a lawyer, but I thought that British justice had abandoned that principle.

Mrs Laing: I am not saying that at all; the hon. Lady has totally misinterpreted what I have said.

Mr Hirst, who brought the case, helpfully submitted evidence to the Select Committee, in which he said that he

“calls into question the purported authority of the HoC Political and Constitutional Reform Committee to investigate a matter already decided by the highest court in Europe”.

Mr Hirst further accused me, as the acting Chairman of that Committee, of ignorance of the law. Okay, I know that it is difficult to admit it this afternoon, but I was once a lawyer. He goes on to threaten:

“Neither the Council of Europe nor I will let the UK off the hook with this one.”

Well, it is time that someone stood up to Mr Hirst, given all the taxpayers’ money that he has spent on legal aid in bringing this case, which is causing nothing but trouble for the Government, Parliament, our courts and our prisons.

Henry Smith: My hon. Friend has hit the nail on the head. This is about malice on the part of this individual and about compensation money, which is wholly unacceptable.

Mrs Laing: My hon. Friend is absolutely right.

Mr Hirst killed a woman with an axe. He pleaded guilty to manslaughter on the ground of diminished responsibility, and his guilty plea was accepted on the basis of medical evidence that he was amoral—that is, he had no moral judgment. I would argue strongly that Mr Hirst took away the right to life of the woman he killed, and that he therefore deserves to lose some of his rights. Criminals who have broken the law forfeit some of their rights. I am sorry to disagree with something that my hon. Friend the Member for Ealing Central and Acton (Angie Bray) said earlier. Having a vote is not a privilege; it is a right. However, it is not an absolute right; it is a right with conditions attached, and this Parliament can attach those conditions.

I will vote for the motion before us today, but I also say to the Government that there is a way through this problem. We in this Parliament can adhere to our British principle that the loss of the right to vote is part of the punishment for those who commit a serious crime while at the same time fulfilling our obligations to the rule of law under the European convention, which the UK drafted in the first place. We can do that by drawing a distinction between different crimes, and by introducing some judicial discretion in sentencing, based on legislation. That would mean that we would no longer have a blanket ban on prisoners voting, but that only a very small category of prisoners would be able to vote. I do not have time to go into detail this afternoon, but I commend to Ministers and to the House the evidence given to the Select Committee on 1 February. Learned lawyers—very good ones, too—gave evidence on how a way through this could be found.

I also want to say something about public opinion. We have to be careful about this, because public opinion has been whipped up on this subject. There are people in prison who deserve not only retribution but sympathy and help. Edmund Burke said in his speech to the electors of Bristol in 1774:

“Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.”

Lord Mackay of Clashfern told the Select Committee last week that

“the rule of law is very valuable to us. We tend to take it for granted but we need to make sure that we do not let it slip.”

It is only by upholding the rule of law that we can play our part in enabling the European Court of Human Rights to hold other countries to account when serious breaches of human rights occur. This afternoon, however, it is our duty to make it clear that this Parliament has at last considered this matter, and that it has a decisive view that, in most circumstances and with few exceptions, a criminal conviction carries with it the loss of the right to vote.

4.44 pm

Mr Brian Binley (Northampton South) (Con): I agree with the hon. Member for Glasgow South (Mr Harris), who is no longer in his place—[*Interruption.*] Ah, there he is. I agree with many of the words he spoke. I also

agree with the hon. Member for Glasgow South West (Mr Davidson) who said that we had heard a lot from lawyers. They indeed play an important role—dare I say it, some might say too important a role—in this House. Many of my friends are lawyers, so I would not go there. It is ironic, however, that the problem we are debating today can be placed at the very door of lawyers. I feel that sometimes they ought to take responsibility for such problems; they are the people who we need to solve them, yet it is they who have left us with a massive issue about sovereignty. We need to reflect on it and ensure that this House—and, frankly, not the lawyers—take the decisions. I also find it ironic that constitutionalists are split on this issue. I shall mention just two—because they suit my case. The first authority I shall quote is not considered to be a raging Tory. Indeed—

Chris Bryant: Lord Hoffmann.

Mr Binley: Yes, it is Lord Hoffmann, who said that it was

“not proper for a European supranational court to intervene in matters on which member states... have not surrendered their sovereign powers.”

I could go on and mention Dr Michael Pinto-Duschinsky, who said:

“International institutions which are set up by everyone become in practice answerable to no one”.

We should take note of what those wise men said. Indeed, we should take note of the many who argue that article 3 of protocol 1 does not constitute a universal right. Therein lies another legal argument for our lawyers to get stuck into.

I want to use my time to speak not about the voice of the law, but about the voice of the people I represent. That is what I think this House should primarily be about. Our constituents deserve to have their views heard, and I have taken much trouble to try to ascertain them. They agree with the sentiments I expressed in the Council of Europe only two weeks ago when I said that many Britons hold the view that restricting the vote of those who freely choose to place themselves outside the rule of law for their own personal gratification, gain or ambition is not a denial of human rights, but a choice those people make. That is simple stuff, not wrapped up in legal language, but we need to take note of it. My constituents also tell me that they are sick to death of the opportunist claims made for compensation, but they are especially sickened by the claim made by the racist John Hirst, who murdered his landlady with an axe. He does not deserve compensation, they tell me, and they do not believe that he cares about the vote either. What he does care about is the money he might get, which is another truth that we need to face up to.

The judgment of people in my constituency is thus quite clear. They say that they do not want prisoners to have the vote. They want to ensure that there is a price for prisoners to pay—a price to pay for those who place themselves of their own free will and volition outside the law. That, with respect, is my answer to my hon. Friend the Member for Worthing West (Sir Peter Bottomley). That matter needs to be taken into account too.

In the time left to me, I want to urge the Minister and the Prime Minister to recognise the dangers of such a judgment, not only for the European Court of Human

[Mr Binley]

Rights but for the whole concept of the European Union. European institutions continue to enlarge their own areas of decision making at the expense of sovereign Parliaments. If that continues, the institutions themselves will be at risk. The Government need to recognise that fact; more importantly, so do the European institutions. As we saw in eastern Europe and as we are seeing in north African states such as Egypt and in states all over the world, the people will be listened to in the end. That needs to be taken into account both by this Government and by the wider European institutions; they would do well to take heed of that.

4.49 pm

Anna Soubry (Broxtowe) (Con): I am delighted to follow my hon. Friend the Member for Northampton South (Mr Binley). I shall begin by taking off my wig and putting on a very hard hat, because I am another of the lawyers who now have the great pleasure of being in this place.

I will not support the motion if a vote is called, not because I believe for a moment that prisoners should have the right to vote, but because I consider the motion to be a bit of a dog's dinner. I commend the speech of the Attorney-General, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I also agree with my hon. Friend the Member for Worthing West (Sir Peter Bottomley) that the House should debate the subject again properly, because this dog's dinner confuses a number of issues. As I have said, I do not think that prisoners should have the right to vote, but the subject does not excite me a great deal, although I accept much of what has been said. The Attorney-General made clear his view that it was important for us to debate the issue of prisoners and voting, and to present our opinions on the matter as a Parliament because they might prove useful in another place.

Let me throw this into the mix, for what it is worth. There is no blanket ban at present, as we know. As for whether we should introduce a further restriction, let me say—I have said it before, but I will say it again—that in all the 16 years or so during which I was a barrister in the criminal division, none of my clients who received a custodial sentence ever said to me, “It is an outrage: I have now lost my right to vote.” They said many other things, mostly rather derogatory things about my pleas in mitigation and the like, but that was not one of their complaints.

Please, let us not allow our judges to decide whether someone should retain or lose the right to vote. Indeed, let us not place that burden on them. To put it bluntly, judges have enough to do, and have enough of what is often nonsense to read out. I do not think that it is their role to make such a decision. I think that, in a sense, we would abdicate our responsibility if we gave it to them. We can imagine the nightmare that would result: a draftsman would have to specify the circumstances in which a person should be given the right to vote and those in which that right should be taken away, and then someone would appeal against that. It is a bad idea.

I also urge the Government not to prescribe a particular period. I know why a period of four years has been floated—I will not bore all the non-lawyers about the history of that, and why it has now been removed—but

I think it would be a bad idea to specify two years, three years or four years. I know of cases in which paedophiles have received custodial sentences of less than four years; I know of violent offenders who have received custodial sentences of less than four years, and whose period on licence has been extended because the court has found them to be dangerous. There is also the problem that arises when people have been found to be dangerous and have received what is effectively a life sentence because of the nature of their crimes, but the actual period for which they must serve before being considered for parole is well under four years.

I realise that that sounds technical, but these are really important matters. We could end up with a very peculiar state of affairs. Someone who clearly should not have the right to vote because he is dangerous and has committed a truly terrible offence such as a rape, or an offence of wounding with intent under section 18 of the Offences Against the Person Act 1861, might serve a sentence of less than four years. That is one of my reasons for urging caution against a prescriptive figure.

I suggest that when we have considered the matter and returned to the debate, we should consider an idea which, although I wish it were mine, actually belongs to my hon. Friend the Member for South Swindon (Mr Buckland). As you might imagine, Mr Speaker, he and I have discussed the matter at length, over, obviously, just a couple of pints of lemonade. My hon. Friend's idea, which I consider very worthy, is that anyone who is given a custodial sentence in the Crown court should lose the right to vote. If an either-way offence is involved, a person takes a risk by opting for trial or a committal for sentence, but if they end up in the Crown court, it is already clear that a serious offence is involved. I think that an admirable way of solving the problem would be to specify that someone who receives a custodial sentence in the Crown court should lose the right to vote.

4.54 pm

Mr Richard Shepherd (Aldridge-Brownhills) (Con): First, I wish to express my gratitude that both Law Officers, the Attorney-General and the Solicitor-General, are present for this debate. Secondly, I want to commend my hon. Friend the Member for Ipswich (Ben Gummer) on making such a remarkable speech. His exposition of why prisoners lose the vote in this country was highly effective and eloquent, and what he said is consonant with the will and view of the people of this country.

We in this House too often forget how certain measures were introduced. I was surprised, however, that the hon. Member for Rhondda (Chris Bryant) had forgotten that the measure under discussion was a Labour measure, introduced by Attlee's Government. I will give the hon. Gentleman the dates, just to encourage him a little. In 1948, Germany was divided, and Europe was fighting to maintain democracy and its values in the west. Out of that came the Council of Europe. In May 1949, the statute of the Council of Europe was signed in London, and it included an emphasis on human rights. The Cabinet agreed to the convention on 24 October 1950, and it was signed on 4 November 1950 and ratified on 8 March 1951. The Labour Government did that because of the state of democracy in Europe, as many Europeans felt that would be a bulwark against Soviet hegemony in Europe.

Chris Bryant: The hon. Gentleman is right that it happened under a Labour Government, but it happened with the full support of the Conservative Opposition. Indeed, that is why the Labour Government supported David Maxwell Fyfe's appointment to the chairmanship of the key committee—the legal committee—in the Council of Europe that drafted the original version of the convention. That happened while there was still a Labour Government.

Mr Shepherd: The hon. Gentleman should also remember that Lord Jowett and the Labour Cabinet were greatly anxious about another court in the English legal system. The convention was therefore very tightly drawn.

Robert Halfon: Will my hon. Friend give way?

Mr Shepherd: No, as I have only three minutes and 49 seconds left.

Moving forward in time, the Hirst case caused a great deal of anxiety in this country. I do not think it the most important case, but we are using it as the means by which we ask questions about the nature of, and what has happened to, the European Court of Human Rights. I think *Tyrer v. the UK* is more important, because something foreign was then extended to our British legal system: the notion that the Court's role was to use the law as a living instrument. That is in direct conflict with our common law tradition, and no one in this Parliament or this country signed up to such an important agreement. That is why we are in trouble, and that is what lay behind Lord Hoffmann's elegant and eloquent introduction to the policy review argument of Professor Pinto-Duschinsky.

At the heart of this matter, we have to grapple with a profound point. I heard my good friend the former Lord Chancellor, Foreign Secretary, Home Secretary et al, the right hon. Member for Blackburn (Mr Straw), say that their claim was that we were bringing rights home. The truth is not quite that. The statute was brought in, which I support entirely. It is important, because there could be tyranny; one vote could have given us 90 days of imprisonment without charge. Fortunately, that was defeated by this House, but that episode shows how thin our liberties lie. The question, therefore, is how do we entrench them? That was the purpose of the very subtle piece of legislation called the Human Rights Act 1998.

I believe these matters should be brought home. I think our common law judges can define the points and do that work, but there can be no entrenchment of that. That has always been the problem with the British constitution; we cannot entrench that which is good, because another Parliament can do away with it or a simple majority in this House of Commons can undermine it.

I cited one such great case—that of 90 days without charge—which was put forward as a serious proposition by a democracy and a land that believes in the rule of law. I would therefore like to give this task entirely to the British judges. That is what I see as the remedy to this situation: we bring the law back and it is decided here. We support and salute the endeavours of the Council of Europe, but this Court is a shambles as currently constructed and in the way in which it discharges its duty. I support the motion, for the reasons first

argued so eloquently by my hon. Friend the Member for Ipswich (Ben Gummer), and in the underlying struggle to maintain the common law in this country.

5 pm

Gordon Henderson (Sittingbourne and Sheppey) (Con): Unlike my hon. Friend the Member for Broxtowe (Anna Soubry), I support the motion. I do so because it is unacceptable that unelected European judges think that they can tell elected Members of this British Parliament how we should treat British criminals who break British laws. I am sure that the vast majority of people in Britain find quite unpalatable the idea that we should allow the vote to prisoners convicted of such serious crimes as murder, rape and paedophilia—certainly the overwhelming majority of people in my constituency share that view.

We must remember that prisoners are incarcerated in secure prisons because they are considered to be a danger to the public and that they are in prison as punishment for their crimes. That punishment should include not only the loss of freedom, but the loss of certain rights enjoyed by law-abiding citizens. One such right is the ability to vote in elections, and I very much hope that right hon. and hon. Members on both sides of the House vote for the motion in large numbers. Doing so will make it very clear to the European Court of Human Rights that if a British citizen commits a crime serious enough to warrant incarceration in prison, that person will lose not only his or her freedom, but the privilege of voting in elections during their incarceration.

However, despite my passionate opposition to prisoners having the vote, I recognise the difficulty faced by the Government. It is clear that Ministers do not want to give votes to prisoners, but they feel obliged to abide by the ECHR ruling. A number of suggestions have been made as to how the Government could solve their dilemma and I wish to add my two-penn'orth. First, let us consider what we hope to achieve when we put people in prison.

Mark Reckless (Rochester and Strood) (Con): Does my hon. Friend agree that this House may assist the Government to get out of this dilemma by passing this motion, and that may set a positive precedent for dealing with the European Union and similar issues? If the Government do not succeed in getting agreement to reduce the EU budget, for example, this House should pass a motion resolving to do so, notwithstanding the European Communities Act 1972.

Gordon Henderson: It would be very odd if I did not agree with my hon. Friend.

The first reason for putting people in prison is to punish them, but there is a second reason, which has been mentioned by a number of hon. Members, including my hon. Friends the Members for Devizes (Claire Perry) and for Grantham and Stamford (Nick Boles), who are not in their places. That second reason is to rehabilitate people, so that after they are released they are not subsequently locked up again. Although I totally oppose allowing prisoners to vote while they are incarcerated in a secure prison, there is an argument for allowing them to vote once they are transferred to an open prison as part of their release back into society. If Ministers want a way out of the fix in which they find themselves, they

[Gordon Henderson]

should accept the motion, as I shall, as a starting point. However, in addition to the categories of prisoner for whom the vote is currently allowed, which are set out in the motion, they should add a category of all prisoners incarcerated in an open prison, including those transferred from a secure prison as part of their release programme.

Such an approach would have a number of advantages. First, it would obey the European Court of Human Rights' ruling by giving the vote to the majority of prisoners at some stage in their sentence. Secondly, it would allow the vote to those convicted of relatively minor offences and sent to open prison. Thirdly, it would address the arguments of those who claim that giving the vote to prisoners would encourage them to become useful members of society—which it does. Fourthly, it would deny the vote to those convicted of the most heinous crimes until they had served most of their sentence and were about to be released back into the community, when they would get the vote anyway.

I do not want prisoners to have the vote under any circumstances, but I understand the problem that the Government face and I ask them, if they feel forced to give any prisoner the vote, to consider what I believe would be a reasonable compromise.

5.5 pm

Stephen Phillips (Sleaford and North Hykeham) (Con): Notwithstanding the comments of my hon. Friends the Members for Worthing West (Sir Peter Bottomley) and for Broxtowe (Anna Soubry), the motion on the Order Paper in my name and that of right hon. and hon. Members on both sides of the House has been carefully crafted in light of the judgments delivered by the Grand Chamber in the Hirst case. For that reason, and given the limit on Back-Bench contributions, I shall confine my remarks to demonstrating why the motion is correct and why it is important that it receives support from hon. Members on both sides of the House.

The previous Government's decision to refer the Hirst matter to the Grand Chamber is something that we have to live with because of the rule of law. We have to respect the judgment that the Court handed down, whether we agree with it or not, but it is important to bear in mind that the decision in Hirst was far from unanimous. A powerful dissent was delivered by the president of the Court, in which he was joined by four other judges. I add that Judge Costa, who is now the president of the Court, also delivered a dissenting opinion. Those dissenting opinions correctly recognised the importance of the Court not interfering or being seen to interfere in domestic political issues.

Jeremy Corbyn: I am listening intently to the hon. Gentleman. Does he recognise that those opinions dissented from the majority opinion of the Court? If we are to support the whole concept of the European convention on human rights and the Court, we have to accept its judgment.

Stephen Phillips: I am grateful for that intervention, but I ask the hon. Gentleman to listen to where I am going rather than to what he has heard so far.

The minority stressed that

“it is essential to bear in mind that the Court is not a legislator and should be careful not to assume legislative functions.”

I make this point, in answer to the hon. Gentleman, because although I accept, as my right hon. and learned Friend the Attorney-General has made clear, that the Government are bound by the judgment in the Hirst case as between themselves and Mr Hirst, in the sense that it is *res judicata* between them, they are not bound in relation to future cases brought by other litigants. There is every prospect, given the debate that we are having today, that the judgment in Hirst would not be followed by the Grand Chamber in future should it come to consider the matter again. To be clear, if, as I trust will happen, there is a clear demonstration in the House today of the will of the people, through their democratically elected representatives, to maintain the status quo regarding the removal of voting rights from those who are subject to custodial sentences, I fail to see how that could not subsequently be respected by the courts of this country and by the Strasbourg Court should the matter have to be considered again.

As even the majority in Hirst recognised, there is a substantial margin of appreciation in the context of article 3 of the convention, and the fact remains that there is no consensus across Europe as to whether those serving custodial sentences should have their right to vote removed as a consequence of having put themselves outside the law. Indeed, it was notable in the judgment of the majority in the Grand Chamber that significant reliance had to be placed on decisions from Canada and South Africa. The hon. Member for Islington North (Jeremy Corbyn) quoted from the South African case. It is true that Canada and South Africa are both common law countries, but they have significant civil law traditions stemming from French law and Roman-Dutch law respectively.

The margin of appreciation in the context that is being discussed in the House means, or certainly ought to mean, that if the House passes the motion, as I hope it will, and if it decides that it does not believe, in the name of the people of the United Kingdom, that section 3 of the Representation of the People Act 1983 entails any breach of the human rights of the citizens of the United Kingdom, that, to my mind, must be an end of the matter. It will have to be recognised in the courts of this country. It will, I hope, be recognised by the Court in Strasbourg.

Ben Gummer: On that point, if the House expresses this opinion today, and if the Court takes that into account, and given that the article protects the totality of the democracy and not an individual right, will the Court not be subverting the convention itself if it persists along the course of action that it has begun?

Stephen Phillips: Yes, it will. One of the difficulties that the Government face, and which those arguing the case in the Grand Chamber faced, was the previous jurisprudence of the Court, where the article had been misconstrued well beyond its original purpose, to give rise to individual rights that the framers of the convention had never intended should come into being.

If there is a change in the approach of the Strasbourg Court, as there ought to be in light of the motion—assuming that it carries if there is a vote tonight—and if the Strasbourg Court were arrogantly and excessively to continue to seek to appropriate to itself the right to legislate for the people of the United Kingdom, the

Government and the House would have to look again at the matter. In those circumstances, it would be difficult to see what properly could be done other than to repatriate the right of the United Kingdom to have sole jurisdiction to decide the human rights of its citizens in its domestic courts, as a number of hon. Members have suggested.

For the present, however, what is necessary, and all that is necessary from those on both sides of the debate—from those who support the existence of the jurisdiction of the Strasbourg Court and those who do not, and from those who believe that we ought to be party to the European convention on human rights and those who do not—is that the motion receives support across the House, so that we make clear the position of the people of the United Kingdom through their elected representatives. For those reasons, I commend the motion to the House. I shall vote for it and I urge hon. Members of all parties to lend it their support.

5.12 pm

Priti Patel (Witham) (Con): It is a real pleasure to follow my hon. and learned Friend the Member for Sleaford and North Hykeham (Stephen Phillips) because I, too, support the motion and he has succinctly explained its purpose and outlined the challenges that confront us.

My contribution will be short because a great many views have already been aired. I agreed with many of the earlier speeches. My contribution very much stems from the fact that many of my constituents are outraged by the concept of votes for prisoners. I support the motion for two main reasons. First, we absolutely should maintain this country's long-standing law refusing prisoners the right to vote. Secondly, as I see it and as we have heard, it is fundamentally wrong and undemocratic for unelected and unaccountable judges in Europe to attempt to undermine the sovereignty of this Parliament.

Mr Matthew Offord (Hendon) (Con): Does my hon. Friend agree with me and people in my constituency that there is another reason that many people are unhappy about this debate? That is simply that decisions of the European Court of Human Rights is a further illustration of the fact that some people are keener to promote the rights of perpetrators of crime than those of victims of crime, as has also been shown in today's debate.

Priti Patel: Indeed I do, and I thank my hon. Friend for his contribution. The majority of the public believe that those who are convicted of criminal offences and sent to prison should forfeit their right to vote and not have the same rights as other members of society. I find it extraordinary that we are talking about the rights of convicted criminals—people in prison—rather than the rights of those who are the victims of crime.

The public are also fed up with the fact that the human rights agenda has been used to undermine our judicial process, and we now have the bizarre scenario where we are effectively talking about giving prisoners and convicted criminals more rights. There are also genuine concerns about the capitulation of successive Governments to these unelected judges in Strasbourg who are determined to expand their influence into areas of law that should not be anywhere within their jurisdiction. They are completely encroaching on that territory.

Robert Halfon: My hon. Friend makes a powerful case. Is she aware that in 2002, Sweden had a problem with an aspect of the convention and withdrew, then later went back into it? Why cannot we do the same on this issue?

Priti Patel: That is a good example. We need to start exercising our rights more vigorously and standing up for Britain and Britain's interests. This is why Parliament and the Government must stand up to the Strasbourg Court. I fundamentally believe that this Parliament should have the final say on this matter.

My constituents constantly make the point that they are outraged. They feel that the rights of criminals, as opposed to the rights of victims, are constantly discussed and put first. I was not sent to the House by the voters of Witham slavishly to nod through laws and accept every diktat that comes from Europe or the Strasbourg Court. I was elected to this House to defend the national interest, to support my constituents and to hold law-makers to account. It would be a great disservice to the British people if we were to say that the authority of this House and this Parliament is now so denuded, so irrelevant, that we are powerless to act, stand up, speak out and do the right thing in this Chamber. This is a democratic and sovereign Parliament, which has done more to promote democracy and the rule of law than any other. We should not be forced to bow down on this issue, and I urge all hon. Members to put Britain and the law-abiding majority of this country first by sending a clear and unequivocal message to Europe by supporting the motion.

5.17 pm

Lorely Burt (Solihull) (LD): I am probably the only Member of the House to have served as a prison officer and an assistant governor in Her Majesty's Prison Service, so I hope that I can throw a little light as well as heat on the debate.

Despite the disparaging comments of the hon. Member for Birmingham, Selly Oak (Steve McCabe), I can tell colleagues that working in a prison is very, very tough. I have been physically assaulted, tricked, verbally abused and just about everything in between, so I would definitely dispute any accusations of being a bleeding-heart liberal and a soft touch. It was a long time ago that I served in the Prison Service, and I hope things are different now, but when I was there prisoners were treated by many staff with contempt. They were regarded as the lowest of the low, and not deserving of the smallest consideration. People who write to me today to tell me how soft prison is do not necessarily understand the nature of the punishment that prisoners undergo.

There has been a lot of discussion about the terrible, heinous things that prisoners have done, and I in no way wish to detract from some of the terrible crimes that have been perpetrated, but I want to put the other side as well. More than half of people who are sentenced receive a sentence of six months or less. Around 70% of people come into prison addicted to class A drugs or alcohol. The offences committed by the women for whom I was responsible at Holloway were often minor, but persistent. They included fencing stolen goods and shoplifting, often to feed a habit. Many prisoners who commit cynical and premeditated offences, but some cherish hopes of returning to society and their families and behaving themselves, if they are given the chance. If

[*Lorely Burt*]

we want prisoners to leave prison and rejoin society as citizens who will work, pay taxes and become full members of our society, we must wake up to the idea that depriving them of their dignity and identity as well as their liberty is not the way to go about it.

When I was assistant governor of Holloway prison, I was put in charge of a wing of adult prisoners and the young offenders wing, and I can tell hon. Members that those girls had some of the least attractive personalities of any individuals I have ever met. They were disparaged and looked down on by prison officers throughout the jail. However, as part of my training I spent time with the probation service and at a mental hospital, and the frantic and destructive behaviour of some of the girls started to make sense. They had suffered all forms of abuse, many so awful that they would shock even those hon. Members who have dealt with abuse situations. That is the context in which we are working.

When we take away a prisoner's human rights, we deny their humanity. We are telling them that they are worthless and reinforcing their isolation from the world.

Nick de Bois (Enfield North) (Con): I have listened carefully to the hon. Lady and to her last suggestion that we are taking away prisoners' human rights. Are we not simply taking away a civil right, rather than a human right?

Lorely Burt: I believe that it is a human right, as I have said a number of times, and it is categorised as such by the convention. I will give the last word to Juliet Lyon CBE, chief executive of the Prison Reform Trust, who sums it up well:

"Hanging onto a 19th century punishment of civic death is legally and morally wrong. The outdated ban on prisoners voting has no place in a modern prison service, which is about rehabilitation and respect for the rule of law."

Mr Tom Harris: Will the hon. Lady give way?

Lorely Burt: No, I will not give way again. Colleagues, let us move forward today, rather than backward. I will not be supporting the motion.

5.22 pm

Mr Robert Buckland (South Swindon) (Con): We have had an interesting debate and a number of ideas have come forward from both the Front and, most notably, Back Benches. In the spirit of the invitation of the Attorney-General, who made his remarks in the middle of the debate, I think that it is incumbent on us all to come up with constructive suggestions on how we move forward. Before doing so, I want to say that the debate epitomises the age-old tension between the judiciary and the legislature. It is not something we should apologise for; frankly, it is entirely natural.

There are times when the concept that politicians make the laws and judges merely enforce them comes under severe strain, and this is one such occasion. Often, the fault lies here, with politicians, because of poor and unclear drafting of legislation. Judges will often have the difficult task of interpreting unclear provisions—I pray in aid the Criminal Justice Act 2003, for example—and will do their best to clear up the spilt

milk that we politicians have left them. However, there are times when the hand of judicial activism can be seen. Nowhere is that more true, I am afraid, than in the European Court of Human Rights.

We have heard much about the original conception of fundamental rights and freedoms, and I associate myself with those remarks. What has clearly occurred is a move from a concept of the guardianship of fundamental liberty to one of pettifogging interference with the mechanisms of liberty itself.

Robert Halfon: Will my hon. Friend give way?

Mr Buckland: I will not, because other hon. Members wish to speak, and I do not want to eat into their time.

In this country, the concept of human rights has become associated not with the far-sighted words of Sir Winston Churchill or the careful drafting of Lord Kilmuir, but with the rather grisly spectre of ambulance-chasing lawyers, scuttling around our prisons, encouraging inmates to think not about the right to vote, but about the prospect of compensation. We should all reflect on that; it is a sad reflection of where human rights have sunk to in the public's perception.

We need to return to the concept of basic rights. The right to vote is not in my view a fundamental freedom of itself. It is the expression of a freedom, of a constitutional right, but it is not of itself a fundamental human right. The suffrage is age-restricted, for example; it depends on electoral registration; and it is a mechanism for expressing our freedom, not the very freedom itself. That is where I am afraid the hon. Member for Solihull (*Lorely Burt*) gets it wrong. There is a distinction to be made, but it is a distinction that the European Court has blurred—and blurred dangerously through its majority decision in the case of *Hirst*.

I said that the right to vote is an ancillary to freedom, and equally the loss of the right to vote by a prisoner is an ancillary consequence of incarceration. The punishment is the deprivation of the fundamental freedom that is liberty; one consequence is the loss of the right to vote. They go hand in hand, and the eloquent words of my hon. Friend the Member for Ipswich (*Ben Gummer*) cannot be improved on. Much has been said about the misnomer of a "blanket ban", and that point needs to be reinforced.

I should like to make a suggestion, which I think my hon. Friend the Member for Broxtowe (*Anna Soubry*) presaged, but whom I forgive. It is an observation based on the majority decision in the *Hirst* case. The criteria that troubled the majority there were the nature or gravity of the offence and the individual circumstances. We should move away from worrying about the length of the sentence and look at where we deal with the case. We deal with our most serious cases in the Crown court, and there should be a presumption of the loss of the right to vote for all defendants who are dealt with in that higher court.

We could observe the reverse to be true in the lower or magistrates court. I am reluctant to support the concept of judicial discretion, which brings judges into the political sphere and leads to an effective reduction in the loss of the right to vote. For all those reasons, I support the motion.

5.28 pm

Bob Blackman (Harrow East) (Con): We have had an excellent debate. Indeed, it has shown the House at its best: the opportunity to debate the issues of the day, without being whipped on how we vote at the end.

I come to the debate not as a lawyer but with a background in science and mathematics, and as such as I treat these issues with logic. My starting point is that Parliament sets the rules—it sets the laws. It decides what is a criminal offence and what is not, and what the range of a sentence should be when someone has broken the law and is guilty of such a criminal offence. It is then for the judges to determine, after someone has been found guilty, what sentence they serve, and the current position is clear: if they are imprisoned, they lose their right to vote.

There is a grave danger, however, in our saying to the judges, “You can decide whether someone should be sent to prison, how long they should lose the vote for, and whether it should be three months, six months or whatever.” Equally, there is an inherent danger, because judges might have in the back of their minds the fact that, if they sentence someone to two years’ imprisonment, that person will lose their vote, but if they imprison them for only one year, that person will keep it. That would leave the judges to make the judgment. That is fundamentally wrong in society, and we should shy away from it.

Stephen Williams (Bristol West) (LD): Is not the solution that judges should have discretion over whether to withhold the right to vote rather than its being part of a sentence?

Bob Blackman: The logic that flows from that is that when judges decide that someone goes to prison, that person should lose their right to vote, full stop, without any slippery slope in the other direction.

Damian Collins: I am not saying that I agree with my hon. Friend, but judges already have a power to decide whether someone can stand for Parliament, because someone who serves more than a year in prison cannot stand for election as a prisoner, but someone who is serving less than a year can stand and be elected to this House.

Bob Blackman: I thank my hon. Friend for that intervention.

I would argue strongly that the Government should not make any proposals that place limitations on the time served before someone has their vote taken away. That is a slippery slope, and we should not allow the judiciary to take that position. We should clearly adopt that position as a House.

Having had this challenge from the Court of Human Rights in Strasbourg, to which we must respond, we have heard in this debate the voice of the House of Commons. I suspect that when we come to vote there will be an overwhelming majority in favour of this motion. The Government could therefore propose very simple legislation saying that anyone convicted of a criminal offence that results in their going to prison loses their right to vote. That will respond to the challenge that the Court of Human Rights has set us. The House of Commons will consider that legislation, as will the

House of Lords, and it will command respect and endorsement from all parties in the House. That will end this ongoing argument with the Court of Human Rights once and for all, and reassert the sovereignty of this Parliament and its position over the Court of Human Rights.

Why should we not suggest that to the Government? We have heard many ideas from colleagues on the approach that we should take. I ask the Attorney-General and the Government to take note of all the suggestions that we have put as Members of the House of Commons and come forward with simple legislation that we can all endorse and support. That will send a strong message to the people who would subvert our democracy and try to prevent our Parliament from being sovereign. It will tell them that that is our answer, and that it is clear and unambiguous, once and for all. I strongly support the motion.

5.32 pm

Richard Drax (South Dorset) (Con): I have heard the word “rights” used a lot this afternoon, but surely equal weight should be given to the word “responsibilities”. If someone behaves irresponsibly—criminally—they should lose those rights. My right hon. and learned Friend the Attorney-General said that he is angry about this issue, and the Prime Minister has been quoted as saying that it makes him feel sick. I suggest a remedy—a constructive one, may I humbly add?—and that is a steely spine and a determination to rid us of all these human rights laws. It beggars belief that we are having to discuss this subject at all. It only reminds us in this House how impotent we really are. Tied to the well-intended European convention on human rights, subjugated by judges and bureaucrats in Europe, and told we may have to pay £100 million to disfranchised prisoners, we are left humiliated in this place.

Preventing prisoners from having the right to vote is a point of principle for us all. They lost it in 1870, and my constituents say that they should not get it back today. I agree with the former Law Lord, Lord Hoffmann, that while democracy and freedom are certainly human rights, the right to vote is a constitutional right and is therefore different. In my view, prisons should punish. I appreciate that moves are afoot for the emphasis to be more on rehabilitation. I implore our Government that that must not be at the expense of justice.

There are two prisons in my constituency, HMP The Verne and the young offenders institution, both of which are on Portland. The Prison Officers Association already believes that prison today is no deterrent. We hear repeatedly of repeat offenders, and why? It is because there is no deterrent. Most law-abiding citizens do not have the rights and privileges that prisoners have. That is what I hear from those who guard today’s prisoners.

I understand that the Government are considering pursuing the minimum legal requirements laid down in the European Court of Human Rights ruling. As I understand it, that would mean withdrawing the right to vote from the most serious offenders: those who have been incarcerated for four years or more. With respect, that misses the point entirely. It would be an ill-considered fudge brought upon us by our coalition partners. It was always a Lib Dem promise—never ours. Such a fudge will encourage prisoners to sue the Government. Already,

[Richard Drax]

we hear that lawyers are circling like vultures, waiting for convicted men and women to make financial gain from this farce.

Sir Peter Bottomley: Would it not be best, therefore, to set the penalty at the cost of a bottle of House of Commons Speaker's whisky, which is £20, and then to limit the legal aid to the sum that could be gained, or the case would be dropped?

Richard Drax: My hon. Friend is much more learned than I am, and he makes an interesting point.

Finally, I shall touch on the mechanics of giving prisoners the vote. How will we do it? Will we canvass prison cells? Will we knock on each door and ask, "What can we do to get you to vote for us?" Might murders and rapists affect the outcome of an election in a marginal seat? It sounds ridiculous and it is ridiculous. It is also completely unworkable. Surely our criminal justice system is for us and us alone.

During the election, we promised a British Bill of Rights that would balance a citizen's rights more carefully with their responsibilities. It is time that we replaced the European convention on human rights. As one of the oldest democracies on Earth, I think we can be trusted to look after our citizens.

Mr Speaker: To wind up this Back Bench-led debate, I call the hon. Member for Esher and Walton (Mr Raab).

5.37 pm

Mr Dominic Raab (Esher and Walton) (Con): Thank you, Mr Speaker. I wish to pay my thanks to the Backbench Business Committee, and to pay tribute to my hon. Friend the Member for Kettering (Mr Hollobone), who initiated an earlier debate on the same subject, which was extremely useful.

It is a privilege to wind up this debate after so many excellent speeches from all parts of the House. There have been insightful contributions on the criminal justice aspect on both sides of the debate: my hon. Friend the Member for Witham (Priti Patel) was on suitably robust form and the hon. Member for Carshalton and Wallington (Tom Brake) made an eloquent contribution on the other side of the argument. We have heard compelling arguments about democratic accountability from my hon. Friends the Members for St Albans (Mrs Main) and for Gillingham and Rainham (Rehman Chishti). There were valuable contributions on the history of the convention from my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) and my hon. Friend the Member for Aldridge-Brownhills (Mr Shepherd).

I will start even further back. The House will recall that Alfred the Great was notorious for smiting Vikings, but he was not just a bruiser.

Chris Bryant: The hon. Member for North East Somerset (Jacob Rees-Mogg) can remember. He was there.

Mr Raab: I give way to my hon. Friend.

Jacob Rees-Mogg (North East Somerset) (Con): I thank my hon. Friend for giving way. King Alfred was a good Somerset man who did his duty to rescue us not only from Vikings, but from high taxation.

Mr Raab: In the year 888, he was translating "The Consolation of Philosophy" from Latin and he asked a basic existential question: are we determined by fate or do we possess free will? He answered in favour of free will. When he translated the Latin word "libertas", he used the word "freedom"—"free" as in free from bondage, and "dom", for which we would now say "deem", meaning "conscious" of being free. Freedom was linked to free will and the basic idea that we take responsibility for our actions. That is how the word "freedom" entered our language in the first place, and it is what today's debate is about.

If a person commits a serious enough crime to be sent to prison, they forfeit the right to vote, along with their liberty, for the limited period of their incarceration. We have come a long way since the year 888, but our tradition of liberty sustains the basic idea that with freedom comes responsibility. When the European convention on human rights was negotiated in 1949, that remained a guiding principle, so when the French proposed including a right to vote it was rejected because the draft contained the words "universal suffrage". The British delegate, Sir Oscar Dowson, a former Home Office legal adviser, stated:

"In no State is the right to vote enjoyed even by citizens without qualifications. The qualifications required differ from State to State...And it is our view that the variety of circumstances to be considered may justify the imposition of a variety of qualifications, as a condition of the exercise of suffrage".

Robert Halfon: I thank my hon. Friend for giving way and for his important point. Does he agree that the founders of the European convention on human rights, who did what they did because of what had happened in world war two, would never have wanted to give Rudolf Hess and Albert Speer the vote?

Mr Raab: My hon. Friend makes an important point, and of course he is absolutely right.

The context of Sir Oscar Dowson's comments is that when the convention was negotiated Britain barred peers, felons and the insane from voting. The British argument was accepted and the French proposal withdrawn, and when the right to vote reappeared in the protocol, not the convention, two years later, the words "universal suffrage" had been deleted. There can be absolutely no doubt that the protocol was explicitly designed to allow states to ban prisoner voting and impose other restrictions. As a matter of international law and a basic canon of treaty interpretation, Strasbourg should have taken that into account if there were any doubt, but it failed to do so. In doing so, it undermined international law.

Of course, that was not a one-off case. From the time of the Tyrer case against Britain in 1978, Strasbourg started referring to the European convention as a "living instrument". The Court said that its job was not just to interpret and apply convention rights but to expand and update them. The judges assumed the powers of legislators, without any mandate or any basis in the convention, and in defiance of international law and the basic democratic principle that states are bound by the international obligations to which they freely sign up.

From then on, in the UK alone, Strasbourg rewrote the law of negligence as it applies to the police in the Osman case; created novel fetters on our ability to deport criminals and terror suspects in the Chahal case

and a whole series of article 8 cases since; and overturned both a British jury and the will of Parliament to dictate the rules governing how parents may discipline their children. There are many other examples. Let me be clear about this: Members may reasonably disagree on all those difficult policy and ethical questions, but all democrats must agree that they are questions to be answered by this House—by elected law makers.

One concern expressed in the debate has been about the idea of Britain defying a court, undermining the rule of law. As a public international lawyer, trained and practised, I pay close attention to that matter. However, there is another factor to consider. Impartiality and independence are the pillars of the judicial function, and they begin to crumble if judges are both interpreting and creating human rights law at the same time. That is now a far greater threat to the rule of law, the separation of powers and our basic notions of democratic accountability.

The motion is not about pandering to some populist agenda. I fully support prison reform, as other Members throughout the Chamber have said they do, including more drug rehabilitation, more training and more work in prisons. Nor is it anti-judge. Some of our most senior judges are now openly criticising Strasbourg—the Lord Chief Justice, the President of the Supreme Court and Lord Hoffman, who until recently was our second most senior Law Lord. Lord Hoffman did so not just in the recent Policy Exchange report, but way back when he complained that Strasbourg had proved

“unable to resist the temptation to aggrandise its jurisdiction and to impose uniform rules on Member States. It considers itself the equivalent of the Supreme Court of the United States, laying down a federal law of Europe.”

That was back in 2009.

The fact is that we face a serious abuse of power—there is no other word for it. I therefore want to put this question to the House: how perverse would a Strasbourg ruling have to be before we, as British lawmakers, stood up for the national interest and our prerogatives as democratic lawmakers? If not now, on prisoner voting, when? I make this prediction: if we do not hold the line here, today, there will be worse to come—far worse—in the years ahead.

What happens if we agree to the motion? Strasbourg could rule against us and we could face compensation awards. However, the architects of the convention introduced a vital safeguard: Strasbourg cannot enforce its own judgments. The worst that can happen is that we remain on a very long list of unenforced judgments to be reviewed by the Committee of Ministers—there are about 800 such judgments at the moment. There is no risk of a fine and no power to enforce compensation, and absolutely no chance of being kicked out of the Council of Europe.

A number of compromise solutions have been mooted, and I have paid careful attention to each and every one. The problem is that giving the vote to prisoners sentenced to six months or less or a year or less is not a compromise, because it is bound to be rejected by Strasbourg. The Court made that crystal clear in the Frodl case last year, and the Council of Europe commissioner for human rights, Thomas Hammarberg, stated that unequivocally on Radio 4 last Saturday. Such so-called compromise proposals are the worst of all worlds. We buckle and

accept the erosion of our democracy and Strasbourg rejects the compromise anyway.

It is time that we drew a line in the sand and sent this very clear message back: this House will decide whether prisoners get the vote, and this House makes the laws of the land, because this House is accountable to the British people. I commend the motion to the House.

Question put.

The House divided: Ayes 234, Noes 22.

Division No. 199]

[5.47 pm

AYES

Afriyie, Adam	de Bois, Nick
Amess, Mr David	Dinenage, Caroline
Andrew, Stuart	Dobbin, Jim
Austin, Ian	Docherty, Thomas
Bacon, Mr Richard	Dodds, rh Mr Nigel
Bailey, Mr Adrian	Dorries, Nadine
Baker, Steve	Dowd, Jim
Baldwin, Harriett	Doyle, Gemma
Barclay, Stephen	Doyle-Price, Jackie
Baron, Mr John	Drax, Richard
Barron, rh Mr Kevin	Dugher, Michael
Barwell, Gavin	Ellis, Michael
Begg, Dame Anne	Elphicke, Charlie
Bell, Sir Stuart	Engel, Natascha
Benton, Mr Joe	Eustice, George
Betts, Mr Clive	Evans, Graham
Bingham, Andrew	Evennett, Mr David
Binley, Mr Brian	Fallon, Michael
Blackman, Bob	Field, Mr Mark
Blackwood, Nicola	Fitzpatrick, Jim
Blenkinsop, Tom	Freeman, George
Boles, Nick	Freer, Mike
Bone, Mr Peter	Fullbrook, Lorraine
Bradley, Karen	Fuller, Richard
Brady, Mr Graham	Gapes, Mike
Bray, Angie	Garnier, Mark
Brennan, Kevin	Gilbert, Stephen
Bridgen, Andrew	Glindon, Mrs Mary
Brine, Mr Steve	Goggins, rh Paul
Brown, rh Mr Nicholas	Goldsmith, Zac
Bruce, Fiona	Graham, Richard
Buckland, Mr Robert	Gray, Mr James
Burley, Mr Aidan	Griffiths, Andrew
Burns, Conor	Gummer, Ben
Byles, Dan	Gyimah, Mr Sam
Cairns, Alun	Halfon, Robert
Cairns, David	Hamilton, Mr David
Campbell, Mr Alan	Hammond, Stephen
Carmichael, Neil	Hancock, Matthew
Carswell, Mr Douglas	Hancock, Mr Mike
Chishti, Rehman	Hands, Greg
Chope, Mr Christopher	Harris, Rebecca
Clappison, Mr James	Harris, Mr Tom
Clifton-Brown, Geoffrey	Hart, Simon
Coffey, Dr Thérèse	Heaton-Harris, Chris
Collins, Damian	Henderson, Gordon
Colville, Oliver	Hinds, Damian
Connarty, Michael	Hodge, rh Margaret
Cox, Mr Geoffrey	Hodgson, Mrs Sharon
Crausby, Mr David	Hoey, Kate
Creasy, Stella	Holloway, Mr Adam
Crouch, Tracey	Hosie, Stewart
Cunningham, Tony	Jackson, Mr Stewart
Davidson, Mr Ian	Javid, Sajid
Davies, David T. C.	Jenkin, Mr Bernard
(Monmouth)	Johnson, rh Alan
Davies, Philip	Johnson, Diana
Davis, rh Mr David	Johnson, Gareth

Johnson, Joseph
 Jones, Andrew
 Jones, Mr Kevan
 Jones, Mr Marcus
 Jones, Susan Elan
 Keeley, Barbara
 Kelly, Chris
 Kirby, Simon
 Kwarteng, Kwasi
 Laing, Mrs Eleanor
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Mr Edward
 Leslie, Charlotte
 Leslie, Chris
 Lewis, Brandon
 Lewis, Dr Julian
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lucas, Ian
 Main, Mrs Anne
 Maynard, Paul
 McCabe, Steve
 McCann, Mr Michael
 McCartney, Jason
 McCartney, Karl
 McClymont, Gregg
 McGovern, Jim
 McVey, Esther
 Menzies, Mark
 Mercer, Patrick
 Metcalfe, Stephen
 Michael, rh Alun
 Mills, Nigel
 Mitchell, Austin
 Morgan, Nicky
 Morris, Grahame M.
 (*Easington*)
 Morris, James
 Mosley, Stephen
 Murray, Sheryll
 Newton, Sarah
 Nokes, Caroline
 Nuttall, Mr David
 Offord, Mr Matthew

Ollerenshaw, Eric
 Ottaway, Richard
 Owen, Albert
 Paisley, Ian
 Patel, Priti
 Pawsey, Mark
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Phillipson, Bridget
 Pincher, Christopher
 Poulter, Dr Daniel
 Pound, Stephen
 Pritchard, Mark
 Pugh, John
 Raab, Mr Dominic
 Reckless, Mark
 Redwood, rh Mr John
 Rees-Mogg, Jacob
 Reeve, Simon
 Robertson, Mr Laurence
 Rosindell, Andrew
 Rudd, Amber
 Ruffley, Mr David
 Russell, Bob
 Scott, Mr Lee
 Selous, Andrew
 Sharma, Alok
 Shepherd, Mr Richard
 Simmonds, Mark
 Singh, Mr Marsha
 Skidmore, Chris
 Skinner, Mr Dennis
 Smith, Henry
 Smith, Julian
 Spellar, rh Mr John
 Stanley, rh Sir John
 Stewart, Iain
 Straw, rh Mr Jack
 Streeter, Mr Gary
 Stringer, Graham
 Stuart, Ms Gisela
 Stuart, Mr Graham
 Sturdy, Julian
 Syms, Mr Robert
 Tami, Mark
 Tapsell, Sir Peter

Timms, rh Stephen
 Tomlinson, Justin
 Truss, Elizabeth
 Turner, Mr Andrew
 Uppal, Paul
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Walter, Mr Robert
 Watson, Mr Tom
 Weatherley, Mike
 Weir, Mr Mike
 Wharton, James
 Wheeler, Heather
 White, Chris

Beith, rh Sir Alan
 Bottomley, Sir Peter
 Brake, Tom
 Edwards, Jonathan
 Foster, rh Mr Don
 Gardiner, Barry
 Green, Kate
 Hames, Duncan
 Hermon, Lady
 Hughes, rh Simon
 Huppert, Dr Julian
 Jackson, Glenda
 Llwyd, rh Mr Elfyn

Whiteford, Dr Eilidh
 Whittaker, Craig
 Whittingdale, Mr John
 Wicks, rh Malcolm
 Williamson, Gavin
 Wilson, Phil
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wright, David
 Wright, Mr Iain
 Zahawi, Nadhim

Tellers for the Ayes:
Mr Roger Gale and
Mr Philip Hollobone

NOES

Love, Mr Andrew
 Lucas, Caroline
 McCarthy, Kerry
 McDonnell, John
 Munt, Tessa
 Qureshi, Yasmin
 Reid, Mr Alan
 Williams, Hywel
 Williams, Stephen

Tellers for the Noes:
Jeremy Corbyn and
Lorely Burt

Question accordingly agreed to.

Resolved,

That this House notes the ruling of the European Court of Human Rights in *Hirst v. the United Kingdom* in which it held that there had been no substantive debate by members of the legislature on the continued justification for maintaining a general restriction on the right of prisoners to vote; acknowledges the treaty obligations of the UK; is of the opinion that legislative decisions of this nature should be a matter for democratically-elected lawmakers; and supports the current situation in which no prisoner is able to vote except those imprisoned for contempt, default or on remand.

Children in Care

Motion made, and Question proposed, That this House do now adjourn.—(*Angela Watkinson.*)

Mr Speaker: Before I ask Mr Edward Timpson to speak to the motion, may I appeal to hon. and right hon. Members who are leaving the Chamber to do so quickly and quietly, affording to the hon. Gentleman the same courtesy that they would want extended to themselves in such circumstances?

6 pm

Mr Edward Timpson (Crewe and Nantwich) (Con): Mr Speaker, I should like to begin by thanking you for granting this short but none the less invaluable and timely debate on improving outcomes for children in care. With Eileen Munro's final report on child protection due out in April, the spotlight on looked-after children in this country is rightly intensifying, as we strive to narrow not the gap but the chasm that still exists between the life chances of children in care and others. As chairman of the all-party parliamentary group on looked-after children and care leavers, I was disappointed not to be able to contribute to the recent excellent Backbench Business Committee debate on disadvantaged children, which was opened with great force by my hon. Friend the Member for East Hampshire (Damian Hinds). I am therefore delighted to have this opportunity to speak up for all those children and young people in care.

I also declare an interest as a non-practising family law barrister specialising in care cases and, perhaps more importantly, as someone who shared their home for more than 30 years with 90 foster children and two adopted brothers. I have no doubt that that experience not only shaped and hardened my strong sense of social justice but propelled what some would argue was my misplaced desire to come to this place and fight for better outcomes for children in care. Indeed, I had no hesitation in using my maiden speech almost three years ago to do just that.

I want to pay a warm—and, I stress, in no way sycophantic—tribute to the Under-Secretary of State for Education, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), who is replying to the debate today. He has shown a profound interest in and deep knowledge of this subject. In government, he has embarked on the direct, purposeful, common-sense programme of reform that he advocated in opposition. As he has said, the programme is committed to “infusing the entire care system with a culture of aspiration, hope and optimism for each young person”.

I am sure that his recent appearance before the all-party group, when more than 100 passionate young people came to Parliament to make their views known directly—and, on occasion, quite forcefully—to the Minister, did not put him off his stride. Instead, I am sure that the experience provided him with ample proof of the importance of the work that he has undertaken.

I am sure that much of what I am about to say will sound as though I am teaching the Minister to suck eggs, but I hope to persuade him that, in supporting his efforts, there is even more we can do to help children in care to overcome the odds that are still so heavily stacked against them. Let us look at the facts. Looked-after

children are four times more likely than others to receive the help of mental health services, nine times more likely to have special needs requiring assessment, support and therapy, seven times more likely to misuse alcohol and drugs, 50 times more likely to end up in prison, 60 times more likely to become homeless, and 66 times more likely to have children of their own who will need public care. As if that were not enough, there are four times fewer children in care getting five good GCSEs including English and maths than their peers.

The financial and societal cost of those appalling statistics is heavy. According to Demos's recent report, “*In Loco Parentis*”, published last year, a young person who leaves care at 16 with poor mental health and no recognised qualifications could cost the state more than five times as much as one who leaves care with good mental health and strong relationships and who goes on to university or an apprenticeship and finds a job. The costs to society are, perhaps, immeasurable.

I recognise that there are a number of counter-arguments to the picture that I have just painted. We must exercise a degree of caution about making direct, unqualified comparisons between children who have been through the care system and those who have not. In too many cases, children who enter the care system are already deeply damaged by their early-life experiences, which even the best possible care might be unable to unravel and overcome by the time they reach adulthood. We must therefore be careful to view such children's outcomes in that context.

We must also acknowledge the tremendous amount of fantastic care and support that is benefiting thousands of children in care every day. I have seen it and lived with it myself; I have witnessed at first hand what good parenting and appropriate emotional support can achieve. We should not forget that there are many children whose time in care was an enriching life-changing experience that led to a successful career and a fulfilling personal life. We need to be better and more open about accentuating the positive work that is done and not drag all those who work in the care system down with the structural failures within it.

In many ways, we do not have a single care system, but more of a fragmented patchwork of care systems where good practice thrives in some parts of the country, despite the design of the system. In other areas, however, as noted in the Select Committee report on looked-after children during the last Parliament:

“The quality of experience that children have in care seems to be governed by luck to an...unacceptable degree”.

Let us be clear. As I know the Minister accepts and appreciates, there is no quick fix. This is going to require a cross-party commitment over a generation to build a care system that is proactive, responsive, joined up and brimming with high-quality multidisciplinary support, giving a real and enduring priority to improving outcomes for children both in and on the edge of care.

As Sean Cameron and Colin Maginn lay down in their paper of March 2007:

“The challenge for social work is to provide the quality of care and support that is to be found not just in the average family home, but also in the most functional of families.”

So how do we achieve that end?

Based on strong body of evidence and research by Demos, the three main factors associated with achieving the most positive experiences of care and the best

[Mr Edward Timpson]

outcomes for looked-after children are: first, early intervention and minimal delay; secondly, stability during care; and, thirdly, supported transitions into independence. This is backed up by Mike Stein of the Joseph Rowntree Foundation, who similarly identified the priorities for ensuring resilience and well-being for looked-after children in later life as preventing children entering the care system through pre-care intervention, improving their care experience and supporting young people's transitions from care.

The fact is that we need a comprehensive response at all stages of childhood, but there is unquestionably in my mind, amid a growing consensus, the need for a strong emphasis on and commitment to early intervention and prevention, which are absolutely key. The hon. Member for Nottingham North (Mr Allen)—a standard bearer for all things early intervention—said in his latest report, which was commissioned by my right hon. Friend the Prime Minister, that

“we need to rebalance the current culture of ‘late reaction’ to social problems to help create the essential social and emotional bedrock for all children to reap the social, individual and economic rewards.”

To that end, I welcome the Government's financial commitment to that programme through the early-intervention grant, the expansion of family nurse partnerships and the widening of free nursery care for two-year-olds. Like others, I would also want to highlight the superb work done by Home-Start in my Crewe and Nantwich constituency and across the country to help families struggling with the demands of very young children. They deserve proper and longer-term support, so I look forward to the Minister taking the opportunity today to reiterate that to local authorities in no uncertain terms.

By getting in early before problems become entrenched, Action for Children and the New Economics Foundation have calculated a potential saving to the economy of £486 billion over 20 years—imagine that. Just as relevant would be the transformation of life chances for so many young people. The brutal truth is, however, that even with more targeted and consistent preventative work, there will still be children who need the state to intervene in their lives. For them, stability is the foundation stone.

Young people who experience stable placements providing good-quality care are far more likely to succeed educationally, to be in work, to settle in and manage their accommodation after leaving care, to feel better about themselves and to achieve satisfactory social integration into adulthood than young people who have experienced further movement and disruption during their time in care. With stability comes the security as well as the time for children to develop those all-important secure attachments, but much of that is undermined by frequent and disruptive moves, which are too often a feature of a child's experience in care. As one year 8 child in care put it:

“What was the point in trying to please people, because you would just get moved on again?”

Children need and want a sense of belonging, of family, to feel reciprocal emotional warmth and to have someone who loves them unconditionally and believes in them.

It is true that in recent years there has been a small drop in the number of looked-after children with three or more placements during the year, but there is still a long way to go. We are short of about 10,000 foster carers. Given that foster placements make up about three quarters of all care placements, and given that in 2010 the number of looked-after children stood at 64,400—up 6% on 2009—a relentless recruitment and retention drive for foster carers remains crucial if we are to increase the prospect of providing every child with the right placement, rather than providing the right child for the placement.

However, foster carers are only part of the stability equation. The recruitment and retention of social workers continues to cause concern, which is the driving force behind the Government's new “step up to social work” scheme. With a high staff churn rate comes more instability for the child. That is not new. Lord Laming, Moira Gibb and, most recently, Eileen Munro have produced reports in the last few years that pinpoint the tick-box culture that has spread its tentacles across social work and has sapped the morale and professional judgment of social workers. Eileen Munro hit the nail on the head when she said:

“Compliance with regulation and rules often drives professional practice more than sound judgment drawn from freed up social workers spending meaningful time interacting and building a trusting relationship with children, young people and families.”

As the Minister has said previously, taking a child into care is not a science but a subjective judgment. To be able to make that and other judgments correctly requires experience, consistency, and the time and space that make it possible to really understand the needs of a particular child. A change of social worker every five minutes will not lead to good child-focused decisions. But it does not have to be that way.

I am conducting a cross-party inquiry into the educational attainment of looked-after children, with the welcome support of the hon. Member for Wigan (Lisa Nandy) and Lord Listowel. A few weeks ago we visited Hackney children's services to observe the way in which children's social care in the borough had undergone a complete shift in the culture of practice and management by reclaiming social work through the establishment of social work units. There are teams consisting of a social worker, a family therapist, a children's practitioner, a unit co-ordinator who takes all the red tape out of the hands of the social worker, and a consultant social worker who, under the old system, would have gone into management and had little or no contact with children of families, but is now using his or her experience on the front line.

The results have been dramatic. We have seen a reduction in the number of looked-after children from 470 to 270, a reduction in the number of agency staff from 50% to just 7%, a 50% reduction in sickness levels, a 5% reduction in overall costs, high levels of morale, and a strong increase in academic achievement among the children in the care of those teams. That example of best practice shows what is possible at a lower cost. Other local authorities have shown an interest in copying the model, but let us make sure that they all know about it. The Government have rightly embarked on a trial of flexible assessment time scales enabling social workers to exercise their professional judgment more effectively, and I note that Hackney council is among those taking part.

Despite those welcome initiatives, the lines of accountability in local authorities remain cluttered, blurred and confusing. Local safeguarding children boards, directors of children's services, children's trusts, children in care councils, virtual school heads, corporate parenting boards, independent reviewing officers and others are all there to champion the voice of the vulnerable child, but, as Roger Morgan, the children's rights director, will confirm, many children in care feel that their voices are lost in the myriad management decisions being made in their name. The problem needs to be sorted out. I would welcome a commitment from the Minister to look formally into how the voice of children in care can be better and more clearly represented, so that all who act as corporate parents have them constantly at the forefront of their thoughts, words and deeds.

I mentioned my current inquiry into the educational attainment of looked-after children. I do not want to pre-empt its outcome, but the very fact of its existence demonstrates the central role that education plays in improving outcomes for children in care. Evidence that the inquiry has taken from young people in or leaving care suggests strongly that when they have had a stable educational experience not only are their prospects of future employability and independent living greatly enhanced, but their self-esteem, confidence and belief in themselves are significantly boosted. That is why I am reassured by the Government's guarantees that all looked-after children will receive the pupil premium, and that that additional money will be attached—metaphorically speaking—to all children wherever their education is taking place. However, it would be remiss of me not to add a further plea to my hon. Friend the Minister. If it is right that the personal education allowance is to be rolled into the pupil premium, I urge him to make robust representations to his ministerial colleagues in the Department and the Treasury and to put to them the compelling case for looked-after children to receive an additional sum—a pupil premium-plus, as it were—to reflect their often acute problems, and therefore their heightened need for one-to-one support, psychological input such as cognitive behavioural therapy and other specific interventions relevant to ensuring their prospects at school are not compromised in any way by their looked-after status.

Good quality support does reap rewards. We need only look at the achievements of the Horizon centre in Ealing, which was opened by the Minister and which I recently visited. Through offering young people in and leaving care a safe space where they can get financial, emotional and psychological support, and education and training, the centre has helped to increase the number of children in Ealing borough going to university from 7% to almost 20%. It is an example to others that the transition from care into independence can be successful with the right level and length of support. The so-called cliff-edge that many children leaving care face needs to become a thing of the past, and be replaced by an appropriate and incremental release of support backed up by a safety net when needed, something their peers—who on average do not now leave home until the age of 25—often take for granted, me included. Why should looked-after children be any different?

If time had allowed, I would have wanted to cover much more ground, but before giving the Minister his opportunity to reply, there are four specific issues I want him to respond to in detail, if not today, then at a

later date. First, we need to widen the range and choice of care. At present, about 14% of looked-after children are in a residential setting. That may be too high, or it may be too low; I simply do not know. Yet in Denmark and Germany more than half of looked-after children are in residential care. Why the huge difference? Is residential care in our country now seen as a placement of last resort? As my hon. Friend the Minister has said, there is scope for seeing whether a greater use of children's homes is appropriate. The Select Committee report on looked-after children to which I have referred stated that

“the potential of the residential sector to offer high quality, stable placements for a minority of young people is too often dismissed. With enforcement of higher standards, greater investment in skills, and a reconsideration of the theoretical basis for residential care, we believe that it could make a significant contribution to good quality placement choice for young people.”

Indeed, the New Economics Foundation report, “A False Economy”, estimated that for every pound invested in providing an appropriate residential placement leading to good outcomes, a return of between £4 and £7 was created for the economy. With the continued shortage of foster carers and the hit-and-miss aspect of matching children to the right placement still prevalent, I invite the Minister to consider seriously the case for a full and proper national review of residential care, to ensure we can be confident that we are offering children the right placement for them, not simply the only placement available.

Secondly, on looked-after children in custody, I urge the Minister to look urgently at ending the continuing and unjustified anomaly whereby, unlike a child placed under a care order, a looked-after child who was voluntary accommodated prior to custody loses their looked-after status on entering custody and therefore the support of their social worker and other key professionals. I know that people's minds have been on prisons for another reason today, but this is a serious issue that merits action. I know that my hon. Friend the Minister spoke in favour of putting this discrepancy right during the Committee stage of the Bill that became the Children and Young Persons Act 2008, so I hope that now he is in a position to do something about it, he will do so.

Thirdly, I echo the words of Sir Nicholas Wall, president of the family division, who has called for the prioritising of children's cases in court above all other family law proceedings, especially judicial decisions on placement in care and adoption. I am aware that there is currently a review of all aspects of family law, so I hope this plea from our most senior family judge does not go unheeded.

Fourthly, more than 3,000 unaccompanied asylum-seeking children are being looked after by local authorities, but there continue to be concerns about their access to fundamental services such as education, as well as their vulnerability to trafficking. I know the Minister is vexed by this issue and trust he will look into it closely.

I do not doubt that this Government and all previous Governments of whatever political hue have been, and are, determined to improve outcomes for children in care. So am I. With the tightening of purse-strings, the temptation for some will be to continue on a course of crisis management. My message to the Government, local authorities and all those who work with children in care is this: “Be bold, be smart and, above all, show you really care.”

6.19 pm

The Parliamentary Under-Secretary of State for Education (Tim Loughton): As is conventional, I start by congratulating my hon. Friend the Member for Crewe and Nantwich (Mr Timpson) on securing this debate on a vital subject that is too little aired in this House. I also congratulate him on one of the best-informed Adjournment debate speeches that I have heard in this place. The quality of his speech was not surprising. I am something of an amateur on this subject compared with him, because he has vast experience. As he said, he is no stranger to the experiences of looked-after children; I know that he grew up with many of the prolific number of children whom his parents fostered over a period of 30 years and with his adopted siblings. He understands first hand the challenges that they face and he is leading a cross-party inquiry into their outcomes, as he mentioned. My hon. Friend's choice of subject comes as no surprise, and I am grateful to him for raising it.

I am aware of the time limitations, so if I do not reach the end of my speech, I will be happy to provide my hon. Friend with an annotated version of it and also respond to the additional points that he has raised specifically.

It is absolutely right to keep the outcomes of looked-after children firmly in sight. My hon. Friend has reminded us of some of the horrific statistics and I agree that they are completely unacceptable. There has been a modest improvement in some outcomes, including attainment, but it is not nearly good enough, as a chasm still exists, as he mentioned. There are no quick fixes in this area. A top-down approach has not produced the results that we all desire. However, the approaches that he spoke about—improving accountability, trusting professionals and sharing best practice—offer the hope of such results.

It is absolutely right that central and local government listen very hard to the voices of looked-after children and those who have left the care system. As my hon. Friend kindly said, since becoming a Minister—and indeed before—I have placed great importance on finding ways in which we can sharpen accountability, rather than tick-box compliance, and on ensuring that we take this subject much more seriously. For example, in partnership with the children's rights director and A National Voice, we are supporting quarterly meetings of the chairmen of children in care councils, and I have enjoyed those meetings thus far. I have also set up reference groups with foster children, with Roger Morgan, on a quarterly basis and a further group comprised of young people who have been through the care system. They have expert first-hand experiences and are not shy in coming forward with their invaluable views.

We want to see the children in care councils drive local change by helping looked-after children to ask challenging questions of local authorities about the services they provide. That is one way in which we hope to bring best practice to all local authorities—my hon. Friend mentioned that that is crucial. Foster carers are the bedrock of the care system. We need to listen to them, and be clear about what they can expect and what is expected of them. The charter for foster carers that we are developing is intended to bring that clarity in an accessible way, and I look forward to launching it in just a few weeks' time.

My hon. Friend rightly said that early intervention is key. I agree that the case for it is compelling. If we are to

provide cost-effective services in the long term, early intervention must be a top priority. The evidence shows that early interventions, such as multi-systemic therapy and multi-dimensional treatment foster care, work, even where children already have very serious emotional needs. Properly targeted, such programmes can make a real difference. According to current audit data, 95% of young people on multi-systemic therapy programmes for children on the "edge of care" remain at home at the end of the intervention. For children in care, local authorities can save on an expensive residential placement later by investing in multi-dimensional treatment foster care at the right time. When faced with difficult choices about funding, it is natural to focus on the immediate priorities, such as, of course, keeping children safe. It is right to do so, but too often education for looked-after children has then been an afterthought, and that is a false economy.

Like any good parent, the best local authorities have high aspirations for the children they look after. The virtual school head model, embraced by almost all local authorities, has done much to emphasise that education for looked-after children and care leavers is absolutely vital. If local authorities act as corporate parents to looked-after children, then perhaps central Government are the "corporate grandparent". In that capacity, we have extended the pupil premium to include looked-after children, as my hon. Friend has mentioned. The premium is not the same as the personal education allowances that local authorities provide to support education in its broadest sense. The pupil premium is about focusing hard on raising attainment through extra one-to-one tuition, and it will benefit all children who have been looked after for six months. The overall funding for the pupil premium will go up from £625 million in 2011-12 to £2.5 billion in 2014-15 and the looked-after children premium will rise in line with increases to the deprivation premium.

I agree with my hon. Friend's general argument that more support needs to be given to those children who have been looked after on a voluntary basis and who enter custody. They can no longer be looked after when they receive a custodial sentence, but I accept that they will be as vulnerable and will have the same range of needs as any other young person from care while in custody. We do not propose to amend primary legislation so that those children retain their looked-after status, as that would not fit with the coalition Government's view about setting new burdens on local authorities. However, from April 2011 revised regulations and guidance will include explicit requirements on local authorities to minimise offending by looked-after children. Most importantly, they say that whenever a child loses their looked-after status as a result of going into custody, the local authority must appoint a representative to visit them.

The purpose of those visits will be to meet the young person, assess their needs and make recommendations to the local authority that had been responsible for their care about how best to respond to their needs in future. Where necessary, local authority children's services will have to be involved in release planning so that clear arrangements are in place to support the child and their family in the community on their release. For some young people, that will mean being looked after again. So, in future, when a young person who is looked after

by the local authority is given a custodial sentence, the authority's responsibility will not stop at the gate of the secure training centre or the young offender institute. I hope that reassures my hon. Friend.

My hon. Friend mentioned unaccompanied asylum-seeking children, who have the same needs as any other looked-after child but face particular challenges. We have been explicit in our care planning statutory guidance to local authorities that unaccompanied asylum-seeking children have the same entitlements to support as all other looked-after children. In recognition of that principle, our revised suite of statutory guidance on care planning and transition from care goes much further than previous guidance in setting out how local authorities should support that especially vulnerable group of young people.

I recognise that the children placed in residential care are among the most vulnerable of all looked-after children. My hon. Friend also raised this issue. Children are often placed in children's homes only after other arrangements for their care have broken down, and they might find themselves living many miles from their home community. In September, as part of a wider review of all departmental contracts, I decided to cancel the contract awarded to Tribal under the previous Government to support and challenge children's homes. I took the view that, in the current financial climate, contracting out that important work did not represent the best use of available resources. Instead, I have instigated a new programme of work, led by my Department, to support and challenge children's homes to identify the challenges faced by the residential sector in order to promote much-improved outcomes for looked-after children in residential care and to see whether it could be used more extensively.

That programme will support children's homes in learning from the best practice that certainly exists and in developing approaches to supporting children in their care, so that residential care staff understand and are able to use interventions based on solid research evidence about how best to respond to children's needs in order to nurture them, promote stable care and improve their educational attainment. The programme has already embarked on a wide range of activities,

including piloting learning sets for residential care staff in several regions. My staff have also scheduled a programme of visits to regions with high numbers of children's homes to meet social workers, the staff of children's homes and a wide range of others to understand their views about the support required by children's homes. I hope to report on some of that work and research in due course. Of course, that will include consultation with those children, which is so important, as my hon. Friend has said.

Our commitment to raising the quality of residential care has been demonstrated by the overhauling of the national minimum standards for children's homes. I hope that my hon. Friend will take that as some assurance. I agree that it is extremely important that local authorities learn from each other in order to improve their services. I am concerned that there is not more sharing of knowledge and effective practice. Why is it, for example, that in one local authority no care leavers go to university whereas another manages to support no fewer than 41? The Department's streamlined regulations and statutory guidance on care planning and leaving care should help as they are more coherent, rooted in best local practice and provide a clear framework for achieving greater consistency. My hon. Friend mentioned some very good examples of best practice in Hackney and Ealing with which I am familiar and which Eileen Munro is certainly taking on in her review. However, that will not be sufficient on its own and we are therefore working with local government colleagues on the development of a sector-led improvement support system.

Central to improved outcomes is the ability of social workers to do their job. We need confident, autonomous professionals who spend more time with children and less time on over-complex recording systems. That is at the heart of the Munro review, which my hon. Friend has mentioned, and is why we recently announced the expansion of social work practices. Placement stability and high-quality care planning, particularly—

6.30 pm

House adjourned without Question put (Standing Order No. 9(7)).

Westminster Hall

Thursday 10 February 2011

[MR CHARLES WALKER *in the Chair*]

BACKBENCH BUSINESS

Onshore Wind Energy

Motion made, and Question proposed, That the sitting be now adjourned.—(*Mr Newmark.*)

2.30 pm

Andrea Leadsom (South Northamptonshire) (Con): It is a pleasure to see you in the Chair, Mr Walker. I thank the Backbench Business Committee for enabling me to introduce this very important debate about onshore wind farms.

First, I congratulate the Front-Bench team for their part in bringing the Localism Bill to Parliament. It is absolutely key that we in Britain reverse the tide of centralisation and start to give power back to communities and people. I applaud the intention to remove regional spatial strategies and to abolish regional renewables targets. Putting power back into the hands of local communities and better allowing people to determine the outcomes for their area is certainly something that we need to do, so I thank the Front-Bench team for that.

The debate about onshore wind farms goes to the heart of the question of localism versus the national interest. Where onshore wind farms are concerned, a big tug-of-war is going on. There are real issues of national interest that must be taken into account. I shall mention three, the first of which is the energy gap. Although this is not a party political debate, Labour's leaving of our economy in such a shambles is one of the legacies that we are fighting. The other is the way that it left our energy situation. The sad fact is that between now and 2020, some 35% of British power generating capability through nuclear and conventional power stations will be retired due to old age.

Huw Irranca-Davies (Ogmore) (Lab): I welcome the debate initiated by the hon. Lady. It is a good opportunity. I also welcome her saying that it is not party political, but will she note that in the middle of the economic recession that we had and the difficulties that we had, and still have, the wind sector grew by thousands and thousands of jobs? It was not coincidental that that growth began from 2007-08 onwards. Is that not a good story about green jobs started under the Labour Administration?

Andrea Leadsom: As I plan to say, wind energy plays a part, but what we actually needed to do was to rebuild conventional power sources, and start building new ones, that will genuinely meet the needs of the country in the next decades.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my hon. Friend on obtaining the debate. On the subject of conventional power stations, will she note that wind power will not alter one jot the number

of power stations required? A report by Scottish and Southern Energy notes that receipts from its extensive wind turbine farm were down by 20% last year, beyond its expectations, showing that we simply cannot rely on there being sufficient wind to eliminate conventional power stations.

Andrea Leadsom: I completely agree, and will come to that point.

The second challenge where national need is tugging against local need is energy security and our dwindling North sea gas reserves. We are now a net importer of gas and will increasingly rely on potentially unreliable sources for importing power, so there is a great need to rebuild our own generating capability. The third "tug" comes from our binding EU target to meet 15% of our energy needs through renewables by 2020. Again, that presses us towards urgent action that at times can appear to go against local requirements.

I therefore welcome the Government's focus and determination to solve these problems while at the same time taking account of what local people want. What are the solutions? The former leader of the CBI, Richard Lambert, said clearly that nuclear energy was the answer. It is low carbon and has a high base load. I am pleased that we are seizing that bull by the horns and pressing for more nuclear capability. That will be key.

As the hon. Member for Ogmore (Huw Irranca-Davies) suggested, however, the big race during the last decade has been for onshore wind, not just here but in Europe. Let me set the scene. At the moment, Britain has 350 operational wind farms, 260 either under construction or awaiting construction and 250 at the planning stage. That means that there are already 3,000 turbines in the country, with another 6,500 either awaiting construction or planned. To meet the 10,000 turbines needed to ensure that we hit our 15% renewables target by 2020 would cost us dearly in terms of the impact on communities and electricity prices.

At the moment, onshore wind farms provide for about 2.1% of total energy needs in the UK and they are by far the largest renewable source, but the big question is: are they worth it? To examine that, I shall consider the case of Denmark, which has led the way on onshore wind. It now has more than 6,000 wind turbines for a population of just over 5 million people. In theory, wind turbines could provide for one fifth of Denmark's energy needs, but its national power company—DONG Energy—has stopped supporting new onshore wind turbines, for three reasons. The first is the enormous public backlash. Communities have just had enough. Secondly, electricity prices in Denmark are the highest in Europe. Since 2005, subsidies paid by businesses and consumers to wind farm developers have totalled some £620 million.

However, the key reason why Denmark is putting a stop to onshore wind farms is effectiveness. Electricity generated in Denmark could provide for 20% of its total needs, but not much of it is used in Denmark. Why? Because the wind does not blow at peak times in Denmark, so the country sells its surplus energy to Norway, Sweden and Germany, often at a substantial loss.

Another key issue in Denmark is that the Danes have failed to close a single conventional power station. Why? Wind energy produces excesses of power at times

[*Andrea Leadsom*]

when it is windy and when it is working, but at other times it is not useful to them, so it has not significantly reduced their carbon footprint. In addition, they have to keep their power plants ticking over because the carbon footprint from constantly ramping up power stations when the wind drops is counter-productive.

The other reason why Denmark has stopped building onshore wind farms is that subsidies have been reduced significantly by the Danish Government. Of course, that points to the fact that the big push for wind is a result of taxpayer subsidies; that is why developers want to build wind farms.

What does that mean for the UK? First, in the UK we know that wind farms are unreliable. The intermittency causes a problem for the grid. Too much wind means that the turbines have to be turned off. No wind means that they are useless. Wind cannot be stored, and in the UK the average production from wind turbines is about 30% tops. That means that the theoretical capacity of 100% is only achieved to the tune of 30% on average because of the intermittency of wind. We therefore have to keep all our power plants going to provide a back-up source and we will have to build new power plants to cope with that.

Secondly, last December, when temperatures dropped to an average of minus 0.7° and demand for heat rose by 7%, there was no wind. Wind power contributed not a jot to meeting that 7% increase in demand for heat.

Thirdly, we have to consider the costs. It is difficult to establish the relative costs because they move all the time, but roughly speaking, wind energy costs about two and a half times the price of nuclear energy and twice the cost of traditional fuel sources. However, it is not just the fuel itself. There is also the cost of building the turbines. The costs of the raw materials for that are increasing, and as the demand for wind turbines increases, so does the cost of building them.

Finally, there is the cost of upgrading the grid to deal with the enormous amount of new connectivity that will be needed by 2020 if we are to have a total of 10,000 onshore wind turbines. The cost has been put at around £5 billion.

James Wharton (Stockton South) (Con): My hon. Friend makes an excellent point about the cost of wind turbines. Is it not the case that there is not only a cash cost, but that the carbon cost of manufacture detracts significantly from the environmental benefits that onshore turbines are supposedly meant to bring?

Andrea Leadsom: My hon. Friend makes a good point, although some would argue that the cost would be defrayed over a few months, once the turbines are built. Of course, it all boils down to how much energy the turbines produce.

Upgrades to the grid will cost about £5 billion by 2020. That alone will add 1% to every fuel bill, as it is consumers and businesses who will be paying the cost. In 2005, Paul Golby, the chief executive officer of E.ON, said:

“Without the renewable obligation certificates nobody would be building wind farms.”

In 2007, Ofgem said,

“we think there are cheaper and simpler ways of meeting these aims”—

the aims of reducing carbon emissions and promoting renewables—

“than the renewables obligation scheme which is forecast to cost business and domestic customers over £30 billion.”

In 2008, the Centre for Policy Studies predicted that meeting the 2020 renewables target would require a taxpayer subsidy of between £4 billion and £5 billion a year. That would add £3,000 to the total fuel bills of every household—that excludes the cost of infrastructure—and it takes no account of the fact that, in 2009, 4 million households were in fuel poverty. The cost of these things must be taken seriously into account.

I am delighted that the Government have announced that they intend to share the financial benefit of onshore wind farms with communities. That is important because there is no doubt that taxpayers will be paying the price; it is fair that the communities that host wind farms should share in the rewards.

Another cost of wind farms that is hard to quantify is the impact on communities. Hundreds of campaigners are fighting against having wind farms in their areas. Their concerns are wide-ranging. They include visual problems: many of the new wind turbines are bigger than Big Ben and taller than the London Eye; they are said to intimidate villages and ruin areas of outstanding natural beauty, and there is mess and disturbance while they are being built.

Andrew Percy (Brigg and Goole) (Con): We have exactly the same problem on the Isle of Axholme in North Lincolnshire. Several local villages in my area were faced with about 14,000 vehicle movements for up to two years during the construction of a 34-turbine wind farm. The wind farm was refused permission by the local authority, but it was granted on appeal. It is not only what happens afterwards. It includes what happens during the construction phase, which is not a short time.

Andrea Leadsom: My hon. Friend makes a good point.

Mr James Gray (North Wiltshire) (Con): I am most grateful to my hon. Friend for giving way twice so quickly.

It is instructive that in the Chamber for this important debate there are, at a glance, some 26 coalition Government Members and only two Labour Members—one Whip and the shadow Minister. Does my hon. Friend agree that that is because the visual impact of wind farms is almost exclusively felt in constituencies represented by Conservative and Liberal Democrat Members, but that the constituencies represented by Labour will benefit as they will be using the energy?

Andrea Leadsom: My hon. Friend makes a good point, and I would add to it. The rush to build wind farms under Labour’s top-down planning now makes it difficult for Opposition Members to stand on a localism ticket.

Tony Cunningham (Workington) (Lab): I hope that the hon. Lady will wait and listen carefully to what I shall say.

Andrea Leadsom: I look forward to that.

Huw Irranca-Davies: I thank the hon. Lady for giving way again in this good-humoured debate. May I point out that the comments of the hon. Member for North Wiltshire (Mr Gray) are a complete fallacy? In the constituency of my hon. Friend the Member for Workington (Tony Cunningham) and in many places in Wales, including in the uplands of south Wales, more than 60% of the land is within the TAN8—technical advice note 8—area for development. It is not true to say that wind farms are to be found predominantly in Conservative or Liberal Democrat areas. That is not how the mapping is done.

Andrea Leadsom: I thank the hon. Gentleman, but the fact remains that not many Opposition Members are present in the Chamber.

Stephen Barclay (North East Cambridgeshire) (Con): Further to that point, may I suggest that one reason for that may be that the leader of the Labour party was the Secretary of State for Energy and Climate Change? He signed legally binding targets that are highly questionable. Indeed, the Labour Chair of the Public Accounts Committee was behind a report that concluded:

“We are concerned that the Department agreed to the legally binding EU-target”—
the 2020 target—

“without clear plans, targets for each renewable energy technology, estimates of funding required”,

and without understanding other factors such as planning issues. We will come later to the fact that the legally binding target, which will require 10,000 new turbines by 2020, notwithstanding the fact that 40% of planning applications fail, is beyond the control of the Department that signed it.

Andrea Leadsom: My hon. Friend is right to raise that point. As I said at the start, that binding target is one reason why we have a tug-of-war between the national interest and what local communities want.

I was talking about the visual impact of wind farms. One of the main problems is flicker. Sunlight on the rotating blades disturbs many people; it creates genuine hardship because it is constant when the wind is blowing and, obviously, when the sun is shining.

Turbines also have an aural impact. They are audible at a great distance—potentially, as far as two miles, depending on the landscape. I have been given some wonderful descriptions of the sound. It is described variously as like an aircraft continually passing overhead, a brick wrapped in a towel turning in a tumble drier, someone mixing cement in the sky or a train that never arrives. Wind turbines are often noisiest at night, and the sound is constant. One cannot get away from it and it does not stop.

Wind turbines also have an impact on wildlife, as we heard earlier. A survey estimates that 350,000 bats have already been killed by turbines, as have 21,000 birds of prey and millions of small birds, and that each turbine kills between 20 and 40 birds a year. Larger animals, particularly horses, seem to find turbines disturbing.

Mr Graham Stuart (Beverley and Holderness) (Con): I congratulate my hon. Friend on securing this debate, and on her powerful speech. I visited the Davies family in South Lincolnshire a couple of years ago. They were

forced out of their home by the noise of the local wind turbine. I am sure that that is why so many hon. Members are here today: they do not want their constituents to suffer that sort of imposition, especially as local decisions are overturned by central authorities.

Andrea Leadsom: I thank my hon. Friend for that excellent contribution.

Another key concern cited by communities is interference with television and radio. Emergency services are concerned about the impact on their frequencies. The Ministry of Defence is concerned about interference with radar, and that some of these huge turbines might be a threat to aircraft.

There is also the question of house prices. It is much disputed, as it is not clear whether turbines have an impact on house prices across the board, but it has been the case in some areas. In Denmark there is a requirement for wind farm developers to compensate home owners if there is proven loss in the value of their property. Therefore, at the moment, planning favours the wind farm developer.

Only one in three wind farms are approved by democratically elected local authority planners. I hope that the Minister can shed some light on this, but I wonder how many of the other two in three wind farms go on to be approved on appeal, rather than being rejected in their entirety.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): Does my hon. Friend share my concern that local authorities might be tempted to be both judge and jury when it comes to applying for and granting consent for wind farms on property that they own?

Andrea Leadsom: I agree with my hon. Friend. When planning for onshore wind farms, the views of people who have to host them should be taken into account, no matter who owns the land.

Justin Tomlinson (North Swindon) (Con): I am grateful to my hon. Friend for giving way once more. An Ecotricity application for three wind turbines adjacent to the South Marston village was deferred on Tuesday. It is as if the planning process is fearful of the inspector, and that all the concerns listed by my hon. Friend—the tangible effects on local residents—are almost irrelevant as planners seek to avoid dealing with them; ultimately, the unaccountable inspectorate will give the approval.

Andrea Leadsom: I quite agree and that has certainly been explained to me by many councillors in my own district.

Chris Heaton-Harris (Daventry) (Con): I thank my hon. Friend and constituency neighbour for giving way and I congratulate her on securing this debate. The village of Yelvertoft in my constituency has, hanging over its head, the prospect of eight turbines the size of the London Eye being built. Some 72% of the village were against it, including the local council, me, as the MP, and the MEPs. The decision went to appeal. One person from the planning inspectorate turned up for a few days and overturned that decision, which is why these turbines are now being built. That is not localism.

Andrea Leadsom: I completely agree with my hon. Friend that that is outrageous.

One of the biggest criticisms about the planning system for onshore wind farms is that there is no requirement, at the moment, for the developer to prove that the place is actually windy. You would think, Mr Walker, that before the taxpayer was expected to fork out billions of pounds someone would require the developer to find—as Winnie the Pooh put it—a windy spot. It is a fairly basic requirement. That brings me on to South Northamptonshire, which is not a windy spot—other than my hon. Friend the Member for Daventry (Chris Heaton-Harris), who, I am told, can be full of wind at times. [*Interruption.*] Yes, hot air.

Andrew George (St Ives) (LD): Before the hon. Lady moves on geographically—I come from a totally different part of the country—let me congratulate her on the way in which she has constructed a very strong argument against wind energy, although it is not one that I entirely sign up to. However, I feel that she has overplayed the negatives. Turbines, for example, are not operational for about 100 hours a year as a result of strong winds. She has also rather underplayed the economic benefits to the manufacturing sector in the UK. Does she not agree with the way in which this Government are approaching this issue? They are constructing incentives for communities to benefit from wind farms rather than simply having them established in the landscape with no benefit to the local community. Does she think that that might help to change people's attitudes towards them?

Mr Charles Walker (in the Chair): Order. Many colleagues want to speak. Can we have pithy interventions?

Andrea Leadsom: Absolutely. As I said earlier, I completely applaud the Government's intention to enable communities to share in the benefits of wind farms; it is absolutely right. It should have been done before now. I completely agree that where wind farms go ahead, communities should benefit. None the less, I slightly take issue with the point that my hon. Friend made about the amount of time that wind turbines are actually working. The latest statistics show that, on average in the UK, they operate between 25% and 30% of the time.

Andrew George: The figures across the board show that the turbines operate about 70% to 80% of the time. About 100 hours are lost when they have to be shut down as a result of excessive wind speeds. That is 100 hours a year per turbine.

Andrea Leadsom: I thank my hon. Friend for that, but I think that we are talking about two slightly different things. I am talking about 30% of wind farm capacity being effective at any one time.

I move on to my own constituency of South Northamptonshire. The Met Office confirms that it is one of the most sheltered parts of the UK. Our average wind speed is around 8 knots, which means that we are towards the lower end of effective speeds for a wind turbine. Nevertheless, I have four applications for wind turbines in my constituency—one in Greatworth and Helmdon, one in Roade, one in Alderton and one very recently in Paulerspury. A local study suggests that the capacity of the wind turbines would be around 19%, which is extremely low. We will, none the less, face massive disruption during construction.

Having spoken to a number of developers, I am told that the factors that attracted them to South Northamptonshire were the excellent roads, the convenience of the sites to the motorways, the good links to the grid and the rocks. They did not say that they were attracted to Northamptonshire because it is an exceptionally windy place. I congratulate my hon. Friend the Minister on today's announcement, which he kindly sent to my office this morning. It said that the Government will consider giving wind farm developers a new incentive to build in windy places rather than in constituencies such as mine where there really is not enough wind to be worth the cost.

Sir Alan Beith (Berwick-upon-Tweed) (LD): That is slightly worrying to those of us who represent rather windy places. In the hilltop village of Wingate, in my constituency, residents faced the prospect of being encircled by wind farms, which were separately applied for by different developers, and that is a planning process that they find very difficult to cope with.

Andrea Leadsom: My right hon. Friend makes a good point. I agree that the issue of the local need versus the national interest still applies. Let us start from the basis that we build wind farms where it is windy and not where it is not windy.

Huw Irranca-Davies: On a point of order, Mr Walker. The hon. Lady intrigues me. It is a very good debate and she has put some powerful points. However, has there been some policy announcement today? From what she has said, it sounds as though it may be beneficial. Are we hearing here and now a policy announcement?

Mr Charles Walker (in the Chair): That is not a point of order. In his summing up, the Minister might want to refer to the letter that he sent to the hon. Lady, but it might just be a personal letter that we all receive from Ministers.

Andrea Leadsom: I can confirm that the letter was simply a piece of information that was put on the Department of Energy and Climate Change website. The Minister's office sent me a link to it, so I can confirm that the information is in the public domain.

Mr Gray: Is it not an irony that the windiest places in the UK tend also to be the most remote from the places where the energy is being used? Therefore, the visual impact that my hon. Friend mentioned is doubled because of the necessity to have wires going from the windy place, such as Northumberland, to London where we are actually using the energy.

Andrea Leadsom: My hon. Friend makes a very good point. That will always be the issue—turbines being very close to the grid and therefore on top of a community or being further away from the grid and potentially having an impact through the connectivity issues. That will always be a problem.

We have painted rather a gloomy picture here and I can add one last bit of gloom, which is that sadly—before we all go out and shoot ourselves—we also do not benefit from the manufacturing of wind turbines. At a time when the renewable industry offers great potential in terms of business growth, it is something that we must take great strides to improve, and we are doing so in this Government.

Mark Pawsey (Rugby) (Con): In my constituency, Convertteam manufactures components of turbines. It is working on gearless turbines, which will address the issues of noise that greatly concern both my hon. Friend's constituents and my constituents. Therefore, there are some UK manufacturers of wind turbines, which means that there is some benefit to the UK economy.

Andrea Leadsom: That is music to my ears, and I hope that we will progress with that and go on to manufacture even more wind turbines and other sources of renewable energy in this country.

Mr Graham Stuart: We are a world leader in offshore wind turbines. We have the largest capacity of almost any other country. Siemens has announced that it wishes to come to Hull to create 700 jobs, and others will follow. We have a huge opportunity with large-scale wind turbine farms; we can drive down the cost until it can compete with fossil fuels. Surely we should be focusing on offshore wind where we have world leadership and manufacturing potential because that offers a real benefit for this country. Onshore wind upsets our constituents, contributes little and has many inefficiencies, which my hon. Friend has so powerfully explained to us today.

Andrea Leadsom: My hon. Friend makes an excellent point and it is one that I completely agree with.

There is now a fairly gloomy picture in this country, where it appears that the taxpayer foots the bill for wind farms, communities pay the price of the loss of amenity and the wind farm developer takes all the reward without even needing to prove that there is a benefit in terms of reducing our carbon footprint. So I again applaud the Minister for the way in which we are moving to a different environment, in which communities will have a greater say and will share in the proceeds that accrue from the building of wind farms.

Having looked into this issue in great detail in the last few weeks, I accept that there are marginal benefits from onshore wind. However, it is very difficult to suggest that onshore wind will mean that we can reduce our reliance on conventional power sources. By the very nature of wind, that will not be possible. Nevertheless, wind should be present in the mix of what we are trying to achieve: reducing our carbon footprint, plugging the energy gap, and ensuring good energy security.

Having said that, the benefits of onshore wind have been hugely exaggerated by the developers who stand to make huge sums from the taxpayer incentives. In addition, we are genuinely adding to fuel poverty in this country and costing consumers and businesses billions of pounds because of this battle to develop onshore wind. Another study, by the Centre for Policy Studies, suggested that 61% of people are either fairly unwilling or very unwilling to see their electricity costs rise to pay for onshore wind development.

So what are the solutions? First, as I have said, I welcome the Localism Bill. It goes a long way to providing solutions that will put people back in the driving seat. I welcome the commitment to sharing the financial benefits of wind farms between developers and the communities that host them. I thoroughly welcome neighbourhood planning, which will allow local communities to exclude or include wind farms within their neighbourhood plans.

Secondly, if those neighbourhood plans include wind farms, they can be up to a capacity of 50 MW. I urge my hon. Friend the Minister to take my proposed amendment to the Localism Bill as his own and to adopt it. What I have proposed, with a great deal of support from hon. Friends and colleagues across the House, is that the capacity for onshore wind farms that come under the neighbourhood plans should be 100 MW, in line with offshore wind farms, rather than the 50 MW that is the current capacity. The reason is that otherwise there would be the perverse incentive for developers to apply for planning for a 52 MW capacity wind farm to get around the neighbourhood plans. Therefore, I urge the Minister to consider my amendment seriously.

Thirdly, we need to look very carefully at the rights of communities, to ensure that we have the right balance in this sector. In Denmark, for example, there is a minimum distance from habitation of four times the height of the wind turbine and in Scotland the guidance says that there should be a 2 km exclusion zone. There is certainly more that we in this country can do to ensure that people can defend their immediate environment.

Fourthly, we should look very carefully at how we ensure that developers go to those areas of the UK that are very windy and not to those areas that are marginal in terms of the amount of wind that they receive and that are only profitable because of the taxpayer benefits that they offer.

My fifth point is that we in this country should be looking much more closely at other sources of renewable energy. In particular, I want to highlight ground source heat pumps, which have been described as

“the most energy-efficient, environmentally clean and cost-effective space-conditioning systems available.”

There is an advert for them.

There are also tidal and marine technologies, which are more predictable and reliable than wind, and they are cheap to maintain once they are established. Hydroelectric power is even more reliable than tidal power, because it allows water to be stored to meet peak demand.

I also want to make a call for action on the renewable heat incentive. Last week, I saw a company in my constituency that turns methane from landfill sites into biofuel. The machines that the company uses to do that generate heat, which the company plans to use in polytunnels in Kent, allowing the strawberry-growers there to compete with our colleagues on the continent. What could be better than trying to use that long chain of renewable energy to provide yet more energy?

So what we need is cheap, reliable sources of energy and to have a better balance between onshore wind, which has such a high cost for communities, and other sources of renewable energy. In conclusion, onshore wind plays its part but as a country we need to balance the national priorities with the right of local communities to have their voices heard.

Mr Charles Walker (in the Chair): Order. We have an extraordinary number of colleagues who wish to speak. We have an hour and 40 minutes left before the wind-ups by the Front-Bench spokesmen, so I will leave colleagues to do the mathematics.

3.4 pm

Tony Cunningham (Workington) (Lab): I congratulate the hon. Member for South Northamptonshire (Andrea Leadsom) on choosing such a very important topic for debate today.

I do not want to be party political at all, but I gently point out to the hon. Member for North Wiltshire (Mr Gray) that at the last election my constituency covered about a third of the Lake district, including six lakes, some of the highest mountains and some of the most beautiful countryside anywhere in the United Kingdom, and it is represented by a Labour MP. Therefore, the idea that all Labour MPs represent “dark satanic mills” and so on is not quite the truth.

Mr Gray: I accept the hon. Gentleman’s point. I absolutely apologise for my disgraceful slur. I just ask him what has happened to his colleagues who are not here today?

Tony Cunningham: There is no way that I can account for my colleagues. I can account only for myself.

As I said, I will not be party political. I want to speak on behalf of the people of west Cumbria, the area that I represent. The hon. Member for South Northamptonshire said very clearly, and I agree wholeheartedly with her, that we have to accept that there are two major problems: energy security and climate change. If we are to deal with both those problems, wind turbines must play their part.

However, let us take west Cumbria as an example. Recently, we have had a wind farm constructed offshore. On a good day, it produces probably enough electricity for about half the entire population of Cumbria. On a very good day, it produces even more electricity than that. I think that the people of west Cumbria would say, “It’s large, it produces a huge amount of electricity, we’ll put up with it because of the amount of electricity that it produces”. Sellafield is about 15 miles from where I live. There will be a brand new nuclear power station constructed there, which will generate huge amounts of electricity. There is a plan—one that is only in its infancy—to build a barrage across the Solway firth, which would produce a large amount of electricity. To echo the point that the hon. Member for South Northamptonshire made, the wind blows some times and not at others, but the tide tends—most days—to come in twice a day, so tidal power is a very reliable form of energy.

The people of west Cumbria would say, “We’ve got huge offshore wind turbines, there are plans for a nuclear power station and plans for a barrage across the Solway. We are doing our bit, not just for Cumbria but for the entire United Kingdom. And yet they will still come to west Cumbria and say, ‘We want to put three turbines in a field, generating enough electricity to boil a kettle on a good day.’” That is what people get annoyed about.

Stephen Barclay: The issue for many colleagues is not what is going on with turbines in their own constituency, but the lack of action on turbines in many metropolitan areas. Does the hon. Gentleman share the surprise that I experienced when I looked at the figures for this sector and discovered that the last Government set a 10-year target on renewable electricity, beginning in 2000 at 2.7% but only reaching just over 6% by 2010? Moreover,

in 2009 they set an even more ambitious target, of 31% by 2020. Do those figures not surprise the hon. Gentleman?

Tony Cunningham: I strongly concur with the hon. Gentleman on one point. When I speak to groups in my constituency who talk to me about the visual impact, the noise and everything else associated with turbines that are proposed for their area, they remind me on many occasions that there are not a lot of turbines in Green park, Regent’s park or any of the parks in London, or indeed any of the other areas where there are no wind turbines at all. Why is it that people come back time and again to a small area such as west Cumbria?

The point that I want to move on to is a cogent one. The question that those people in my constituency keep asking is, “Isn’t there a balance? Isn’t it tipped too far the other way in favour of wind turbines when it comes to the disadvantages that we’re up against?” We are trying to protect the environment in a beautiful part of the world. We are trying to develop tourism not only in the centre of the Lake district, but across in west Cumbria. The balance in favour of wind turbines is being overtaken by the need to protect our environment and develop our tourist industry—that is the problem.

The Minister might be interested to hear that I wrote to the inspector to ask whether he or she would take into consideration the cumulative effect of having so many wind turbines in one area, shifting the balance against wind turbines. I got a letter back saying, “Yes, we will take into consideration the cumulative effect of so many wind turbines in one area.” We have dozens and dozens of wind turbines in west Cumbria, and the local authorities turned the last two planning applications down. Those applications resulted in huge campaigns by local residents, and I spoke vehemently against both at the public inquiries. None the less, the inspector turned around and said, “Well, on balance, we’ll allow them to go ahead.”

What was slightly scary was when I got a phone call from someone who asked, “What can we do?” These are honest, decent people, who have reached the end of their tether. They are wondering, “What can we do? We’ve been to a public inquiry. We’ve done everything we legitimately can, but they still want to put three turbines in a field. These turbines won’t generate a great deal of electricity, but they’re going to blight the area.” That is worrying.

Andrew Percy: I want to reinforce the hon. Gentleman’s point. A planning application was turned down twice in my area and it recently went to appeal. Precisely because there would be a wind farm with 34 turbines opposite the proposed site and another wind farm with 18 turbines a little further up the road, and precisely because there was already a wind farm opposite with eight turbines, the inspector, rather than taking into account the cumulative impact, turned around and said, “Actually, this is a wind turbine vista. As such, people will not be impacted significantly by another eight turbines.”

Tony Cunningham: I can only agree with the hon. Gentleman. These things sadden me. I do not want to get into the issues raised by the Localism Bill, but we are, rightly, concerned about generating enough electricity

and dealing with climate change, and the community is saying, “We’ll help you. We’ll agree to a barrage. We’ll agree to offshore wind. We’ll agree to nuclear. But in return, can you please prevent any more onshore wind farms from being built?”

The Minister of State, Department of Energy and Climate Change (Charles Hendry): Does the hon. Gentleman agree that one reason why these cases have often gone through on appeal is the regional spatial strategies and the regional renewable energy targets? Does he agree that it is absolutely right to remove those because inspectors have often used them to override a strong body of public opinion?

Tony Cunningham: Anything that helps to support people locally—anything that gives greater power to local people—must be welcomed, although if we imagine a different scenario, in which local people say that they do not want a nuclear power station, we would not say that, therefore, we were not going to have any more nuclear power stations. We cannot do that; there must be a balance. The point I am trying to make, however, is that the balance has gone too far.

Andrew George: The hon. Gentleman uses the word “balance”. In a sense, he is advancing the argument that we need a balanced energy supply, and his part of the world is demonstrating that it has a balanced energy supply. However, is he saying that wind energy should never be used in the UK or that it should be used on occasion to contribute to the balance of energy supply sources?

Tony Cunningham: I am saying that. However, what people in west Cumbria are saying very clearly is that they have already achieved that. We already have offshore wind, plans for nuclear, plans for a barrage and lots of onshore wind. We have done our bit. The balance is therefore shifting too far against the environment and the development of tourism and in favour of onshore wind in small clusters, which—I say this with the greatest sincerity—do not make a huge difference.

To conclude, the people of west Cumbria have plans for other forms of energy. They are simply saying that enough is enough.

3.15 pm

Richard Drax (South Dorset) (Con): It is a pleasure to serve under you, Mr Walker. I thank my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) for bringing this excellent debate to Westminster Hall.

I represent the people of South Dorset, which includes East Stoke, a lovely village situated between Wareham and Wool. An application was made there for eight wind turbines, although the number has now been reduced to four. The stress, worry and concern that the application caused my rural constituents, not to mention the campaigning they have done, and the cost and travel that has involved, far outweigh the small amount of energy that the four turbines will produce, if they are indeed erected. We are talking about the big, 400-metre turbines, whose output is, as the hon. Member for Workington (Tony Cunningham) said, sufficient to boil a kettle. I agree that a big project such as a nuclear

power station or an offshore wind turbine establishment is a different ball game. Indeed, plans are under way to have 180 giant offshore wind turbines, built by a company called ENERCON, off the Isle of Wight and south Dorset.

We talk about balance, and I have heard the word several times in the debate, which has been excellent and good-humoured, as has been said. Surely, however, common sense, if I dare use those two words, should be the judge and jury when determining whether something such as an onshore wind farm is erected. Do we need onshore wind farms to keep the lights on? The answer, in my humble opinion, is no. What we need are new nuclear power stations to keep this country—an island nation—free and independent so that we are not at the mercy of people who import gas and oil, or others. We will be able to keep the lights on and tell our constituents that when the lights do go on, they will remain on for the next 10, 20 or 30 years because we have invested in this country’s future. We do not, therefore, need onshore wind farms. With offshore wind farms, the issue is debatable, although I would rather the wind farms were out there, where we cannot hear them, than onshore, where we certainly can.

At this point, I declare a personal interest, before I am hoist with my own petard. A wind company proposed to build 16 giant, 400-metre wind turbines on my land. Between my experience of looking at the issue as a landowner and the experience of those who saw themselves as the opposition—the local residents fighting to stop me—it was an interesting three months. Rather than just throwing the proposal to the wind and saying that I would not consider it, I spent three months looking at it, which included a trip to Germany. Interestingly, the wind farm company said that I was the first landowner ever to ask to go to see a giant turbine. My hon. Friend the Member for North Dorset (Mr Walter), who is in the Chamber, knows all about the proposal because he campaigned against it.

Off I went to see the giant turbines. Four other farmers and I stood 1 km away, 500 metres away and literally on people’s doorsteps. We listened, we asked questions and we learned an awful lot. It is possible to hear these monsters; they make a huge woofing noise. Although there were many other factors, what finally convinced me was a psychiatrist from Denmark who was heavily involved in cases there. I asked him, “If people hear these wind turbines, will it affect their health?” He said, “Richard, the point is, even if they don’t hear them—even if they think they hear them—it will have the same effect as if they do.” That is an interesting point, because if people see or hear something they are affected by it, often when they do not even hear it. Because of the flicker and many other arguments against the proposal I was finally convinced and said to the company, “No, I’m sorry. It is a non-starter.”

Sadly, all the onshore wind farms are, as has been mentioned, in rural constituencies, which are heavily represented here today, and not least in the mountains of Scotland and Wales—some of the most beautiful parts of our country. Let us face it: we live in an island that is overcrowded; with respect to population we are as bad as Malta. There are few areas left in this country where someone can go for a walk and enjoy the beauty of this island.

Karen Bradley (Staffordshire Moorlands) (Con): Does my hon. Friend agree that there are two types of environmental damage: that caused by carbon emissions and that caused by putting wind turbines in some of the most beautiful parts of the country, which will ruin them for ever?

Richard Drax: I agree. The argument put to me by the wind company was that wind turbines can be taken down in a day. I suppose that there is a certain argument that a nuclear power station cannot be taken down in a day. It takes decades, so in that sense the statement is true; but there is still a huge concrete plinth stuck in the ground.

My argument is that rather than looking at the issue from a balanced point of view, or any other point of view, we should look at it from the common-sense point of view. I implore the Minister to include wind farm applications in the Localism Bill so that when constituents such as mine in East Stoke stand up and say "We do not want this here" their voices are heard. That is the local issue. As for the national issue, we should apply a little more common sense so that we rebuild our nuclear power stations to keep an independent country where we pay for our own power and are strategically safe and where, most important of all, the lights stay on in the years to come.

3.22 pm

Graham Evans (Weaver Vale) (Con): It is a pleasure to serve under your chairmanship, Mr Walker. I am delighted to speak on this subject and I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) on securing this very timely debate. She is an excellent champion of her constituents on the issue and deserves considerable credit for her efforts.

I confess that I am an enthusiastic fan of renewable energy, for many reasons. It is vital that we diversify our energy sources and find cheaper, cleaner, greener ways of powering our economy. The last Labour Government left us in a real mess over energy policy. It is no secret that our ageing nuclear power stations will have to be decommissioned soon and that our North sea gas and oil reserves are running low. That Government responded with indecisiveness, leaving us in a situation where we may have to be more dependent on foreign fossil fuels, which is environmentally undesirable at best and dangerous to our energy security at worst. To put the debate in context, Britain faces the possibility of power cuts and much higher carbon emissions. That extremely worrying situation does not get the attention it deserves, perhaps because it is not seen as exciting or immediate; but we should make no mistake—it is one of the most important issues facing our country at present. After all, it is impossible to encourage private investment in a country that cannot keep the lights on.

Before I depress everyone with gloom and doom, I should say that I am an optimist. I have every confidence in the abilities of mankind to develop the technologies necessary to cope with those challenges. History teaches us that if there is a necessity, our brightest engineers and inventors will find a way, like grass growing through the cracks in the concrete. I fundamentally believe that a new generation of nuclear power plants will be an essential part of the mix, providing security, reliability and very low carbon emissions. Conversely, I do not

believe that the case has been made for onshore wind energy at present. In my view, onshore wind power is vastly inferior to the offshore variety, which has two key benefits. It generates more power and has the advantage of not being on beautiful British countryside or too close to homes.

I want to talk specifically about an application to build a wind farm in my constituency very close to the beautiful market town of Frodsham. Peel Energy is applying to build at least 20 125-metre-tall wind turbines on Frodsham marshes, which is an important wetland habitat for numerous bird species. This year marsh harriers, which are birds of prey rarer than the golden eagle, nested successfully on the deposit bed where the majority of the turbines would be situated. Highly respected bodies such as the Royal Society for the Protection of Birds, Natural England and the National Trust have objected vigorously to the proposal. That highlights one of the many problems with onshore wind energy.

A further problem is that of proximity to residential areas. The proposals in my constituency would lead to the construction of England's second largest wind farm less than 2 km from 14,000 of my constituents' homes. It would also be entirely within an important area of green belt—the only significant green area on the south bank of the Mersey between Runcorn and the sea. Anyone local to the area knows that the green belt is an essential green lung sandwiched between the refineries of Ellesmere Port and the chemical works at Runcorn. However, hon. Members should not let that description give them an inaccurate impression of the area. The countryside surrounding Frodsham, Helsby and their hills is some of the finest that Cheshire has to offer. Indeed, I have a magnificent painting hanging on the wall in my office of Helsby hill as seen from Frodsham. That, again, illustrates the problem with onshore wind energy. While wind turbines generate electricity only for an estimated 25% of the time, they are a blot on the landscape of beautiful countryside 100% of the time. For my constituents, that is unacceptable.

Mark Pawsey: Can my hon. Friend tell us whether the applicant has provided any evidence that the site in question has sufficient wind power to generate the kind of energy that the country needs?

Graham Evans: The applicant has given some information but as I shall say shortly, it has been dismissed by local campaigners. It is a generic, ambiguous evidence statement, which can easily be contradicted.

Another crucial factor against onshore wind energy is lack of public support. Opposition to the wind farm at Frodsham is overwhelming and I pay tribute to the local campaign group, Residents Against the Wind Farm, or RAW. I mentioned nimbys earlier today on the issue of high-speed rail, but that is not a label that can be attached to RAW. They have made evidenced-based and sensible objections, which dismiss the applicant's evidence. I hope that Ministers are listening and that they will take the right decision on the application at Frodsham marshes.

Matthew Hancock (West Suffolk) (Con): I attest to the beauty of Frodsham and Helsby hills, which my hon. Friend talked about. The area is almost as beautiful

as the area near Clare in my constituency, where there is a proposal for a six-turbine wind farm, to which I am strongly opposed. There, too, residents formed an action group, Stop Turbines Over Clare, and I commend them for that. They also found that wind speeds are much lower than the applicant suggested. I hope my hon. Friend will agree that the Minister needs to look at objective measures of where the wind is. Does he agree that often the choice of where proposals are made seems entirely random and does not take into account local populations or the beauty of the local environment?

Graham Evans: I agree that there is an underlying theme that the evidence submitted by applicants is dubious, to say the least. It always strikes me that lay people use common sense to look at the applicants' figures and dismiss them.

The case for onshore wind energy has yet to be made convincingly. We must pursue energy diversification and encourage the development of new and improved renewable technology, but we should vigorously oppose attempts to force through every application for wind turbines, no matter how poorly thought out and inappropriate for the area.

3.29 pm

Mr Robert Walter (North Dorset) (Con): I am delighted to speak in this debate and to support my hon. Friends. I can claim to have successfully fought off four applications for wind farms in my constituency over the past 10 years. There is another one before us at the moment. My hon. Friend the Member for South Dorset (Richard Drax) referred to one of those areas in the beautiful Winterbourne valley, which, although not in an area of outstanding natural beauty, is sandwiched between two AONBs. The wind does not blow that often.

We had another application, for the village of Cucklington on the Dorset-Somerset border. Technically, the village is not in my constituency but in that of the hon. Member for Somerton and Frome (Mr Heath). However, I can claim to have been part of the campaign because the proposed turbines were within 100 yards of my constituency boundary, so my constituents would have been affected.

Two years ago, the same applicant came back with an application for a site not far away, adjacent to the small village of Silton. Silton has a delightful Saxon church, is within sight of two National Trust properties and is overlooked by the Cranborne Chase and West Wiltshire downs area of outstanding natural beauty. I am pleased to say that we successfully defeated that application as well.

The argument that we advanced against the applications was on three grounds, the first being environmental. The 100 to 120-metre-high structures in beautiful open countryside are a blot on the landscape. Secondly, in the areas where the applications have been made, there is little evidence that the wind blows for more than 20% of the time, and on cold mornings when everyone wants to put the kettle on, and perhaps the electric fire because the central heating has not quite warmed the house up, there is no wind at all, so we depend on other sources of electricity. Thirdly, in the last application we considered, the applicant's business case was very much based on the 60% revenue subsidy that he would get from the rest of us to erect and run his wind turbines. The case did not stand up economically.

I am a great supporter of renewable energy, and believe that there is a very good case for offshore energy, which we should look at. As a sailor, I know that the wind blows off our coasts pretty strongly on many occasions. We should also look, as other Members have suggested, at other better renewable sources, and I certainly include nuclear, which I believe has a proven track record that stacks up very well.

I want to raise my deep-seated concerns about the effectiveness of onshore wind power in meeting our future energy needs and in tackling the huge challenge we face on decarbonisation. I shall outline my concerns in the national context, and then return to the effect on the residents of my constituency of the relentless focus on this particular source of renewable energy.

I assure the Minister that some of my constituents listened in despair to the Secretary of State's recent comparison of these vast 120-metre-high structures with 200-year-old windmills. I have yet to see a historic windmill standing taller than Salisbury cathedral or the Statue of Liberty. I am aware that in expressing the genuine concerns of thousands of my constituents about the proposed developments and the reliability of onshore wind as an energy source, I shall no doubt be subject to cries of nimbyism, or negative localism as some people now prefer to describe it. I recognise that there are many and contradictory views on the efficiency, economic viability and reliability of wind turbines in meeting our energy needs; some are strongly in favour, some strongly against, and many more are still undecided. Part of the reason for that divergence is, I believe, the distinct lack of independent and verifiable data on the impact and performance of individual renewable energy generators. Clearer data would help experts and local communities better to judge their energy contribution against loss of amenity, which I shall come back to in a moment.

People who are strongly in favour of onshore wind have for many years cited the experience of our European neighbours as grounds for the UK's previously single-track policy on renewables. Indeed, the previous Government's relentless focus on onshore wind power was undoubtedly to the detriment of research and development into alternative means of reducing our CO₂ output, such as offshore wind, biogas, nuclear, and carbon capture and storage, not to mention tidal and wave energy, which has been talked about, solar power and even ground source heat pumps. That legacy has left us poorly placed in Europe on renewables, and I therefore fully commend the Government's policy of looking at a much wider network of energy solutions to meet our legally binding climate change obligations. It is also noteworthy that both France and Denmark are now backtracking on onshore wind development and we, in the UK, should be asking why.

This might be an apt moment to raise another concern about the use of renewable energy data. Last July, when the Secretary of State made his annual energy statement, I rose to welcome his statement on the low-carbon economy and his commitment to offshore wind, and I commented on the high level of subsidy paid to onshore wind farm developers. I then asked the Secretary of State to confirm that any judgment on the application in my constituency—to which I have referred—would rest with the local planning authority. He responded by confirming that it would, but also said that the most recent study by Mott MacDonald had shown a dramatic

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reduction in the cost of onshore wind, with the result that it was deemed competitive, on the free market, with other sources of energy. He went on to say that we have seen the cost of onshore wind

“come down dramatically precisely because of the encouragement of the public sector.”—[*Official Report*, 27 July 2010; Vol. 514, c. 876.]

I followed up that statement and, drawing from the “UK Electricity Generation Costs Update” study, found that I was far from alone in my surprise that onshore wind was suddenly being declared cost-competitive by comparison with conventional power generation. In fact, commentators of all persuasions who had read the report were keen to point out the significant omission. An article on the report by NewEnergyFocus in June 2010, states:

“Only costs borne by the owner in relation to the operation of a project have been considered, with special revenue support measures, such as Renewable Obligation Certificates (ROCs), not taken into account. As a result, Mott MacDonald stresses that the findings should be handled with care and are dependent on a complex set of factors which may change.”

More detailed examination of the figures also reveals the application of an additional carbon cost to gas and coal generation that has the effect of bumping up the cost-competitiveness of onshore wind.

I share the concerns of colleagues who were able take part in the debate in Westminster Hall last October about the removal from Hayes McKenzie’s 2006 report—on the instructions of the then Department for Business, Enterprise and Regulatory Reform—of highly pertinent World Health Organisation guidelines that suggested a lower level of night-time noise than in current planning guidance. Our local authorities must have access to all the information on this complex subject before they can be expected to make a truly informed decision, which after all, is all that the people of Silton and West Bourton ask for.

Noise may be of as much, if not more, concern for residents living adjacent to smaller wind farm developments. The latest four-turbine proposal for a site near Silton is for larger wind farms that would by their very nature have to be sited much further from people’s homes. I have received more than 2,000 letters and e-mails objecting to the current application for a wind farm at Silton, citing among other reasons concerns about noise nuisance, the negative impact of industrial development on the beautiful Blackmore Vale landscape and below-average wind speeds resulting in a minimal contribution to our national energy production.

Despite revisions to an earlier application for six turbines that was rejected by the local council, the closest residents still live less than 675 metres from the nearest turbine blade. Four other properties, one of which is a thriving business providing holiday lets that relies for survival on the area’s unspoiled location, are less than 975 metres away. In an attempt to emphasise a positive view of onshore wind among the general population, the developer, Ecotricity, included in its planning statement information from a survey conducted in 2009 indicating that most individuals are happy to live within 5 km of a wind farm. I am sure that my constituents would be considerably happier about the wind farm proposals if they lived 5 km away.

The Localism Bill was mentioned. I will not go into that, but it is intriguing that in the two years since the last application at Silton, the applicant has been measuring wind speed and frequency on the site, yet his latest application to the local authority contains none of the data from those measurements. He continues to rely on extrapolated regional data. That prompts the question: what was wrong with the data from the site?

The last application on the site was recommended for approval by the local authority planning officers. I am pleased to say that North Dorset district council’s development control committee rejected it unanimously. Interestingly, the applicant did not appeal, but we will do battle again over the application on 1 March. I will certainly add my voice again to those that say that four 120-metre industrial structures are unsuitable for the beautiful Blackmore Vale, within sight of two National Trust properties and an area of outstanding natural beauty. It is clear that the wind there blows less than 20% of the time, and the noise and flicker consequences for those living less than 700 metres away are unacceptable. The scheme depends totally on the 60% revenue subsidy that it is likely to receive. I will therefore be among those who appear at the planning committee meeting, to ensure that my constituents’ voice is heard yet again.

3.43 pm

Mr Graham Stuart (Beverley and Holderness) (Con): It is a pleasure to serve under your chairmanship for the first time, Mr Walker. I represent Beverley and Holderness. The Holderness plain is a flat area with a large skyline on the east Yorkshire coast. Unfortunately, it does not lack wind, so I cannot use that in defence of my constituents. What it does have is a tremendous flat landscape with some of the most productive farmland in the country, the towns of Withernsea and Hornsea and a collection of villages and hamlets. Funnily enough, the people who live there love the landscape in which they live. They appreciate it. It might not be an officially designated area of outstanding natural beauty, but the people who have chosen to live there adore it, and they wish to feel that they have control over it.

We have heard different arguments from different Members about onshore wind. To sum up the central point made by Conservative Members and the hon. Member for Workington (Tony Cunningham), local people should decide on local wind turbines. There is a qualitative difference, not to mention a quantitative one, between a nuclear power station, which makes a huge contribution to national energy needs, and individual wind turbines. All the components of the coalition Government promised local people that they would have a greater say. We can tell the worm has turned when a Labour Whip starts to say so, as the hon. Gentleman did passionately and vehemently today, although, to chide him, I wonder whether he made the case so forcefully to Labour Ministers, who introduced the appallingly centralised, arrogant and overweening system in which local people’s opinions are routinely overturned. He is nodding to say that he did. I congratulate him on that, and naturally I believe him.

The situation that the Government have inherited in terms of local democracy is unacceptable. It cannot be right, when local councillors, residents, MPs and everybody else in an area agree that a potential wind farm is not correctly sited, that they should be overturned by

Obergruppenführers from some inspection regime in Bristol. It is not acceptable. The central thread of the manifesto on which Liberal Democrat and Conservative Members were elected last year was a promise that there would be a change. I believe that we can deliver more onshore wind turbines if we respect local people's views and do not set up the expectation that their views are meaningless and that they are wasting their time trying to make their voices heard at meeting after meeting. If we tell them that they will benefit and if they can make that assessment without being overturned, we have more chance of developing a greater constituency of people who recognise the need to green our energy supply and are happy to have onshore wind as an appropriate part of an energy mix and not inappropriately sited.

Graham Stringer (Blackley and Broughton) (Lab): I agree with what the hon. Gentleman and others have said about local people's right to decide on wind farms, but the last thing that he said is the first thing with which I have really disagreed during the 45 minutes that I have been in the Chamber. There are not only good local reasons to stop wind farms; at a national level, they are ineffective and inefficient at contributing to the energy supply. Not only do they require huge subsidies, they must be backed up by coal-fired stations running at lower efficiency just in case the wind does not blow. On many occasions in this country, although the wind may be blowing, it blows at only 1 or 2 mph, which is not sufficient to power the generators.

Mr Stuart: The hon. Gentleman leads me on neatly to the next part of my speech. My point is that it should primarily be a decision for local people and that although onshore wind might have a part to play, the central task in dealing with climate change in this country and globally is to reduce the cost of cleaning up our energy supply. We must live sustainably on this planet with lower emissions, due to the potentially catastrophic impact of those emissions on climate change. I do not know whether the science is right, but the risk that emissions could have deleterious effects on the globe seems sufficient for us to take action. The only way to do so, given economic pressures and the fact that so many people live in poverty, is to drive down cost.

We have a finite amount of money; ever less, since the hon. Gentleman's party was in Government. Is it best expended in subsidising unpopular, small-scale wind farms scattered around the country that turn people against the green agenda and deliver precious little in return? I suggest that it is not. In line with what he said, we must consider where we can play a leadership role and how our limited resources—financial, intellectual, geographical—can be harnessed for the global good.

We are a global leader in offshore wind. We now produce 1.3 GW of offshore wind, I think—the Minister will correct me if I am wrong—and aim to produce 33 GW by 2020, which will keep us narrowly ahead of what the Chinese are planning, although it is worth saying that when the Chinese plan something, they have a tendency to do it, while we have a tendency to talk about it without doing it. However, that aside, offshore wind provides the opportunity for scale and investments like those made by Siemens, GE and other companies elsewhere if the Government do everything possible with the limited money that they have to develop a supply chain that can drive down the costs of offshore

wind. If they do, there is every reason to believe that within relatively few years, the currently high costs of offshore wind can be driven down below the costs of onshore wind and make a long-term contribution. The Minister shakes his head, in which case I would question whether we should have any form of wind energy if we cannot drive the cost down. The central task in tackling climate change is to find ways of greening what we do at an acceptable, lowest possible cost. Everything we do and every time we spend money should be designed for that purpose.

I have some questions for the Minister. I have been led to believe that Ministers are personally committed to making the local voice stronger. Indeed, my hon. Friend the Under-Secretary of State for Communities and Local Government, the Member for Bromley and Chislehurst (Robert Neill) has said:

“To be successful it is vital to have broad public support and the consent of local communities. This includes giving communities not only a say, but also a stake, in appropriately-sited renewable energy projects like wind farms.”—[*Official Report*, 2 June 2010; Vol. 510, c. 36W.]

Some people call it a bribe to have something unacceptable, but if something is going to happen and the local community has the final say and decides that the benefit outweighs the disbenefit, who are we to stop it? I support that. When are this Government going to overturn the monstrous inheritance of centralised control and replace it with a local voice? That is what I would like to hear from the Minister.

When will the Minister introduce regulatory protection, which others have talked about? Other countries have a distance limit. Does the Minister see no merit in having a distance limit of some description so that no turbine can be erected within—pick a number—1 km or 1.5 km? Is that possible? That would give reassurance and show that the voices of protest around the country had been listened to by a listening Government. I would love to hear the Minister say that he will consider doing that, so that a wind turbine may not be erected within a certain distance of a domestic dwelling without the permission of the homeowner.

Many others wish to speak. I hope that the Government will allow the local voice to be dominant. We should let local people who take a wind turbine to have a share in it, but we should also make sure that we focus what little resource we have on that which will make the greatest contribution to reducing emissions and to leading us all to live sustainably.

3.52 pm

Philip Davies (Shipley) (Con): It is a pleasure to serve under your chairmanship, Mr Walker. I apologise to you and to the Minister in advance, because I may not be able to stay for the whole debate. I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) not only on securing the debate, but on her fantastic speech. I hope that, if nothing else, this debate will show the Minister the strength of feeling on the issue.

I, too, approach the issue from a local interest, namely the proposed development of a wind farm in the village of Denholme, which is on the edge of my constituency. My constituents and I are wholly opposed to it, and it has made me look further into the benefit of wind farms. I want to talk about the bigger picture rather

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than focus on my particular area, because I think that wind farms are one of the biggest scandals in public policy. The more one looks into the issue, the more of a scandal it becomes. People might refer to my constituents and me as nimbys and use it as a term of abuse, but I would take it as a compliment—I am proud to be a nimby. By definition, nimbys are people who are concerned about their local area and community. We should not be disparaging about that; we should be proud of being nimbys.

I speak as one of the five MPs who voted against the Climate Change Act 2008 in the previous Parliament. It is a great irony that those environmentalists who are such zealots for things like wind farms are prepared to see such damage done to the local environment by wind farms being put up in the most inappropriate locations. We really need a change of tack.

It is surprising that no one has yet pointed out that one of the Government's problems is that wind farms are a huge part of their attempts to deliver a renewables obligation that has been handed down to this country by the European Union. This Government therefore feel that they have no option but to go down that route, however desirable or undesirable it may be. I do not think, however, that that is a good enough reason to impose such a ridiculous policy on this country.

Many green activists may have us believe that wind farms are a painless panacea and that they are marvellous and very green, but that is nonsense. My constituents want to know how much this is going to cost them. How much will it add to their bills? To be fair, the Department of Energy and Climate Change has been open and honest about the issue. It has made it clear in parliamentary answers that there will be a rise in gas and electricity bills of 18% and 33% respectively for domestic consumers, and of 24% and 43% respectively for medium-sized businesses. That means that, by 2020, the average annual domestic electricity bill will have risen by £105, and that the average medium-sized non-domestic user will face rises of £246,000. That is an increase in their energy bill just in order to follow this particular policy.

It is a ludicrous situation. We are trying to encourage and help our manufacturing businesses—we have a crisis in this country with people relocating their manufacturing business elsewhere—but the Government are pursuing a policy to add a quarter of a million pounds to their energy bills, and we wonder why companies relocate to countries such as China, where they can churn out whatever they want because they do not really care about this. The Government need to do some joined-up thinking.

We seem to not want to upset the green zealots who send us postcards from Friends of the Earth, but why not be honest about what their policy actually means? It is easy to say, "Yes, I agree with your postcard about green energy," but why not be honest? What they are actually saying is, "We want to add all this cost to your energy bill and to those of manufacturing businesses, and we want them to relocate abroad."

Huw Irranca-Davies: Will the hon. Gentleman give way?

Philip Davies: I hope that the shadow Minister will be honest about what he believes.

Huw Irranca-Davies: That is why I am intervening. I am sure that the Minister will reiterate what I have to say. Would the hon. Gentleman care to comment in his passionate oration on the current comparative prices between ourselves and France and Germany, which are two of our nearest neighbours, and how we compare internationally as a place to do business in terms of electricity and energy generation prices?

Philip Davies: I am pleased that the shadow Minister has mentioned that, because I will mention some illuminating international comparators in a moment. As my hon. Friend the Member for Beverley and Holderness (Mr Stuart) has made clear, there is no evidence that our constituents are prepared to pay more for their electricity in order to pursue these policies. In fact, only 15% of people polled said that they were either "fairly" or "very willing" to pay higher electricity prices if the extra money funded renewable power sources such as wind.

Mr Graham Stuart: My hon. Friend is making a powerful point. The costs, as I mentioned in my speech, are a paramount issue. To correct him on one point, the Chinese are not in the position that he says they are. In fact, they announced recently that they will pass a comprehensive law next year. It is not yet as tight as ours, but the truth is that they recognise, as do others around the world, that we need to find ways to drive down the cost and emissions. We are not Don Quixote, alone in our tilting at windmills.

Philip Davies: Perhaps we will be gracious enough to introduce those kinds of limits when we have about 80% of the world's manufacturing in our country. Given that we are not in that position, I would like to think that my hon. Friend would like to help the manufacturing industry in this country.

The bottom line is that these policies will produce for Britain the most expensive electricity in the world if we carry on down this particular route. Is it morally or politically acceptable, particularly at a time of national austerity when families are struggling to pay their bills, for the Government to keep raising them just to meet an EU target? I do not think it is. It will hit the poorest people in our communities first.

I do not understand why the people who propose these green policies are so shy about it. Anyone can say that they are in favour of green energy. It is like asking someone, "Would you like a Rolls-Royce car?" Most people would say, "Yes," but if one were to ask, "Would you like a Rolls-Royce car? You'll have to spend the rest of your life living in a tent to pay for it?" they might say, "No." If we ask people whether they are in favour of green energy, they say, "Of course we are—it sounds marvellous." However, if the hon. Member for Ogmere (Huw Irranca-Davies) were to ask them whether they were prepared to pay astronomical bills in order to pursue that, I think that he might get a different answer.

Huw Irranca-Davies: Will the hon. Gentleman give way?

Philip Davies: I have given way enough, and others want to speak. The point is that I find it nauseating to hear politicians for ever bleating on about how terrible

fuel poverty is when those very same politicians advocate policies that entrench fuel poverty in this country and make it worse. They should be honest about what they are doing. They cannot in one breath say, “I want to see more wind power in this country; it will add this amount of money to people’s bills,” and in the next breath say, “Isn’t it terrible how bad fuel poverty is?” I find that nauseating.

At the moment, Britain is only obtaining a fraction of its electricity from renewable sources. That will have to be expanded massively to hit these targets. The wholesale price of that quantity of electricity is about £1 billion. However, on the renewable obligation, the complex subsidy paid to generators but drawn indirectly from bills adds a further £1.4 billion to those bills. That more than doubles the cost to the British consumer. If 30% of UK electricity is to be renewable in 2020, an ongoing annual subsidy of £6 billion a year or more is required. That is before all the hidden costs of major grid expansion and so on.

Graham Stringer: Will the hon. Gentleman give way?

Philip Davies: I need to press on because other hon. Members want to speak.

What is worse is that the National Audit Office has identified wind power as being one of the most expensive ways of reducing carbon emissions, with recent reports claiming that abating 1 tonne of carbon costs between £280 and £510, compared with £10 to £20 per tonne in the European emission trading scheme. There seems to be no light at the end of the tunnel. When I asked the Minister a parliamentary question about these issues, he replied that the Government have spent £2.2 billion supporting wind energy between April 2002 and March 2010 and that, despite that huge outlay, they have found it impossible to predict when the energy source will prove profitable without grants. The Minister stated:

“We expect that over time we will be able to reduce support for wind power and other renewable energy technologies as they become more economic, but it is not possible to put a specific timescale on this.”—[*Official Report*, 8 February 2011; Vol. 523, c. 185W.]

I was also struck by the comment about wind speeds and the extent to which they are brought to bear on planning decisions on wind farms. I asked the Government about that last year in a parliamentary question that states:

“what guidance his Department issues to planning authorities on taking into account prevailing wind speeds in determining planning applications for wind farms.”

I would have thought that that would be pretty obvious to most people. I was appalled—although perhaps I should not have been surprised—to be told in the answer that the advice is that

“local planning authorities should not make assumptions about the technical and commercial feasibility of...projects and should not reject planning applications simply because the level of output is small.”

The answer goes on to state that local authorities

“should not question the energy justification for why a proposal...must be sited in a particular location”.—[*Official Report*, 3 November 2010; Vol. 517, c. 818W.]

Basically, wind speeds are not to be taken into account whatsoever when determining planning applications for wind farms. You could not make it up, Mr Walker.

Wind farms are very inefficient. In fact, during the chilliest periods, when demand is often greatest for electricity, most of the 3,000 wind turbines were virtually stationary. They were working at less than a 100th of capacity and producing electricity for fewer than 30,000 homes. A report by the John Muir Trust—one of Scotland’s leading conservation bodies—found that wind turbines are 25% less effective than claimed. For a total of nine days during some of the coldest periods, output dipped below 10 MW, which is barely enough to boil 3,000 kettles. The situation is absolutely ludicrous.

I could talk about many other issues. Noise is certainly one problem. I reiterate the comment made by my hon. Friend the Member for Beverley and Holderness about having distance guidance on where these things could be sited. Scotland has guidance on such matters, as does Wales. I hope that the Government will introduce such guidance for England, too. There are also concerns about wildlife.

My hon. Friend the Member for South Northamptonshire made a great point about the problems in Denmark, but I do not think she mentioned this point, although she may well have done. As the hon. Member for Blackley and Broughton (Graham Stringer) mentioned, the conventional power plants have to keep running at full capacity in case the wind does not blow sufficiently. As a result, the increasing demand for coal needed to plug the gap in Denmark left by underperforming wind farms meant that Danish carbon emissions rose by 36% in 2006. That was when Denmark was massively expanding wind farms. It seems bizarre to say the least. Reports have shown that Danish gross domestic product is approximately 1.8 billion kroner lower than it would have been had it not embarked on such an energy policy.

The hon. Member for Ogmore asked for international comparators. In Spain, in 2007, a law passed by the Prime Minister guaranteed producers a so-called solar tariff of as much as 44 cents per kilowatt-hour for the electricity for 25 years, which is about 10 times what they would be able to get on the wholesale market. That has nearly bankrupted Spain, which has obligations of about €126 billion to meet.

There are alternatives, one of which I want to draw to people’s attention briefly. Calor has developed a liquefied petroleum gas fuel cell boiler that has the potential to deliver 50% reductions in carbon emissions in existing homes. It does not require huge subsidies or place a huge burden on the economy, and it reduces fuel bills, rather than increasing them. The technology is practically and commercially available. The boiler is based on clean technology—cleaner than oil, coal and biomass—and I urge the Government to consider some of the other options, rather than pursuing a blinkered approach that results from the belief that wind farms must be good because they sound green. They are doing huge damage to not just our local communities, but local households, which are faced with increasingly big bills to pay for the policy. Such an approach is also damaging our manufacturing industry, as it simply cannot afford it.

4.6 pm

Chris Heaton-Harris (Daventry) (Con): I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) on securing the debate. She might call me windy—maybe I am occasionally full of hot air

[Chris Heaton-Harris]

—but she has done very well to secure the debate. I impress upon hon. Members the importance of signing up to her excellent amendments to the Localism Bill.

It is a shame that the debate is taking place in here and not the main Chamber. We are not in the main Chamber because an important debate on votes for prisoners is going on, but how many more people would be present if another important debate were not taking place? I emphasise to the Minister that there is a very big political push behind the matter. Many hon. Members were present when I introduced my Adjournment debate in this place on the subject and they sponsored my ten-minute rule Bill on the matter. I would like to think that there is a growing level of support for people who are rightly questioning the value of onshore wind.

The Minister will know that I consider onshore wind to be about as useful as a cat-flap on a submarine when it comes to fulfilling renewable objectives. What it does for the economy can only be described as bad. My constituency is pretty much flooded with proposals for wind farms. I managed to get them rejected in Kelmarsh and Harrington. I mentioned Yelvertoft, which was passed by the Planning Inspectorate. Other proposals include: Watford Lodge, Watford Gap, Lilbourne Fields, Winwick Warren, Boddington and Hanging Houghton, the proposal for which has fortunately gone away. There are loads and loads of these blooming proposals coming out of the woodwork because people are basically subsidy farming. They are taking the cash that the Government are offering, which is way in excess of what it should be.

A number of hon. Members have mentioned campaigns in their own areas. They will all know that, in every campaign, there are people who are genuinely worried about what is going to happen to their property if it is near any proposal, so they turn themselves into fantastic experts on the subject. Such people have helped me with my contribution today. In my constituency, Trevor Sherman, Richard Cox, Adrian Snook, David Unwin and Richard Humphries have all become absolutely brilliant experts in this field. They noticed that the Department has issued a consultation on the revised draft policy statement EN-3 on renewable energy infrastructure. I wanted to pick up a couple of things on that because they are directly related to what we are talking about.

First, a number of hon. Members have alluded to the problem of noise. The Minister and I have been in correspondence because I wanted to recommend an expert to peer-review the ETSU-R-97 noise guidance. I am troubled by the Hayes McKenzie proposals. ETSU-R-97 contains fundamental errors, which means much time and money is wasted by public inquiries and in debating how to remedy those flaws. The Government's current response is:

“There is no substantive evidence to demonstrate that the fundamental guidelines are unsound and the Government therefore has no plans to revise them.”

Actually, I think that it is very easy to demonstrate that ETSU-R-97 is incorrect. For example, the guidelines are predicated on a fundamental misunderstanding of how wind speeds vary with height and weather conditions, and thus the guidelines underestimate noise impacts. The evidence for that is covered in a series of peer-reviewed scientific papers by van den Berg dating from 2003, and the point has been widely accepted in the scientific world and by planning inspectors.

The ETSU-R-97 guidance on noise conditions is deficient at the most fundamental level. For example, the guidance fails to specify that noise compliance measures be taken with the wind blowing towards a complainant's property; that they should be taken at the appropriate time of day and in similar meteorological conditions to those which triggered the complaint; or that they be taken with the turbines working, or working in a normal mode. The absence of those requirements renders the guidance at best vacuous or at worst harmful to the public interest.

On the issue of peat, there can be no reason why wind farms should be built on, or in close proximity to, peat. To do so releases so much carbon dioxide that any good that might be done by installing wind turbines is reduced.

My hon. Friend the Member for South Northamptonshire talked about shadow flicker. Yet again, the Department's revised draft national policy statement for renewable energy infrastructure, EN-3, repeats the unsubstantiated claim that shadow flicker only occurs within 10 rotor diameters of a turbine. In correspondence with the Department of Energy and Climate Change last year, the Renewable Energy Foundation requested the source from which this statement was derived and was informed that it was a paper written by A. D. Clarke in 1991 for the Open university, entitled “A Case of Shadow Flicker/Flashing: Assessment and Solution”. However, on examination the REF found that that paper does not prove the 10-rotor-diameter claim. In fact, its recommendation was that

“turbines should be sited at least ten diameters distance from habitations, and more if sited to the East/Southeast or West/Southwest, and the shadow path identified”

On a point raised by my hon. Friend the Member for Beverley and Holderness (Mr Stuart), I wondered, because there is so much angst on the issue, whether the Minister would kindly explain, in the simplest of terms, the reasons behind and the meaning of today's article in *The Daily Telegraph* about localism and incentives. I think I welcome that, but I am not entirely sure. If the Localism Bill becomes law as it stands, will the Minister confirm that it would be down to neighbourhoods, in conjunction with the districts and boroughs in which they reside, to choose to have wind farms of up to 50 MW, whether they are incentivised or not? That would solve a huge number of problems for all of us in the Chamber.

Andrew Percy: My hon. Friend is on entirely the right point, but we also need clarification on what exactly the appeal process will be. We have not had that in previous debates with local government Ministers. We are not yet clear what the appeals process will be and we need to know that residents will have the final say and that they are not going to risk getting it peeled off to somewhere down in Bristol again.

Chris Heaton-Harris: I completely agree. I was actually about to come on to that in the next couple of sentences, so I will not talk about that in order to give hon. Members more time to speak.

It would be very helpful if the Minister could outline both what the Localism Bill means for onshore wind farms of less than 50 MW, and any appeal process after that.

Finally, the Minister, the shadow Minister and I enjoyed a couple of hours together, a couple of Wednesday mornings ago in European Committee A, talking about energy. The Minister, in answer to one of my questions, said:

“We have expressed concern that feed-in tariffs were not intended to be used to convert farms, which could produce crops, into large solar farms”,—[*Official Report, European Committee A*, 2 February 2011; c. 17.]

and that things were being adjusted to stop that happening. If an excessive subsidy in one area of renewables leads to unforeseen consequences and it is of detriment to the local environment, it would be wise and sensible to apply that same logic to onshore wind, where excessive subsidy is causing even more concern across the whole country.

4.14 pm

Eric Ollerenshaw (Lancaster and Fleetwood) (Con): I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom), who has demonstrated, if anything could, that this is no longer a particular constituency problem, but a national issue that is building up.

I recognise the need for energy diversity, which is obvious considering what is happening in the middle east and considering the fact that the previous Government did not drive forward nuclear power stations. I object to the pro lobby immediately trying to paint into a corner anyone who objects to wind farms as some kind of climate change denier, or as someone who is against renewables, although one or two of my hon. Friends might be against renewables—or a particular hon. Friend, shall we say. I go through all that to explain that I am not against diversity and I am not against renewables, but I am against these particular monsters and the nature of them.

Like many other hon. Members, I am concerned about the size of wind turbines; local planning regulations, which have been mentioned; efficiency, which has also been mentioned; and the numbers. Consistency has been mentioned by other hon. Members, so I will not speak too long on that, but on 2 February, *The Times* said that there was a 20% fall in the amount of electricity produced by some wind turbines in the UK last year. We have all heard the reports over the winter that 3,000 operational wind turbines in the UK produced less than 1% of the nation's power on several days. We all know that wind varies, but I do not think that any of us expected it to vary by that much, given the numbers.

Turning to the numbers, I think it was Lord Marland, in a written answer in the other place on 19 January, who came up with the figure of 70% renewable regeneration coming from wind. That would equate to 4,000 offshore turbines and 10,000 onshore turbines, as other hon. Members have mentioned. That is quite a forest of turbines. My own humble calculation, looking at the planning applications in my area, is that the average onshore turbine sits in a footprint of 260 square metres; 260 multiplied by 10,000 comes to 2,600 square km, if my maths is correct—I think I got a C grade in my O-level maths, which I had to get for some reason—or for other hon. Members, that is 1,004 square miles in proper measurement. That is equivalent to the whole of Derbyshire being covered by wind turbines if this policy continues, or almost the whole of Oxfordshire, or almost 90% of my county and that of my hon. Friend the

Member for Colne Valley (Jason McCartney). That is quite a lot of English countryside covered in wind turbines.

Size is also an issue, as other hon. Members have mentioned. In my area, the turbines are 125 metres. That is nearly as tall as the London Eye. As the hon. Member for Workington (Tony Cunningham) so powerfully put it, the question that comes up in my area is why do we always get these things? Why do I not see them when I come to London?

Stephen Barclay: My hon. Friend makes a powerful point. There is an issue of fair play and justice. Rural communities have been asset stripped. They have lost their pub, they have lost their village hall, and they have lost their magistrates court. In fact, they feel that pretty much everything has been taken away from them, and then they see this metropolitan agenda imposing turbines on them out of all proportion. I have had heartbreaking letters from constituents saying that they feel the only thing left in their rural landscape is the view when they take their dog for a walk. They write to me saying, “Please don't take that away”. It comes back to the issue that a number of Members have made about balance, which is the point my hon. Friend is making.

Eric Ollerenshaw: I thank my hon. Friend for that intervention. He is right about balance, but it also goes beyond that. We are told that there is not much wind in London. Well, it is pretty windy on Primrose hill, but that perspective is protected by London planning law because of the view of St Paul's. There are protected sightlines, yet the rest of us have to see our sightlines being destroyed; our new sightlines are wind turbines.

Chris Heaton-Harris: There is another problem. In urban parlance, a wind turbine is something quite nice to stick over the front door to assuage middle-class guilt. When we drive round the north circular, we see three or four little windmills opposite IKEA and think, “They're not so bad”. It is the scale and size of the wind turbines that are being imposed on us in the countryside that cause huge concern.

Eric Ollerenshaw: I was going to say that we are not dealing with a wind turbine of the size that someone would put on top of a house in Notting Hill. They are somewhat bigger.

I want to say something about renewables obligation certificates. I quote Professor Ian Fells, who is emeritus professor of energy conversion at Newcastle university. He stated in *The Guardian*—so it must be right—in 2008 that

“engineers do know a great deal about renewable energy: first and foremost, it is expensive, and is only being developed commercially because of the provision of subsidies of various kinds. This amounted to £1bn last year”—

in 2007—

“and will gross up to more than 20 times this figure by 2020... Wind power onshore has been successful because of marketing subsidies”—the ROC regime—

“...but even after 15 years it only provides the equivalent output of half a typical gas or nuclear station.”

I love the term “subsidy farming” used by my hon. Friend the Member for Daventry (Chris Heaton-Harris), and I shall try to remember it, because that is what

[Eric Ollerenshaw]

seems to be happening. To be fair, the Minister has pointed to the reform of the ROC regime that is coming later this year. I hope that it will have the potential to produce a level playing field for other renewables. I have mentioned before that in my area there is a proposal for a barrage on the River Wyre that has been lying around since 1991. Just a slight tweaking of the ROC regime could put that in contention, and it would produce real renewable energy.

To return to local problems in my constituency, Caton is a village in the Lune valley, which my hon. Friend the Member for Calder Valley (Craig Whittaker) knows extremely well. There are already eight turbines sitting on the hill directly behind it. People cannot miss them as they drive up the Lune valley. I do not know how that got through planning.

There was a proposal for a new farm of 20 125-metre turbines beyond Caton, a few miles up the road on Claughton moor—this is 6 km inside the Forest of Bowland area of natural beauty. That application, which was rejected unanimously by the council, is now at the planning appeal stage. As in the cases described by hon. Friends, it was the efforts of volunteers and people in the locality that drove that rejection. The application is going through the appeal process, but the same company has put in a new application for 13 turbines, which is already going through the system. It has an appeal for 20 and a new application for 13 on the same spot if the appeal is turned down.

The people who are trying to fight the application are just ordinary people who live in the area. They are dealing with the highly-paid renewable wind farm industry, with all its massive support, glossy literature and professionals and lawyers. We rely on a group called FELLs—the Friends of Eden, Lakeland and Lunesdale Scenery. The proposals for wind farms along the M6 from Lancaster to Carlisle would result in the area becoming wind turbine alley in about 20 years. The group has consistently fought the proposals, but at huge cost to themselves. The people who are defending the proposals are subsidised by everyone else, including us, through the electricity rates. It is unfair competition. That is one example.

Another example is the application by Lancaster university, which has been told to cut its carbon emissions. Fine. It was told about the subsidies and put in an application for two huge, 125-metre wind turbines that was turned down at planning. What does it come back with? A proposal for one turbine, which would be within 300 metres of where people live. Everybody says, “We can understand the university, because we can understand what it will get in subsidy.”

That brings me to my final point. I compliment hon. Friends who have raised the problem of distance. It really irritates people on the ground that there is nothing in the guidance that specifies minimum distances. Welsh guidance suggests 500 metres, which is typical; Scottish planning says 2 km from local communities; in England, there is nothing. People want consistency.

I saw an article in *The Sunday Telegraph* on 1 August in which the Department of Energy and Climate Change admitted that noise regulations, and thus minimum distances, have been applied inconsistently. They are

totally inconsistent when one looks at the results, and that causes ordinary people to lose confidence in the system.

Yes, I have great hopes for the Localism Bill and the fact that it will give people power. However, Minister, we do not want this country covered by a huge forest of wind turbines. We want a level playing field for other renewables, and we want a chance for ordinary people to take ownership of the land that they cultivate and protect, and have protected for so long.

Mr Charles Walker (in the Chair): We have 25 minutes left. I see three Members who wish to speak, but there might be room for four, depending on how Members handle their time.

4.25 pm

Craig Whittaker (Calder Valley) (Con): Thank you, Mr Walker. I thank my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) for securing this debate. I want to talk about the balance between big society and localism principles, and current planning policy. I am dealing not with spatial strategies or targets that were set by the previous Government but with current planning policy.

Planning policy statement 22 under the previous Government gives no consideration to local people; in fact, the only things that need to be taken into account by local planners are nationally designated sites such as national parks and world heritage sites. Even so, small-scale developments are allowed in those areas in certain circumstances.

Local authorities have no planning powers to protect local people: there is no allowance for buffer sites, for example, around hamlets or semi-rural areas; there is no power to decline onshore wind farms on grounds of water tables, peat erosion or local nature conservation areas; there are no powers on grounds of distance, as we have heard often today; there are no powers to make as a condition on wind farm owners any form of compensation to those whose homes are sited under wind farms where there is evidence of property devaluing, as it does; and there are no powers to assess the effects on health of close proximity of wind farms. I accept that there is no actual evidence of medical harm, but there are many examples of third-hand effects through lack of sleep caused by the constant droning noise of wind turbines, particularly at night and in high winds.

At a recent inquiry on the Crook hill planning application—Crook hill is in the Calderdale and Rochdale local authority areas—the planning inspector said that the need for alternative energy supplies far outweighed any local objection or need. He quoted the planning policy as his reason for saying that, despite the many thousands of pounds and man hours that it cost Calderdale and Rochdale metropolitan borough councils and the Friends of the South Pennines group to object to the plans.

A letter from me to my right hon. Friend the Secretary of State for Communities and Local Government brought back the reply that local authorities already have powers to establish their own criteria for local planning issues, but what good are those so-called powers for local authorities to set distances from homes, for example, if the inspectors can ride roughshod over local opinion

and concerns? I repeat that this is happening not because of spatial strategies or local targets but because of slants in planning policy. Will the Minister look at PPS22 and any other planning policy that allows such a clear breach of the spirit of the big society principles?

In the same spirit of the localism agenda, a good deal of public concern has been raised across the country as a result of the rush for wind power onshore. The health reasons for seeking to increase the set-back distance may be difficult to prove, but the distress to local communities and individuals is demonstrable in many cases. It is precisely the differences in local circumstances and topography that make set-back distances so important. A 125-metre turbine at a distance of just over 500 metres up a steep exposed hillside above one's home will appear even bigger, more threatening and intrusive than the same size turbine on flat land. In the Calder valley area, we have four valleys that have high peaks, and there are applications for wind turbines on all those peaks.

The impact on a village community of a wind farm of several 100 to 125-metre-high turbines 500 or 700 metres away, or even 1 km away, will be significantly different when local landscape, tree cover and wind conditions are taken into account. That said, many countries have already recognised the importance of siting large onshore wind installations away from homes, partly, I suspect, to maintain public support for renewable energy generation in the countryside.

The UK should do the same thing as other countries, even in the absence of clearly proven evidence of any medical harm whatever. It is important to allow local communities to make decisions depending on local conditions, while also giving the wind industry an acceptable minimum distance to work on. That acceptable minimum set-back distance does not exist in this country. ETSU-R-97, as hon. Members will be aware, set a 500-metre distance for turbines that were less than half the size, and less than a sixth of the installed capacity, of modern turbines.

Jason McCartney (Colne Valley) (Con): I thank my hon. Friend from a neighbouring constituency for giving way. I also thank the hon. Member for South Northamptonshire (Andrea Leadsom) for securing the debate. What a wonderful turnout—at least from the coalition.

My hon. Friend the Member for Calder Valley (Craig Whittaker) hit the nail on the head. I have joined communities from Birdseye, New Mill and Scapegoat Hill in opposing ugly and unsuitable wind farms in my constituency. All sorts of planning technicalities have come up in our objections. These wind turbines are an absolute minefield—perhaps minefields would be a good thing to stop the wind turbines, by the way. If we can get to the bottom of the issues through the Localism Bill and through Energy Ministers, it will stop all this positive energy, which would solve our energy problems if we could harness it, from community groups. I hope the Minister will take the planning considerations on board, and I look forward to them being included in the Localism Bill.

Craig Whittaker: I thank my hon. Friend for that intervention. Although I do not for one minute propose minefields, I certainly propose that we should take into account local planning policy effects on the principles of localism and the big society. I do not believe that a

full and comprehensive review of ETSU-R-97 should be necessary to alter guidance on set-back distance. The priority is to bring the guidance into line with the realities of modern turbines, and to help increase the acceptability of onshore wind farms. Will the Minister advise us of any changes the Government intend to make to the guidance? That question is on top of my first question, which, no doubt, the Minister has already taken into account.

4.32 pm

Mark Pawsey (Rugby) (Con): I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) on securing the debate.

We have heard a lot about balance this afternoon. I want to add to the balance by recognising the need to increase the proportion of our energy from renewables, while specifically ensuring that the views of communities are taken into account. The general thrust of the Localism Bill is particularly important in that regard.

Like many hon. Members, wind farm proposals affect my Rugby constituency. There is an application for a site at Bransford Bridge near Churchover, where there is a great deal of local opposition to the proposals, and I fully understand local residents' concerns. The community in Churchover has formed an action group called Against Subsidised Windfarms Around Rugby—ASWAR. They are building a convincing case against development both on that site specifically and more broadly. They argue that, in this particular case, the turbines will spoil the local countryside and landscape, particularly surrounding the ancient church of Churchover, which is referred to in the Domesday Book. The nearest turbine would be only 700 metres from the officially designated conservation area. However, in their campaign they recognise that it is only subsidy that is stimulating the development. My hon. Friend the Member for Daventry (Chris Heaton-Harris) drew attention to that issue. In the absence of the massive Government subsidy, many sites would not have been developed and many of the applications that hon. Members face would not be put forward.

There is another proposal for a wind farm at Copston Magna. In that case, consent has been granted for a test mast, which is now erected and gathering data on the site's suitability. A principle of fairness is involved. Often local communities see a test mast application as the thin end of wedge, and oppose it, but it is fundamentally fair to permit developers to erect test masts to identify whether a site is viable. As part of that principle, the data should be shared among the local communities, so they have access to information should they wish to oppose an application, if appropriate. The point I make to communities is that it is not impossible that the data will prove that a site is unsuitable, but we have already heard that there are dangerous incentives to allow a development to proceed even though the site may not be viable.

There are two matters of concern in respect of a community's ability to influence decisions, which relates to my previous point. First, councils receiving an application for a wind farm are not obliged to take into consideration the economic viability of the project or whether conditions at the proposed site are suitable. The developer of the Bransford Bridge site says that it is a good site, but he has no obligation to provide any evidence of that.

[Mark Pawsey]

Secondly, hon. Members have already referred to the fact that there is no guidance on the appropriate distance between a wind mast and the nearest residential property. I accept that that may vary according to the site, but it seems to be pretty wasteful that each planning authority has to seek professional advice on a site-by-site basis, when one generally available piece of work or research would reduce the costs of the planning process and, more important, give local residents a degree of certainty about the determination when an application comes forward. Therefore, I added my name to the list of supporters of the private Member's Bill promoted by my hon. Friend the Member for Daventry, which will give planning authorities the opportunity to determine what they consider appropriate distances between wind turbines and housing, after they have consulted local people.

Under the regional special strategy proposals, the previous Government forced their views on local areas and imposed developments to the dismay of local communities. When those communities made, often successful, representations to locally elected planning committee members, the matter went to appeal to be determined by a planning inspector. They took account of PPS1 on sustainable development and PPS22 on renewable energy, which both give a presumption in favour, such that in 2009, 82 applications were approved and only 65 were rejected.

We need to give more consideration to the views of local people and councils, and, in that respect, there are some welcome principles in the Localism Bill. The Government stated that the planning system will be reformed to give neighbourhoods greater ability to determine the shape of the places in which their inhabitants live. Part of that will come through neighbourhood planning, which should become a useful tool in this contentious area. Although neighbourhood planning is principally about setting a vision for a community—what they wish to see—and local communities making a positive statement, it will, therefore, be of benefit to communities who want wind farm development. As Members who represent our constituents, we all know that will happen only in very few cases. More important will be the situation with development control, when communities oppose applications they wish to see off.

Provisions in the Localism Bill for pre-application consultation are welcome and sensible. In any event, a sensible developer would carry out the activity in the first place, before submitting his application. The provision means that when applications for wind farm development come forward, communities will have been more involved in the early stages and the developer would apply with the support of local people.

Craig Whittaker: I recently wrote to my right hon. Friend the Secretary of State for Communities and Local Government to ask how the localism agenda and things such as community plans fit in and what powers they physically give. The reply was very much that they fit alongside current planning policies and guidance. If that is the case, surely we need to change some planning policies and guidance to fit hand in hand with them and physically give power to local people. Does my hon. Friend agree?

Mark Pawsey: My hon. Friend makes a fair point, and I will speak later about the efforts made by my hon. Friend the Member for South Northamptonshire to table an amendment to the Localism Bill to do precisely that—give more power to local communities.

There is some good news about manufacturing. I referred earlier to Convertteam, which manufactures permanent magnet generators in my constituency. Those are key components of turbines. Such technology removes the requirement for a gearbox in a turbine, which makes it particularly suitable for use offshore because of the reduced amount of maintenance involved. The gearbox is the component that fails most in turbines, and it is also the part that makes the most noise. If that technology can be developed, there will be benefits. There is a strong manufacturing history in my constituency, and I want to see it continue through the use of that new technology.

When we oppose onshore wind farms, we must offer alternatives. More consideration must be given to offshore wind technology. Of course, the marine environment must be considered, as must the efforts needed to get the energy onshore. However, few individual residents will be affected by offshore wind farms, and we must therefore give the matter more attention. We must also consider clean coal and other renewable sources such as tidal energy, which has been referred to.

In conclusion, for wind farms to be successful they must have broad public support and the consent of local communities. Provisions in the Localism Bill will go some way to putting communities in charge during the planning process, but it remains to be seen how far the changes in planning law will affect wind farms. I recognise that wind power can make a vital contribution to the renewable energy supply, but it must be used with other sources to ensure that energy is clean and sustainable. I support the business investment that will take place in my constituency as a consequence of wind farm development. We have heard many facets of the debate, but for me, the key issue is to ensure that local communities have a greater say in future development.

Several hon. Members rose—

Mr Charles Walker (in the Chair): Order. I would like to get in two last speakers.

4.42 pm

Andrew Percy (Brigg and Goole) (Con): I will be as quick as I can, Mr Walker, despite the plethora of wind farm applications that is currently affecting my constituency.

Mr Charles Walker (in the Chair): We have an extra five minutes, so the hon. Gentleman does not need to rush too much.

Andrew Percy: Thank you, Mr Walker. That gives me time to mention all my various campaign groups. I congratulate my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) on securing the debate. Since her election, she has proven a vociferous campaigner on this and many other issues, and it is good to see her standing up for her constituents again today.

On a positive note, I am a big supporter of the renewables industry, which has the potential to offer thousands of jobs up and down the country. As the Minister knows, in the Humber, fantastic opportunities are coming our way with the announcement that Siemens is coming to the region for offshore wind. Companies are coming for manufacturing, and all sorts of opportunities are facing us. All MPs, local authorities and businesses are trying to support the Humber, and I thank the Minister for the support that he has shown. The region has suffered considerably over the past 10 years, never mind the current austerity measures, but renewable energy is one way that our region can come back. I am a big supporter of renewable energy, especially offshore wind. When it comes to onshore wind, however, with no whiff of hypocrisy I have a few concerns about where the country is heading.

My constituency crosses east Yorkshire and north Lincolnshire and contains some of the flattest parts of the country. A lot of it is drained marshland; it is very flat, we have wide horizons, and consequently we also have high wind speeds. That means that we have been besieged by wind turbine applications. Such applications are not for small wind farms. When I heard one hon. Member speak of three or four wind turbines I thought, "If only."

A wind farm application for 34 turbines at Keadby has been given permission on approval. There is permission for a wind farm at Goole Fields for 20 turbines, and at Twin Rivers for 15 or 18 turbines—there are so many, I forget the exact numbers. Wind farms already exist at Bagmoor, and there is farm another of 18 turbines at Saxby Wold. There is an application for a number of turbines at Worlaby, and I have 14 turbines opposite my house in the village of Airmyn, in the constituency of my hon. Friend the Member for Selby and Ainsty (Nigel Adams). We successfully fought off an application at Elsham and, most recently, just this week North Lincolnshire council refused planning permission for the third time for Flixborough Grange. That was for a small development of eight turbines. It has been through the planning application twice, and been to the planning inspector once. On that occasion, the inspector upheld the local authority's decision, but within less than a year the application came back in exactly the same format as the first one. The planning committee at North Lincolnshire council said no again on Wednesday, and I thank Conservative colleagues on the council, along with a small number of Labour councillors, for standing up for local residents.

Such things demonstrate how ridiculous the situation has become. North Lincolnshire hit its 2020 targets two or three years ago, but it continues to be besieged by application after application, and something has to give. We were willing to play our part. One or two of the applications I have mentioned—including that at Goole Fields, which is in the east Yorkshire part of my constituency—went ahead, despite being a big development, with very little public opposition. Residents were generally supportive of that location, so it is not a case of saying no to everything. We were prepared to do our fair share. In North Lincolnshire, when the Conservatives ran the council, we adopted a policy of, "We will take our fair share but we want a say in where the wind farms will be located." Because of that policy, we hit the 2020 target. Nevertheless, it made no difference. Applications continued,

they were approved on appeal, and the 2020 targets meant nothing. Thanks to the vociferous campaigning of groups such as BATs—Burton Against Turbines—and SWATs—Saxby Wold Against Turbines—we have managed to stave off some of the applications. However, if it were not for well-organised individuals in particular villages, we would be covered in wind turbines.

There are great opportunities in the Localism Bill for communities to have more say. However, I am concerned that we will end up in a situation where, as one Minister said, we have to "frontload" the system. That is all well and good in parts of the country that have not already played their role, but we feel that we have played our part and hit our target. We have hundreds of wind turbines planned. They are all 410 feet high—we will have none of that metric nonsense. Imagine looking out at 34 turbines, each 410 feet high, and then turning a little and seeing a further 20 turbines three or four miles up the road, and then a further 18 a couple of miles further on. We are creating landscapes of turbines that are encircling communities.

We do not mind playing our part on energy. We have Drax power station, Keadby gas-fired power station and several coal and gas-fired power stations in the area, and we are willing to accept them as important and necessary for the country. We must, however, ensure that as substantial numbers of turbines have been approved, a planning system is in place to support residents who say, "No, we've done our bit already." We cannot ask communities to do their bit year after year, and I would like to hear from the Minister about our position on the big, onshore developments. I too will support the amendment to the Localism Bill tabled by my hon. Friend the Member for South Northamptonshire.

I do not want to take much more time as one more Member wants to speak. The issue of appeals is perhaps not in the Minister's remit, but I am sure that he talks regularly to his colleagues in the Department for Communities and Local Government, and we must establish what the appeals procedure will be. We understand that there will have to be an appeals procedure for bigger developments, as they are national infrastructure issues. The system must take local people into account and not allow what happened to East Riding of Yorkshire council a few years ago. It had a good record of risking public money in defending appeals and had turned down a number of wind turbines. However, through the Secretary of State, the inspector not only overturned a decision, but said to the democratically elected councillors, "You must stop rejecting these wind turbines."

Where is the democracy in that? That is the planning system we have been left with by the previous Government. That is why it is so important that localism means exactly what I think it means—local people having real power and a real say over what goes on in their communities.

I again pay tribute to the Minister for his work in supporting our renewable efforts in the Humber. I hope that he will respond to my debate in this Chamber next week on the renewable opportunities in the Humber. We support renewable energy, but when it comes to onshore wind, we in Brigg and Goole say that we have done our bit. We were happy to do our bit, but enough is enough.

Mr Charles Walker (in the Chair): Order. The winding-up speeches will start at 4.55 pm. I call Stephen Barclay.

4.50 pm

Stephen Barclay (North East Cambridgeshire) (Con): Thank you for letting me speak at short notice, Mr Walker. I endorse the comments of my hon. Friend the Member for Brigg and Goole (Andrew Percy) about our hon. Friend the Minister. We are very fortunate that he is handling this important brief. I also echo the comments of various hon. Members about my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) securing the debate and the formidable way in which she campaigns for her constituents.

I want to make three points before we move to the winding-up speeches. First, I want to press the Minister on whether we have the right funding balance for the various renewable technologies. In reply to my parliamentary question, he helpfully clarified that the cumulative expenditure between now and 2020 is anticipated to be £8.3 billion for onshore wind, £14 billion for offshore wind, £2.5 billion for solar technology and just £1.1 billion for tidal technology. We are an island nation and tidal renewable energy is something that we can sell around the world if we build that expertise. Given the climate of the UK, I wonder why we are spending on tidal energy less than half what we are spending on solar technology, and such a disproportionate amount less than on wind turbines. Perhaps the Minister will comment on that.

Secondly, what has come out very helpfully from this debate is the need for greater clarity on guidance, particularly, as my hon. Friend the Member for Lancaster and Fleetwood (Eric Ollerenshaw) pointed out, in relation to the distance between turbines and homes. That is a central concern of constituents of mine in Tydd St Giles, who are fighting an application for 12 turbines, which would be such a blot on the landscape of the fens.

May I suggest to the Minister a further area of clarification that could be put in the guidance? It relates to communities that reach the point of providing for 100% of their electricity need from renewable onshore wind turbines. In my constituency, Fenland has, on 2008 figures, 41,800 homes, yet we now have so many wind turbines that we already provide enough renewable energy for the equivalent of 40,000 homes. To return to the point about balance, if we are already at the point at which we, as an area, are producing enough renewable energy just from onshore wind turbines to power all our homes, it seems disproportionate that our beautiful and distinct open landscape is being over-burdened by too many wind turbines—it is fast becoming the “forest” of the fens. That goes back to the point about balance that a number of hon. Members made so clearly.

My third point is one that I tried to make in interventions. It is about the lessons to be learned from the targets that were set by the Department, albeit before the Minister's term of office. In particular, what lessons do we draw from the target set in 2000—a 10-year target—which the previous Labour Government missed so badly? What lessons have the Minister's officials learned? Have they conducted an analysis of what went wrong so that they can learn the lessons?

Furthermore, can we ensure that we are not paying, in terms of fuel poverty, for perverse consequences from the very odd, legally binding commitment that was signed up to in 2009—the earlier commitment having been missed—for a massive increase in the amount of

renewable electricity to be produced? The figure is over 30%, although the Department, by its own estimates, reckons that it will take 12 years—from 2000 to 2012—to deliver 8%. That period, on the Department's own figures, according to evidence to the Public Accounts Committee, accounted for 8%, yet in 2009 we signed up for a target such that over the remaining eight years we would add a further 21%. Again, there are lessons to be learned.

Have we got the funding balance right? Can we have greater clarity on the guidance? Can we learn the lessons from the targets that my hon. Friend's ministerial predecessors set and subsequently missed? I look forward to his clarification of those matters.

Mr Charles Walker (in the Chair): Order. Front-Bench winding up speeches will last until 5.25 pm. Then the hon. Member for South Northamptonshire (Andrea Leadsom) will have five minutes to wrap things up.

4.55 pm

Huw Irranca-Davies (Ogmore) (Lab): It is a delight to take part in the debate. I congratulate not only the hon. Member for South Northamptonshire (Andrea Leadsom), but all hon. Members who have contributed. It has been a genuinely good debate. Many hon. Members have spoken with passion. I did not agree with every point that they made, but I shall come to that. They did speak very well and have done their job commendably as constituency MPs, speaking on behalf of their constituents. I do not say that in a patronising way. It is what we are sent here to do. Sometimes we are denigrated for this job, but we are actually sent here to perform on behalf of our constituents and to make the points that are necessary.

I want to make a point that is perhaps obvious but is rarely made in these debates. It is rare to find an energy proposal of any type that attracts universal commendation. It is rare to find a proposal to which no objections have been made. That is the case whether the proposal involves onshore wind—the subject of today's debate—or offshore wind. Offshore wind was at one time—we heard this comment today—seen as our salvation, not necessarily because it was the new green energy messiah, but because it was the alternative to onshore wind. Then when offshore wind was objected to, as it frequently was, barrage, wave and tidal technology became the possible messiah, and so on. Hydro is another one; hydro turbines have been described as fish blenders.

Nuclear energy is popular in some areas. All credit to the previous Government on that. It is great that we are all now lined up across the three major parties in our determination to deliver nuclear, and we need to do it at pace. In some of the places where there have been nuclear facilities and jobs have relied on the nuclear industry, there is a tremendous wish for us to get on with that. With the previous Government, through the independent Infrastructure Planning Commission and the national policy statements, and now the present Government pursuing the agenda, we hope that we will get the new plants up and running, but of course they are contentious.

Biomass generation is criticised because of the transport implications and sustainability issues. Waste incineration is criticised—it goes on and on. All I shall say is that we

cannot create the energy mix that we often talk about, from both Front Benches, with little wind turbines on chimneys—although fair do's to the Prime Minister for having a darned good try. I am sure that he is not assuaging his middle-class guilt, as the hon. Member for Daventry (Chris Heaton-Harris) put it. He is making a contribution, as we all do with photovoltaic panels, wind turbines, deep geothermal and whatever else we do. My sister-in-law in Ireland has a massive field full of geothermal capacity. That is fantastic. All those things contribute, and so does onshore wind in some ways.

I want to respond to the points that have been made. First, the hon. Member for South Northamptonshire gave a very passionate and eloquent critique of onshore wind, describing a tug-of-war between local and national interests. That is where much of the debate has focused. She made the point that we cannot rely on wind. No, we cannot rely entirely on wind, but I strongly suggest that we have to rely on wind as a contributor to our energy mix, in the same way that we have to rely on marine and tidal power and on getting over the investment hump in relation to that. They will all play their part. Wind is not the entire answer and certainly nuclear is not the only answer, either.

The hon. Lady referred to the former CBI director, Richard Lambert, saying that nuclear is the answer. It is indeed part of the answer. We are joined up on this: we have to get on, look for the new generation of facilities and deliver them on time, because they will provide a significant amount of our capacity. I think that the mood in the country has changed towards that. It has taken some time for us to get there, but we have, although nuclear is not the only way forward.

The hon. Lady went through a range of areas that other hon. Members have covered. Those included intermittency or variability of wind quality, the need for interconnectivity and the costs that come with that, and the need for price support. I shall simply say, as has been said in the comprehensive spending review, that it is not only wind that needs mechanisms for support, both for the initial capital investment and for the ongoing revenue costs of operating. It is not alone, by any means. The hon. Lady sees the Localism Bill, as many do, as a way to put power back into the hands of the people. It has been claimed that we could see a massive growth in onshore wind turbines as a result of the Localism Bill, but others said that they expected to see a slowing down in their development. I am not sure which it will be, but I am sure that the Minister will respond to that point.

In an intervention, the hon. Member for North East Cambridgeshire (Stephen Barclay) said that legally binding targets are questionable. I would ask whether the Minister agrees with him. Those are legally binding targets. We are fully signed up to them, and I suspect that the hon. Gentleman is as well. We need to deliver on them, not walk away from them. I hope that the Minister does not intend to revisit them, revoke them or try to argue his way out of them. Both Front-Bench teams are committed to them; by that I mean both Liberal Democrats and Conservative, and Labour.

Stephen Barclay: Would the hon. Gentleman not agree that, in trying to meet those legally required targets, we start from a much worse place? Instead of being at 10% in 2010, which is what the Labour Government signed up for, we were below 8%. The permanent secretary

to the Department of Energy and Climate Change said that we would be at 8% by the end of 2010, and that we would not reach 10% until the end of 2012. We will have only eight years left to ensure that a further 21% of our needs are met by renewable energy.

Huw Irranca-Davies: In response to the hon. Gentleman's well-observed intervention, the question is how to accelerate our drive for renewables. Part of it will come through the work being done by the coalition Government in driving for offshore energy, and part of it will come through microgeneration. We often banter from the Front Benches on this question, but the wind ports competition, with its £60 million investment, was set up by Labour. This Government have delivered—well done—and Gamesa, Siemens, Mitsubishi and others are coming in with jobs on the back of it. We also have to do it with onshore wind.

I agree with the hon. Gentleman, but the logical extension of his argument is that, unless he says no to onshore wind, onshore will have to make a contribution. We have to find a way through the Localism Bill to make that happen. As has been said, we need to see a mushrooming of local communities saying, "We can now see the community gains. We are going to go for this, and we'll do it for ourselves." That would be great. I hope that hon. Members are right, but we have to see what the Minister has to say about it.

The Minister was asked whether he is considering bringing locally determined projects up to the 100 MW level from the current 50 MW. There has been much debate on that over the years. I do not think that he is considering that, but perhaps he would clarify the situation.

My hon. Friend the Member for Workington (Tony Cunningham) spoke passionately not only for his constituency but for his constituents. I was with him there on an occasion of great trial and disaster at the time of the Cumbria floods. He spoke eloquently. West Cumbria is a beautiful area, with great people. He was right to speak of the contribution that can be made by other energy mixes, including the Solway Firth barrage and the potential for new nuclear build.

I guess that the trick and the theme of this debate is the balance between the local, the regional and the national. I think that all Members here today agree that we need to do three things—to develop nuclear energy security, to do so in an affordable manner for UK plc and for Mrs Miggins, who lives at the top of one of the valleys, and to hit our low-carbon targets. The theme of our debate is who is to bear that cost, and who will benefit from the jobs that could be created from green technology.

The hon. Member for South Dorset (Richard Drax) shares his name with one of the most well known rapid reaction generation facilities, the co-stoked biomass Drax power station. It is beyond today's debate, but it raises the question of carbon as we move forward with our electricity market. He asked whether we needed onshore wind farms in order to keep the lights on. I hope that I have made it clear that we do. He also spoke of listening to the community's concerns—he said that if the community says, "We don't want these here", their voices should be heard. It is vital that communities' voices are heard, but we need a balance. He made an interesting point about common sense in connection with the Localism Bill, so I look forward to the Minister and his team drafting common sense into legal statute.

[*Huw Irranca-Davies*]

The hon. Member for Weaver Vale (Graham Evans) took a technocentric approach, putting great faith in our engineering, technical and scientific capacity, particularly for developing our nuclear future. He also spoke of his opposition to local wind farms, as did many Members.

The hon. Member for North Dorset (Mr Walter) despaired of the Secretary of State's warm words for larger wind turbines. I am sure that the Minister will relay those thoughts to the right hon. Gentleman. The hon. Gentleman spoke unfavourably of the market mechanism. There are possibly more market mechanisms to come that could incentivise low-carbon or renewable technologies. Indeed, they are necessary if we are agreed on having a lower-carbon future.

The hon. Member for Beverley and Holderness (Mr Stuart) said that we would see much more onshore wind energy as a result of the Localism Bill, as communities across the land grasp the opportunity of community engagement. I am not sure that that is quite what Members here today were hoping would result from the Bill; we shall hear what the Minister has to say. Like several hon. Members, the hon. Gentleman asked whether the Minister is considering increasing the distance of turbines from homes to 1.5 km or more.

The hon. Member for Shipley (Philip Davies) made a passionate speech. He is not in his place, but I am sure that he will read *Hansard*. He said that one of the biggest scandals is wind energy. I could not disagree more. If we look purely at megawatt costs per hour, we will get one solution to the question of the way we should be going. It may be the French solution, it may be something else, but the UK has the potential to be at the cutting edge globally of green technology, design research and jobs. There is more to it than megawatt per hour costs. In response to what the hon. Gentleman said about international competitiveness on price, I am sure that the Minister will confirm that we are competitive throughout the EU on our basic energy prices—with the exception of petrol—including compared with France and Germany. The critical factor in that mix of energy security and low carbon is whether it remains affordable, as we drive towards a low-carbon future.

The hon. Member for Daventry spoke of his opposition to schemes in his area. He touched on microgeneration and the feed-in tariff review. There is a real job to be done there. That has caused some consternation, as was dealt with at the Dispatch Box today. However, that issue is for another day.

The hon. Member for Lancaster and Fleetwood (Eric Ollerenshaw) spoke about minimum distances in England and the issues in his area. The hon. Member for Calder Valley (Craig Whittaker) spoke on a wide range of issues, including compensation, which came up again and again. Again, I ask the Minister to say whether he is considering compensation. Traditionally, requests for compensation have not been acceded to. Is he now considering it? He also asked whether the Minister would consider PPS22 and the minimum set-back distance.

The hon. Member for Rugby (Mark Pawsey) called for balance in this debate, and I welcome that. It was the first time that I have heard a Government Member start a speech by saying that we need some balance. He recognised the need for wind to be part of the mix.

He called for fairness for developers, not least in putting up wind-testing devices, and to ensure that the information is shared with residents. He welcomed the Localism Bill.

I am rapidly running out of time. The hon. Member for Brigg and Goole (Andrew Percy) announced that he was a big supporter of renewables. He mentioned Siemens and Gamesa, and the investment on the back of the £60 million wind ports competition. However, he was not inclined towards onshore wind. He saw energy coming from the offshore sector, but that sector cannot do it alone. The hon. Member for North East Cambridgeshire also called for localism and the revocation of targets for wind generation.

As I am running out of time in this intense debate, I will just ask the Minister how he is getting on with Renewable UK's balanced and considered view of the Localism Bill. On the idea of a local referendum, Renewable UK says that it should have an important part to play, but decisions need to be based on qualified professional advice. Other issues that it raises relate to pre-determination, pre-application consultations, the abolition of regional spatial strategies and the community infrastructure levy. The organisation has been restrained and controlled in what it has said. It has not tried to object to the Localism Bill, but, as the Minister knows, it is quite concerned that the measures could slow down the development of onshore wind farms. The hon. Member for Beverley and Holderness will be disappointed if onshore wind farms cease to happen because of the Localism Bill. I ask the Minister to tell me that that will not be the case.

5.10 pm

The Minister of State, Department of Energy and Climate Change (Charles Hendry): It is a great pleasure to serve under your chairmanship for the first time, Mr Walker. We could not have picked a better debate to have in this Chamber this afternoon. We have had a passionate debate, with displays of knowledge, strong opinions and good humour. The speeches, of which I did not agree with every single word and paragraph, have shown this House in a very good light because of its determination to deal with such a challenging issue. I absolutely join others in congratulating my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) on securing and delivering this debate.

Most of us, I think, share the same objectives. We believe that renewable energy is necessary for our energy security and for environmental reasons and that the view of local communities is vital in deciding where wind farms should be located. I want to look at both sides of that equation, to address what I think has been the democratic deficit and to show that wind farms can bring real benefits to communities as long as they are in the right place.

There is no doubt that the UK must become a low-carbon economy. We must decarbonise our electricity supply, which will be a massive challenge for us. It will cost us something in the region of £200 billion over the next 10 to 15 years. Our old coal plant has to close not because of CO₂ emissions but because of sulphur emissions. Our old nuclear plant is coming to the end of its physical life and running out of fuel, so we have no choice but to rebuild our energy infrastructure. Much of

that work and the decisions on investment will need to come in the course of this Parliament. I completely support the comments of my hon. Friends the Members for Weaver Vale (Graham Evans), for North East Cambridgeshire (Stephen Barclay) and for South Northamptonshire that this would have been a much easier challenge had we not had this legacy of failing to secure more of that investment over recent years. However, that does not mean that we have to pull back from such a challenge; we must show a determination to take it forward. There will be a dramatic change in the way in which we generate electricity, and that will bring challenges and disadvantages. We must ensure that we drive forward with this agenda if we are to secure our climate change and energy security goals.

We must consider the time scale. If we push the button today to start the construction of a new nuclear plant, and EDF decided that it wanted to go with Hinkley Point, it will still be towards the end of the decade before the plant can come on stream. We have allocated £1 billion to carbon capture and storage, which is more than any Government anywhere in the world have given to a single plant. However, it will still not be commercially at scale until the end of the decade. The technologies that others have talked about, such as the roll-out of offshore wind, have significant costs. The costs may come down, but as we go further out—I hope that my hon. Friend the Member for Beverley and Holderness accepts this—waters become deeper and the installations more challenging, which, in turn, will push up costs. Although we want to see a broad mix of technologies, we must recognise that there is a real urgency to construct plant now, so that we can meet the challenge of the old plant that is coming out of commission.

My hon. Friend the Member for South Dorset (Richard Drax) was right when he talked about the need for common sense—sadly, he is not here to hear my response. Common sense tells us that we need a balance of technologies; we need to ensure that we have new nuclear within the mix. We have continued much of the work that was started by the previous Government. We need to have clean coal and a broad mix of renewable technologies. This is not a case of saying that we should only have onshore wind. There will be a real drive for offshore wind and for biomass. We will take forward renewable heat issues. For example, ground source heat pumps, which were mentioned by my hon. Friend the Member for South Northamptonshire, will be an integral part of the renewable heat incentive.

Common sense dictates that we should consider our own natural resources. We have the strongest wind resource anywhere in Europe. To turn away from that and say that we should not be using it would be a serious mistake by Government, and one that we are not prepared to make.

Mr Graham Stuart: Will my hon. Friend the Minister give way?

Charles Hendry: We have had many contributions, so I hope that my hon. Friend understands that it will be difficult to respond to them fully if I start taking interventions.

Common sense also tells us that if we are to make the right decisions on our energy security and ensure that future generations look back and say that we did the

right thing, we have to put new plant somewhere. During the debate, we have heard a lot of calls about why constituencies are not right for certain types of new development, but, with the honourable exception of the hon. Member for Workington (Tony Cunningham), I have not heard anyone saying, “I don’t want wind turbines, but I do want something else.” No one has volunteered for a new nuclear plant. No one has volunteered for a new gas plant, a coal plant with carbon capture or a biomass plant. If we do not put them anywhere, we cannot survive on invisible electricity. We all want the switches to work when we push them on, but we do not think that we need to see where the energy is being generated. Energy plants need to be sited in appropriate locations, and common sense tells us that that is the right way forward.

We have carefully considered the contributions that different technologies can make. I hope that my hon. Friend the Member for Shipley (Philip Davies) will understand that much of the cost that we are considering—the increase in costs for consumers—is based on an oil price of \$80 a barrel. Everything changes when oil is \$100 a barrel. The central strategy of the American Administration is based on oil at \$113 a barrel. At that price, the move to a low-carbon economy brings real benefit to consumers because fuel costs would be lower than they would have been had their supply been based purely on hydrocarbons. We should be in no doubt of the important contribution that renewables can make towards our security of supply and low-carbon objectives. There is a range of different ways in which we can meet the challenge. After this debate, people can go on to the DECC website and look at our 2050 pathways calculator. We can tap in for ourselves and see what keeping our lights on does to carbon emissions. We are not wedded to one approach on the various technologies, but we do want to create an environment where people can see for themselves what will be the best technologies.

As for the suggestion that my hon. Friend the Member for North East Cambridgeshire made, we will not simply go down the route of targets. Targets alone do not deliver anything. Government must have a determination to show how targets will be met, which is why we will put in place road maps so that people can see what is happening and how it is taking place.

We will be taking forward this matter in the most robust way. We also recognise that as a result of the investment that has already been made in wind turbines, some 5.5 million tonnes of carbon emissions were avoided in 2009. That is the equivalent of the total annual emissions of the bus transportation fleet in this country, which starts to show the contribution that such technology is making.

Many of my hon. Friends have talked about the intermittency of wind, but that is an issue with which technology can increasingly deal. It is not about having a whole fleet of coal-fired power stations standing by to be pumped up into action when the wind does not blow. Let us consider the scope for pumped storage—an electricity interconnector to Norway, perhaps, or a new one into France that builds into its nuclear capacity—and the work that is being done on battery technologies and on a whole range of new technologies that will mean that the power can be there when we need it rather than when the resource happens to blow. That will be one of

[*Charles Hendry*]

the big changes that we see coming through in this decade. The issue of intermittency will become one that can be fully addressed.

Regarding security of supply, we also need to recognise that when Sizewell B—our most modern nuclear plant—did not operate for seven months last year wind was powering 800,000 homes in this country during that time. So it is not a case of one technology or another. The core to a sensible energy strategy is ensuring that we have the right balance of different technologies within it.

However, we must change the way we go about achieving that balance and that is what I will focus on for the rest of my remarks. We have heard very sincere views expressed during this debate and I completely understand the views that my hon. Friends and others have expressed. But let me reaffirm the Government's commitment to reform the planning system to ensure that communities have more ability to determine the shape of the places in which they live. Many of the changes will come through the Localism Bill, which has been discussed in Committee today.

We will abolish the regional spatial strategies and their top-down regional energy targets. Members have talked today about how planning applications have been overturned on appeal and granted on appeal. It will be much more difficult for applications to go through on that basis if the regional energy targets are taken out of the mix. Responding to the point made by my hon. Friend the Member for North East Cambridgeshire, I would say that people can already look to the cumulative effect that exists. However, I do not think that we want to go down the route of saying that each constituency should be generating energy only for its own needs and no more, because that would conflict with the principle that these facilities should be put in the areas that are most appropriate.

We are introducing provisions for projects to be submitted to local planning authorities, so that developers will have to show that they have worked with communities to develop their planning applications. That will help to develop a better approach regarding these applications, so that more of them can go through with planning consent being given locally rather than having to go to appeal.

We are introducing neighbourhood planning, to enable communities to draw up neighbourhood plans to shape the development in their own locality and to permit development without the need for planning applications. In addition, we are of course abolishing the Infrastructure Planning Commission.

I do not think that it is right to go down the route of having specific distances between onshore wind farms and residences. The way that such distances have been interpreted in Scotland and Wales is not actually the way that they have been enforced in those countries. However, the challenge that I face with regard to that issue is that very often we would find brown industrial land—a brownfield site—that we would all believe was an appropriate place for a wind turbine, but if one were to say that the presence of one house near to that turbine, within a distance of 1 km or 1.5 km, could stop that development from happening that would prevent us from using some brownfield sites, which could be well used in that respect.

The new planning framework will be a concise and more strategic document, which will bring together much of the work in this area to provide much greater clarity. It will provide much greater transparency, to ensure that local authorities can take well-informed decisions.

We are also looking at some of the other issues that have been raised today. We are reviewing how noise is monitored and how flicker is assessed, and we will publish the results of those reviews during the next months so that work on addressing those issues can be developed.

Huw Irranca-Davies: Will the Minister give way quickly?

Charles Hendry: I hope that the hon. Gentleman will forgive me but I will not give way, because there are important points that I need to make in the final moments that I have left.

We have brought forward the review of the renewables obligation certificates, because ROCs are an important way of ensuring that we can see investment in renewable technologies. However, we must ensure that those technologies are not put in place in unsuitable locations. The review will make sure that developers of wind farms are encouraged to go to the windiest locations, because the principle of ROCs is that if a company does not generate electricity it does not receive any payment. Therefore, ROCs are a better mechanism than some of the suggestions that have been made today about requiring planning committees to identify how much electricity can be generated by a particular development. We will develop that work on ROCs during this year.

We are examining the cost of grid connections, because often that cost means that there is an incentive to put wind farms close to where the electricity is needed rather than where the wind resource is strongest. That is why Ofgem's fundamental review of how transmission charges are levied is so important and it is also why we have made it clear to Ofgem that its review of the transmission charging system must deliver security of supply as well as low-carbon generation.

We intend to go further by rewarding local communities, so that they have a real say about how their communities should develop. As part of the coalition agreement, we have announced that business rates from renewable energy developments will be retained locally. In parallel with that, I am pleased that the wind industry itself is looking at establishing agreed minimum standards for the contributions that wind farm developers will make to local communities. Financial contributions by developers might include, for example, investment in energy efficiency measures to reduce electricity bills, or cheaper prices. Of course, the most powerful reward for a community is to have a direct stake in a project. That is why we are keen to see this work happen.

In conclusion, we have had a helpful debate today. I hope that we have been able to show that we believe that wind energy onshore has an important contribution to make. What we can also do is to ensure that wind farms are put in the right locations, where the resource is strongest; that we have a funding mechanism that drives that process; that we have a transmission system that makes the development of wind energy achievable, and a planning system that shows that where communities decide they will consent to such a planning development they will derive a real, direct benefit from having it in their locality.

Once again, I thank my hon. Friend the Member for South Northamptonshire for securing such an important debate.

5.25 pm

Andrea Leadsom: Thank you, Mr Walker, for your chairmanship. Well, you heard it here—this is where the rubber hits the road, or more likely where the peregrine falcon hits the turbine.

We have heard some very impassioned speeches today from a number of hon. Members, none of whom are the sort of fashionable green activists who look at the theory of it all and think, “Onshore wind is the answer and you’re just going to have to lump it”. There has been a series of speeches from MPs who are speaking out for their constituents. I know from my own constituency that people cry over this issue and spend huge sums of their own money and hour after hour after hour of their own time to try to defend the community that they live in.

Onshore wind farms are rather unique in the renewables sphere in terms of the amount of intrusion that they create. Other renewables do not create so much intrusion, they are not as widespread and, as many hon. Members have said, they do not come back time after time after time. Communities do not end up with four hydroelectric plants, up and down the valley, one after the other. Therefore, Members here today are speaking out with genuine urgency on behalf of their constituents, and those on the Front Benches should take note of that.

Another important point to make is that nobody in Westminster Hall today is speaking out loudly in favour of there being more onshore wind in the energy mix. There is a very important issue here, which is that we already have 3,000 wind turbines in this country and 6,500 more are either under construction or in planning. That is an enormous number of new turbines and any new legislation that we introduce at this point is likely to come too late to deal with them. We could have three times the current number of onshore wind turbines

before people can start to benefit from changes in legislation that might say, in fact, that their area was not appropriate for a particular number of turbines or that the turbines could not be put in a particular location. Those are important points to remember.

The hon. Member for Ogmore, who is the Opposition Front-Bench spokesman, was extremely good-natured and good-humoured during the debate, and he made very generous remarks to us. However, I still feel that his view is that of his party, which is that onshore wind development must happen to the exclusion of the views of local communities. He spoke out passionately in favour of onshore wind and did not apologise for the fact that his party embarked on this race for onshore wind when it could have looked instead at developing far less intrusive forms of renewable energy.

This is the key point—if we did not have this renewable target for 2020, would we now still be saying, “Let’s continue going for onshore wind”, or would we be looking at alternative forms of renewable energy that are much less intrusive? Those alternatives have been mentioned today: hydroelectric; marine and tidal developments, which will all be coming on board in 2022 and beyond; ground source heat pumps; photovoltaic cells, and other possibilities that would be far less intrusive for communities. Potentially the time frame that we are operating under will leave us with very little opportunity to pursue those alternatives fairly.

I thoroughly welcome the Localism Bill. It is going in completely the right direction and our Front-Bench spokesmen are making great strides to plug the energy gap, and to meet both our energy security needs and our renewable targets. We hear a lot of talk from our Government about fairness and localism, two principles that I subscribe to very strongly, and I urge our Government to uphold those principles for the sake of all our communities.

Question put and agreed to.

5.29 pm

Sitting adjourned.

Written Ministerial Statements

Thursday 10 February 2011

BUSINESS, INNOVATION AND SKILLS

Fair Access to Higher Education

The Minister for Universities and Science (Mr David Willetts): My right hon. Friend the Secretary of State and I have today written to the Director of Fair Access setting our expectations about how he should approach the approval and monitoring of new access agreements for higher education institutions. This updates a draft guidance letter that was published on 7 December. A copy of today's letter is in the Libraries of both Houses.

The guidance to the director sets out significantly increased expectations for the priority that institutions should be giving to fair access and widening participation, focusing more sharply on the outcomes of outreach and other activities, and less on the inputs and processes. In particular the Government believe that progress over the last few years in securing fair access to the most selective universities has been inadequate, and that much more determined action now needs to be taken.

From September 2012, no institution will be able to levy a graduate contribution above £6,000 without an approved access agreement. Institutions will make their own proposals for the measures they will take and the ambitions they will set for themselves. The director will take his own, independent decisions about each institution's application.

The Deputy Prime Minister has also announced today further details about the national scholarship programme. This is being published today on the Higher Education Funding Council for England's website, and I am placing copies in the Libraries of both Houses.

The national scholarship programme will provide financial assistance to students from disadvantaged backgrounds. Each eligible student will receive a benefit of not less than £3,000. All universities charging over £6,000 graduate contribution will be required to participate in the national scholarship programme and will commit more of their own resources towards helping to improve fair access. The Government will contribute £50 million in financial year 2012-13; £100 million in 2013-14; and £150 million from 2014-15.

Insolvency Practitioner Regulation

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Mr Edward Davey): Everyone who is affected by insolvency, whether they be employees, consumers who have lost deposits or suppliers who have not been paid should have every confidence that insolvency procedures operate fairly and that insolvency practitioners deliver the best possible outcome in what are often

difficult and challenging circumstances. In response to the OFT market study into corporate insolvency practitioners, I am today launching a consultation in respect of policy proposals intended to improve confidence in the insolvency regime and lead to better outcomes for those affected by insolvency proceedings.

These proposals are in line with the policies of this Government to drive balanced and sustainable growth, improve regulation and build a stronger economy. A dynamic economy, where it is easy to start and grow a business, needs effective and efficient insolvency mechanisms which return as much as is fair and possible to creditors when businesses fail.

The consultation seeks views on proposals to reform the regulatory framework for insolvency practitioners (IP's) and amend some of the technical legislative provisions applicable to companies in administration and liquidation.

A key proposal is the introduction of an independent complaints body to handle complaints about IP's, including complaints about their fees. While creditors can, at the moment, refer complaints about fees to the courts, this is cumbersome and costly. The new proposals would cut the cost of making a complaint and, also, would encourage unsecured creditors to hold IP's to account for the fees they charge. Although the OFT study focused solely on the corporate insolvency market, the benefit of these proposals would extend to personal insolvency cases.

Further information, along with a copy of the consultation document, can be found on The Insolvency Service's website at www.insolvency.gov.uk.

COMMUNITIES AND LOCAL GOVERNMENT

Local Enterprise Partnerships

The Minister of State, Department for Communities and Local Government (Greg Clark): The Minister of State for Business and Enterprise, my hon. Friend the Member for Hertford and Stortford (Mr Prisk), and I would like to inform the House that today we have written to the proposed York and North Yorkshire and Enterprise M3 local enterprise partnerships inviting them to put their governance arrangements in place.

Local enterprise partnerships see a real power shift away from central Government and quangos and towards local communities and the local businesses who really understand the barriers to growth in their areas. This announcement brings the total number of partnerships so far invited to put their governance arrangements in place to 30. We will continue to work with other areas with a view to establishing further local enterprise partnerships across England.

Park Homes

The Minister for Housing and Local Government (Grant Shapps): I announced on 14 July 2010 that I intended to bring forward in Parliament secondary legislation that would transfer most of the functions of county courts under the Mobile Homes Act 1983 to residential property tribunals. The aim of the transfer of the jurisdiction is

to provide residents of park homes and the owners with a level playing field in the resolution of disputes. This will be achieved by providing access to a dedicated, low-cost specialist (housing) tribunal, which can deal with cases quickly and without the parties needing to be legally represented. The necessary statutory instrument was laid on 31 January and subject to it receiving approval of both Houses of Parliament will come into force on 30 April 2011.

I am also today announcing my intention to consult on a further package of measures that could improve and modernise the licensing regime that applies to caravan and park home sites to enable local authorities to more effectively monitor and enforce licences and, therefore, better protect the many thousands of older households who live in this sector. I intend to consult on giving local authorities powers to charge site owners for their licensing functions and services instead of these being funded by the taxpayer or not provided at all to a satisfactory standard because authorities do not have the resources to do so. I also intend to consult on enabling the courts to impose higher fines for the most serious breaches of licence fees, and on giving authorities a more effective means of carrying out emergency safety-critical works at the owner's expense where the site owner has refused to do the work himself. I believe these reforms to site licensing will modernise the regime and make it more effective in delivering its objective of ensuring that sites are safe and properly managed.

I am also concerned about what appears to be abuse by some site owners of their role in approving the purchaser when a resident wishes to sell his park home in the open market. It seems clear that a small minority of site owners will routinely block sales for their own financial gain. I intend to consult on measures which would aim to eliminate this unacceptable practice and extend the role of the residential property tribunal in the approval process.

I intend to carry out a public consultation on these proposals in the spring.

HEALTH

Services for Adults with Profound Intellectual and Multiple Disabilities

The Minister of State, Department of Health (Paul Burstow): I am today formally launching the Government's response to last year's report "Raising our sights: services for adults with profound intellectual and multiple disabilities" produced by Professor Jim Mansell of the Tizard Centre, Kent. This report is a very valuable contribution to the debate on how we can ensure that people with highly complex needs can be supported to live as independently as possible and as included and valued members of society.

The Government have made clear their commitment to improving the health and well-being of all people with learning disabilities, including those who have profound intellectual and multiple disabilities. That is why we support this report and have taken on board its central message that the major obstacles to improving outcomes for adults with profound intellectual and multiple disabilities are prejudice, discrimination and low expectations.

As our "Vision for Adult Social Care, Capable Communities and Active Citizens" made clear we were looking to empower service users and those who care for them and to enable a more personalised, preventative service focused on delivering the best outcomes for people who need support, enabling people to live as independently as possible.

The revised "Recognised, Valued and Supported: Next Steps for the Carers Strategy" outlines the priorities over the next four years to ensure carers get the support they need. "Equity and Excellence: Liberating the NHS" White Paper set out our long-term vision for the NHS which puts people at the heart of everything the NHS does focuses on continuously improving the outcome of their healthcare.

The response to "Raising our Sights" responds to the report's 33 detailed recommendations. In addition, Professor Mansell set out five key conclusions:

adults with profound intellectual and multiple disabilities are a relatively small, easily identified group of people with undeniable needs for care and support. Despite these needs, they and their families have often not been provided with services to adequately meet them;

the "personalisation agenda" expressed in Government policy does appear to provide a better quality of life for adults with profound intellectual and multiple disabilities and their families. Continued progress in widening access to these kinds of services will enable more people to benefit;

there are a number of obstacles to wider implementation to which Government and other agencies should attend;

shortage of resources may influence the speed with which the recommendations of this report can be implemented but should not change the direction of policy and practice; and learning disability partnership boards and voluntary bodies will have an even more important role in future in scrutinising services and giving voice to people with profound intellectual and multiple disabilities and their families. Government and regulatory bodies should take account of the likely effect of their work on the quality of life of adults with profound intellectual and multiple disabilities.

The Government accept and support these conclusions.

"Raising our sights: services for adults with profound intellectual and multiple disabilities" and the Government's response have been placed in the Library. Copies of both documents are available to hon. Members from the Vote Office and to noble Lords from the Printed Paper Office.

TRANSPORT

Search and Rescue Helicopter Procurement (Correction to Written Ministerial Statement)*

The Secretary of State for Transport (Mr Philip Hammond): On 16 December I and my right hon. Friend the Secretary of State for Defence announced that information had come to light regarding the preferred bid in the search and rescue helicopter competition which required clarification.

In mid-December, the preferred bidder in the SAR-H competition, Soteria, voluntarily came forward to inform the Government of irregularities regarding the conduct of their bid team which had only then recently come to light. The irregularities included access by one of the consortium members, CHC Helicopter, to commercially sensitive information regarding the joint MOD/DFT

project team's evaluations of industry bids and evidence that a former member of that project team had assisted the consortium in its bid preparation, contrary to explicit assurances given to the project team.

Since December, our two Departments have been working with Soteria to understand better the situation and its implications for the procurement process. In addition, the Ministry of Defence police are investigating how the commercially sensitive information came to be in the possession of the bidder. It would be inappropriate to comment further on the details of the investigation until it has finished.

However, even without the outcome of that investigation, the Government have sufficient information to enable them to conclude that the irregularities that have been identified were such that that it would not be appropriate to proceed with either the preferred bid or with the current procurement process.

The Department for Transport and the Ministry of Defence will now consider the potential procurement options to meet future requirements for search and rescue helicopters in the United Kingdom, including options to maintain continuity of search and rescue helicopter cover until new longer-term arrangements can be put in place.

We will make a further announcement once a way forward has been agreed.

**(Official Report, 8 February 2011; Vol. 523, c. 7WS-8WS)*

WORK AND PENSIONS

Equality Act (Definition of Disability)

The Parliamentary Under-Secretary of State for Work and Pensions (Maria Miller): I am today submitting to Parliament the draft revised "Guidance on matters to

be taken into account when determining questions relating to the definition of disability".

This guidance is primarily for adjudicating bodies (such as courts and tribunals) when they are determining whether a person is a disabled person for the purposes of the Equality Act 2010 (EA). These bodies are required by the EA to take account of any aspect of the guidance which appears to them to be relevant when deciding whether a person is disabled for the purpose of the EA.

The EA prohibits discrimination that occurs in relation to a protected characteristic in a range of circumstances, including in access to: services and public functions, premises, work, education, associations and transport. One of the protected characteristics is disability, which is defined in the EA and regulations made under it.

Although the definition of disability in the EA is similar to that which applied for the purposes of the Disability Discrimination Act 1995 (DDA), the EA has simplified that definition. Unlike the DDA it does not require a disabled person to show how their ability to carry out normal day-to-day activities affects one of a list of capacities, such as mobility, speech, or the ability to understand.

Existing guidance was produced under the DDA. That guidance has been updated to reflect the definition of disability which now applies for the purposes of the EA. The revised text was subject to a consultation exercise between 9 August and 31 October 2010. A report on the Government's response to the consultation has been produced and I have arranged for copies to be placed in the Libraries of both Houses.

I am laying a copy of the draft revised guidance before each House. Subject to parliamentary approval, I aim to bring this revised guidance into force on 1 May 2011.

Petition

Thursday 10 February 2011

PRESENTED PETITION

*Petition presented to the House on Wednesday 9 February
but not read on the Floor*

Charge on Single Use Carrier Bags

*The Petition of supporters of Penrith Action for
Community Transition (PACT) in Penrith, Cumbria,*

Declares that the Petitioners wish to see a significant reduction in the issuing of plastic carrier bags by retailers through the introduction of a compulsory charge, as in the case of Wales where a charge of 7p per bag is to be in place from spring 2011.

The Petitioners therefore request that the House of Commons urges the Government to introduce the compulsory charge on the issuing of single use carrier bags in England, for which it has power under section 77 (and Schedule 6) of the Climate Change Act 2008.

And the Petitioners remain, etc.

[P000886]

Written Answers to Questions

Thursday 10 February 2011

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Common Land

Mr Sanders: To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the answer of 14 December 2010, *Official Report*, column 704W, on common land, if she will assess the effects on the voluntary dedication of town or village greens of provisions in administrative law that prevent administrations acting in a way which is motivated by the desire to bind its successors; and if she will assess the merits of bringing forward legislative proposals to enable local authorities to designate town or village greens. [35074]

Richard Benyon: In our view, a local authority may apply under section 15(8) of the Commons Act 2006 to voluntarily register land in its ownership as a town or village green, but may not register land which it manages but does not own. In our view, registration under section 15(8) would be a disposal of land for the purposes of section 123 or 127 (as the case may be) of the Local Government Act 1972, and the authority must comply with the requirements of those provisions. We expect that most local authority proposals for voluntary registration are likely to fall within the terms of the General Disposal Consent 2003, set out in ODPM circular 6/03. However, an authority will also need to comply with the special requirements of section 123(2A) or 127(3), as regards the disposal of open space.

We will publish in due course updated guidance on voluntary applications for registration of land under section 15(8) of the Commons Act 2006, which takes account of these requirements.

Dangerous Dogs Act 1991

Lisa Nandy: To ask the Secretary of State for Environment, Food and Rural Affairs when she plans to announce the outcomes of her Department's consultation on the Dangerous Dogs Act 1991. [37855]

Mr Paice: We have been working closely with the Home Office on this issue. On 7 February they launched a consultation on a new antisocial behaviour framework in which dogs are included. This can be found on the Home Office website at:

<http://www.homeoffice.gov.uk/asb-consultation>

A further announcement will be made by DEFRA shortly concerning other matters raised in our consultation.

Greenhouse Gas Emissions

Mr Bain: To ask the Secretary of State for Environment, Food and Rural Affairs (1) what assessment she has made of the (a) sustainability and (b) contribution to net decreases in carbon and greenhouse gas emissions of (i) cellulosic ethanol, (ii) biofuels from algae and (iii) biofuels from wood chip; [34426]

(2) how much funding her Department allocated to research into biofuels from (a) woodchip and (b) algae in the last five years; and how much such funding she plans to allocate in each of the next four financial years; [34428]

(3) how much funding her Department has allocated to research into cellulosic ethanol in the last five years; and how much such funding she plans to allocate in each of the next four financial years. [34429]

Norman Baker: I have been asked to reply.

The renewable transport fuel obligation (RTFO) requires biofuel suppliers to report to the Renewable Fuels Agency (RFA) both the greenhouse gas emissions consequences of, and the sustainability of, the biofuels they supply. None of the UK biofuel reported under the RTFO in the year 2008-09 came from cellulosic ethanol, algae or woodchip. Information for the year 2009-10 is due to be published shortly.

The Department for Transport has granted approximately £6 million to the Carbon Trust over the last two years to support their advanced bioenergy research accelerator which focuses on research into biofuels from microalgae and pyrolysis. A recent assessment by the Carbon Trust calculated the potential greenhouse gas savings of microalgae biofuel compared to diesel as 78% using the RTFO methodology.

£27 million of wider Government funding has also been committed to the Sustainable Bioenergy Research Centre. The centre runs a number of programmes, including one specifically on cellulosic ethanol.

Decisions on future funding will be taken in due course but Department for Transport have no plans for direct sponsorship of any further research into these areas at this stage.

HOME DEPARTMENT

Animal Experiments

Caroline Lucas: To ask the Secretary of State for the Home Department pursuant to the answer of 17 January 2011, *Official Report, House of Lords*, column WA2, on animal experimentation, which minimum requirements of the new EU Directive 2010/63/EU on animal experimentation are lower than current UK requirements; in what ways such requirements are lower than current UK requirements; and if she will make a statement. [38791]

Lynne Featherstone: Many of the provisions of Directive 210/63/EU are similar to current United Kingdom requirements; some are new and go further; and a few are potentially less stringent. For example, unlike the Animals (Scientific Procedures) Act 1986, the directive does not provide special protection for cats, dogs and equids. In addition, some of the mandatory standards of care and accommodation set out in Annex III to the directive are lower such as cage height for rats, hamsters and gerbils; minimum floor areas for sheep, goats, dogs, rabbits, guinea pigs, pigs, mini-pigs and equids. The directive also excludes from protection foetal forms of birds and reptiles and protects foetal forms of mammals from the last third of gestation rather than the halfway

point. The required membership and functions of the proposed animal welfare bodies in establishments are also less extensive in the directive than the current requirement for local ethical processes in the United Kingdom. This is not a full and final list of differences and further details will be included in the impact assessment currently in preparation which will be published in due course.

Data Sharing: Companies

Kerry McCarthy: To ask the Secretary of State for the Home Department what progress her Department has made in encouraging data-sharing between companies engaged in animal testing. [39214]

Lynne Featherstone [*holding answer 9 February 2011*]: The Government support the work of the National Centre for the Replacement, Refinement and Reduction of Animals in Research (NC3Rs) which promotes the replacement, reduction and refinement of animals (the 3Rs) in research and testing. Over the last six years, the NC3Rs has developed a model that enables pharmaceutical and chemical companies and contract research organisations that engage in animal testing to share data and expertise. An example of the success of this approach is the removal from the international regulatory guidelines of single dose acute toxicity testing for pharmaceuticals. In 2010, the NC3Rs has continued to facilitate this cooperation by co-ordinating data sharing between 23 companies in a wide range of areas related to the development of new medicines. Further information on these activities is published on the NC3Rs website.

Entry Clearances: Overseas Students

Tom Greatrex: To ask the Secretary of State for the Home Department what assessment she has made of the effect of proposed reforms to the immigration system on the number of non-EU students applying to (a) all UK universities and (b) universities in (i) England, (ii) Scotland, (iii) Wales and (iv) Northern Ireland. [39369]

Mr Bain: To ask the Secretary of State for the Home Department what assessment she has made of the effects of her proposed restrictions on the number of student visas on levels of income of universities with courses attracting overseas students in (a) Scotland, (b) England, (c) Wales and (d) Northern Ireland in each of the next four years. [39550]

Damian Green: A consultation on the student immigration system closed on 31 January 2011. The consultation sought the views of all respondents on the effect of the proposals. The results of the consultation and an impact assessment will be published in due course.

Immigration

Jeremy Corbyn: To ask the Secretary of State for the Home Department how many immigration legacy cases were (a) lodged and (b) dealt with in each of the last 24 months; and what the outcome of each was. [37738]

Damian Green [*holding answer 3 February 2011*]: Cases dealt with under the “legacy” programme are asylum cases that were lodged with the agency on or

prior to 5 March 2007 therefore no new legacy cases were lodged in the last 24 months. In response to part (b) of the question, the agency provides regular updates on performance, including a breakdown into grants, removals and “other” cases such as duplicates or errors, to the Home Affairs Select Committee and is due to report in the spring.

On 1 November the agency reported to the Home Affairs Select Committee that it had concluded 334,500 cases.

Members: Correspondence

Tom Greatrex: To ask the Secretary of State for the Home Department what discussions she has had with (a) the Secretary of State for Scotland and (b) Universities Scotland on the likely effect of her proposed reform of the immigration system on the number of non-EU students at universities in Scotland. [39370]

Damian Green: The proposals in the consultation on reform of the student visa system were agreed by the Government as a whole. Officials at the UK Border Agency arranged a series of events with key corporate partners throughout the consultation period and Universities Scotland participated in these discussions.

Migrant Workers

Richard Fuller: To ask the Secretary of State for the Home Department how many visas under Tier 5 (religious workers) of the points-based visa scheme have been granted to applicants in each of the last three years. [39746]

Damian Green: Tier 5 of the points-based system (PBS) was introduced on 27 November 2008 to cover entry clearance visas for temporary workers and youth mobility. The following table shows the number of entry clearance visas issued under the Tier 5 (religious workers) category from 2008 to Quarter 3 2010.

Figures on entry clearance visas issued by category are published quarterly in table 1.1 of Control of Immigration: Quarterly Statistical Summary available from the Home Office’s Research, Development and Statistics website at:

www.homeoffice.gov.uk/rds/immigration-asylum-stats.html

Data for Quarter 4 2010 will be published on 24 February 2011 in Control of Immigration: Quarterly Statistical Summary Q4 2010.

Entry clearance visas¹ to the United Kingdom issued under PBS Tier 5—Religious, 2008 to Q3 2010³

	<i>Visas issued</i>
2008 ²	—
2009	1,040
Q1 to Q3 2010	1,260

¹ Figures are rounded to the nearest 5 (* = 0, * = 1 or 2).

² Tier 5 of the points-based system (PBS) was introduced on 27 November 2008.

³ Management information.

WOMEN AND EQUALITIES

Carbon Offsetting

Philip Davies: To ask the Minister for Women and Equalities how much the Government Equalities Office spent on carbon offsetting in each of the last three years; and to which companies payments for carbon offsetting were made in each such year. [40283]

Lynne Featherstone: Since its creation on 12 October 2007, the Government Equalities Office has not spent any money on carbon offsetting.

International Women's Day

Simon Kirby: To ask the Minister for Women and Equalities what plans she has to mark International Women's Day; and if she will make a statement. [36883]

Lynne Featherstone: This is a commemorative year for International Women's Day (IWD) as it marks the 100th anniversary. We remain committed to celebrating the economic, political and social achievements of women past, present and future. A range of Departments including the Government Equalities Office and the Home Office are finalising plans to observe this centenary year. My Department is mapping the activity planned across Government including the devolved Administrations to mark IWD 2011.

LEADER OF THE HOUSE

Prayers

Mr Winnick: To ask the Leader of the House if he will discuss with the Procedure Committee the holding of daily prayers at a location other than in the Chamber of the House. [39520]

Sir George Young: I have no plans to do so.

ATTORNEY-GENERAL

Prosecutions

Mr Love: To ask the Attorney-General what powers he has to direct the Director of Public Prosecutions on individual cases under the Prosecution of Offences Act 1879. [38977]

The Solicitor-General: The Law Officers have no power to direct the DPP on individual cases under the Prosecution of Offences Act 1879 as it has been repealed.

Details of the current working relationship between the Attorney-General and the DPP can be found in the "Protocol between the Attorney General and the Prosecuting Departments", which was published in 2009. The Protocol can be found at the following website address:

<http://www.attorneygeneral.gov.uk/Publications/Documents/Protocol%20between%20the%20Attorney%20General%20and%20the%20Prosecuting%20Departments.pdf>

Public Expenditure

Catherine McKinnell: To ask the Attorney-General whether he has made an assessment of the compliance of the outcomes of the comprehensive spending review with the provisions set out in (a) equalities legislation and (b) the Human Rights Act 1998 in respect of each Government Department; and if he will make a statement. [39523]

The Solicitor-General: The compliance of the outcomes of comprehensive spending reviews with equalities legislation and the Human Rights Act 1998 is a matter for the individual Government Departments concerned. There is a convention, reinforced by the ministerial code, not to disclose whether a Department has sought Law Officers' advice.

CULTURE, MEDIA AND SPORT

Obesity: Children

Chris Ruane: To ask the Secretary of State for Culture, Olympics, Media and Sport what discussion he has had with Ministers in the Department of (a) Health and (b) Education on the effects of activity levels on obesity in children. [39005]

Hugh Robertson: I have regular discussions with colleagues at the Department's of Health and Education on a range of issues.

This Department is currently working with the Department for Education developing the "School Games". The games will give every school (including mainstream and special) and every pupil the opportunity to get involved, by harnessing the power of the Olympic and Paralympic Games to inspire a generation of young people to participate in competitive sport. The main policy aim is to drive a long-term Olympic legacy of more children doing competitive sport which we believe will help tackle childhood obesity.

VisitEngland

Brandon Lewis: To ask the Secretary of State for Culture, Olympics, Media and Sport (1) whether VisitEngland has delivered to his Department a rural tourism action plan; [38997]

(2) whether VisitEngland has provided to his Department its review on seaside reports for the purposes of developing a seaside resort action plan; [38998]

(3) whether VisitEngland has provided to his Department a national research and intelligence programme for the purposes of understanding the performance of the industry. [39000]

John Penrose: The Tourism Action Plans being developed by VisitEngland (VE) are on schedule and will be published as soon as the Department's planned Tourism Strategy has been officially launched. The first tranche of 11 VE plans includes the Rural Tourism Action Plan and the Coastal Resorts Action Plan. Both of these drafts will be submitted to public consultation from 11 February for five weeks. The Action Plans are being

produced by VE for the tourism industry and will involve their participation, both through the public and private sectors.

VE has not provided the Department with a separate review of seaside reports but various publications have been fully considered, including the 2010 Report by Sheffield Hallam university.

A National Research and Intelligence Programme is currently being developed along with the Action Plans and will follow their timetable.

VE does however provide bespoke intelligence reports (all of which are published on the VE website). It also participates in the English Tourism Intelligence Partnership (ETIP), and stakeholders recently attended a major conference in London to define priorities and check progress of the ETIP Programme.

Brandon Lewis: To ask the Secretary of State for Culture, Olympics, Media and Sport when he expects VisitEngland to publish its English national marketing strategy for domestic and international markets. [39002]

John Penrose: VisitEngland's National Marketing Strategy will be published once this Department's Tourism Strategy is published shortly.

Brandon Lewis: To ask the Secretary of State for Culture, Olympics, Media and Sport whether VisitEngland has provided its plan for major events including the diamond jubilee. [39001]

John Penrose: VisitEngland's Major Events Plan is linked to the National Marketing Plan and is on schedule. It will be published once this Department's Tourism Plan has been published. The plan will be aimed at maximising the opportunities offered through the diamond jubilee, Torch Relay, the 2012 Olympic games and Paralympic games and other major events taking place in England.

Brandon Lewis: To ask the Secretary of State for Culture, Olympics, Media and Sport how much VisitEngland spent on internal industry marketing material in 2010. [39003]

John Penrose: Nothing, because VisitEngland does not promote itself to the industry. Its promotional activities are consumer-facing as part of its marketing activity.

SCOTLAND

Universities

Tom Greatrex: To ask the Secretary of State for Scotland what recent discussions he has had with

Universities Scotland on the likely effect of proposed reforms to the immigration system on the number of non-EU students in universities in Scotland. [39368]

David Mundell: The Secretary of State has had a number of discussions with Universities Scotland, most recently on 31 January, on the proposals contained in the Government's recent consultation paper on student immigration.

DEFENCE

Afghanistan: Peacekeeping Operations

Mr Ainsworth: To ask the Secretary of State for Defence what logistical planning his Department is undertaking for the withdrawal of (a) British personnel and (b) military equipment from Afghanistan; and if he will make a statement. [39843]

Dr Fox: The Ministry of Defence is necessarily focused on how best we can achieve the transfer of security to the Afghan National Security Forces by the end of 2014. As part of this work we are considering the scope and shape of the UK's enduring relationship with Afghanistan and what the likely role and composition of forces should be beyond 2015, including the logistical implications. This advice will be presented to the National Security Council in due course.

Air Force: Military Bases

Sir Menzies Campbell: To ask the Secretary of State for Defence which RAF bases have listed buildings and scheduled monuments within their grounds. [39226]

Mr Robathan: The following RAF bases have listed buildings and/or scheduled monuments within their grounds: RAF Benson, RAF Bentley Priory, RAF Brampton, RAF Cosford, RAF Cranwell, RAF Halton, RAF Henlow, RAF High Wycombe, RAF Honington, RAF Leuchars, RAF Lossiemouth, RAF Lyneham, RAF Neatishead, RAF Northolt, RAF Scampton, RAF Spadeadam and RAF Valley.

Sir Menzies Campbell: To ask the Secretary of State for Defence which RAF bases in the UK are on (a) owned land, (b) leased land and (c) land with legal rights; and what the annual land cost is in each case. [39227]

Mr Robathan: The status of RAF bases in the UK for owned land, leased land or land with legal rights and annual land costs, are shown in the following table:

	Type of land holding	Annual land cost (£ per annum)
RAF Benson	Freehold	0
RAF Boulmer	Part Freehold—Part Leasehold	20,000
RAF Brampton/Wyton/Henlow	Freehold	0
RAF Brize Norton	Freehold	0
RAF Coningsby	Freehold	0
RAF Cottesmore	Freehold	0
RAF Cosford	Freehold	0

	<i>Type of land holding</i>	<i>Annual land cost (£ per annum)</i>
RAF Cranwell	Freehold	0
RAF Fylingdales	Freehold	0
RAF Halton	Freehold	0
RAF High Wycombe	Part Freehold—Part Leasehold	0
RAF Honington	Freehold	0
RAF Kinloss	Freehold	4,615
RAF Leeming	Freehold	0
RAF Leuchars	Freehold	150
RAF Linton on Ouse	Freehold	0
RAF Lossiemouth	Freehold	179,600
RAF Lyneham	Freehold	0
RAF Marham	Freehold	0
RAF Northolt	Freehold	0
RAF Odiham	Freehold	0
RAF Shawbury	Freehold	16,800
RAF Spadeadam	Leasehold	1,000
RAF St Mawgan	Freehold	0
RAF Valley	Freehold	2,100
RAF Waddington	Freehold	0
RAF Wittering	Freehold	0

Defence: Procurement

Stephen Gilbert: To ask the Secretary of State for Defence what his policy is on future involvement in multinational defence equipment acquisition; and if he will make a statement. [39715]

Nick Harvey: The Ministry of Defence's policy remains as set out in the strategic defence and security review. In working with other countries, we will generally favour bilateral equipment collaboration or off the shelf purchases because these are potentially more straightforward than multilateral arrangements.

Departmental Information Officers

Angus Robertson: To ask the Secretary of State for Defence how many (a) press officers, (b) internal communications officers, (c) external communications officers, (d) communications strategy officers and (e) other positions with a communications remit were employed by (i) his Department, (ii) its agencies and (iii) each other non-departmental public body sponsored by his Department on the most recent date for which figures are available. [38958]

Mr Robathan [holding answer 9 February 2011]: Communication of defence is important to support the reputation of the armed forces, understanding of military operations and other activities and to support recruitment. These figures include both military and civilian posts throughout Defence, including armed forces' commands and operational theatres. Savings have been made across the communications area during the course of the current financial year and further substantial reductions are planned. The latest figures for the numbers involved in specialist communications roles are for financial year 2009-10 and were produced in support of a Cabinet Office led exercise to capture such information across Government. They are as follows:

	<i>MOD/ armed forces</i>	<i>Trading funds</i>	<i>Non- departmental public bodies</i>
Press officers	112	8	1
Internal communications officers	52	8	0
External communications officers	365	26	0
Communications strategy officers	67	2.5	0
Other	101	7	3

Departmental Security

Jon Trickett: To ask the Secretary of State for Defence which persons not employed by Government departments or agencies hold passes entitling them to enter his Department's premises. [39270]

Mr Robathan: Passes may be issued to those who are required to make frequent visits to specific Government sites, subject to the usual security checks. For security reasons it would not be appropriate to provide details of individuals who hold such passes.

Nimrod Aircraft

Andrew Rosindell: To ask the Secretary of State for Defence what the state of airworthiness was of each dismantled Nimrod MRA4 aircraft prior to its dismantling; and what faults impacting upon airworthiness were found during the last refit of each such aircraft. [38920]

Nick Harvey: At the time of the decision not to bring the Nimrod MRA4 into service, none of the nine aircraft was airworthy.

During the development of the aircraft, a number of design issues had been identified and were being addressed by BAE Systems. The identification in September 2010 of a potential safety issue associated with an insulated

section of a hot air pipe, caused two of the aircraft (PA04 and PA05) to be grounded. None of the aircraft would have flown until this issue had been resolved.

BUSINESS, INNOVATION AND SKILLS

Apprentices

Mr Jim Cunningham: To ask the Secretary of State for Business, Innovation and Skills how many apprenticeship places for people aged (a) 16 to 18 years and (b) 18 to 24 years he has allocated funding for in the academic year 2011-12. [39037]

Mr Hayes: Apprenticeships are funded by both the Department for Business, Innovation and Skills (19+) and the Department for Education (16-18). The Government are strongly committed to investment in apprenticeships for people of all ages. We are determined to take real action to improve and expand the apprenticeships programme and create more apprenticeship opportunities than ever before.

Funding for apprenticeships will increase to over £1,400 million in the 2011-12 financial year: £799 million for 16 to 18-year-olds; £605 million for those aged 19 and over¹. For 16 to 18-year-olds, the YPLA document "16 to 19 Funding Statement" (December 2010) states that funding will be sufficient to have 133,500 apprentice starts in the 2011/12 academic year. For adults (19 years and over), our indicative forecast is for 227,100 starts in 2011/12². This means we are committed to have funding in place to train over 360,000 apprentices (at all ages) in the 2011/12 academic year.

Funding for adult apprenticeships (19+) is not further differentiated by age and there are no specific allocations for the 18-24 age group.

¹ 16-18 figures: 16-19 Funding Statement, YPLA (December 2010); 19+ figures: Investing in Skills for Sustainable Growth, BIS (November 2010).

² Hansard www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110125/text/110125w0004.htm

Business: Government Assistance

Chi Onwurah: To ask the Secretary of State for Business, Innovation and Skills how many businesses in (a) Newcastle and (b) England received funding under the Grant for Business Investment scheme in each of the last five years. [39780]

Mr Prisk: Grant for Business Investment (GBI) was introduced in October 2008. The following table thus includes data for the Selective Finance for Investment in England scheme, its predecessor. For 'Newcastle' we have used the Newcastle local authority area. The table shows the number of offers made to businesses in Newcastle and the number of offers accepted in England over the last five financial years.

<i>Financial year</i>	<i>Awards in Newcastle</i>	<i>Awards in England</i>
2005/06	10	503
2006/07	5	464
2007/08	11	402

<i>Financial year</i>	<i>Awards in Newcastle</i>	<i>Awards in England</i>
2008/09	12	352
2009/10	12	376

Departmental Location

Mr Blunkett: To ask the Secretary of State for Business, Innovation and Skills what plans he has for local offices of his Department in each region; where he expects each to be located; and if he will make a statement. [39321]

Mr Prisk: It is important that BIS has a policy presence outside of Whitehall so we can communicate effectively with local enterprise partnerships, businesses and other organisations.

The network is still in the early stages of development, but it is expected there will be six small teams in different parts of the country, although locations have not yet been confirmed.

The teams will support BIS's overall objectives, particularly those relating to growth, jobs and rebalancing the economy.

This response replicates the response to PQ2010/3769 which asked a similar question.

Green Investment Bank

Caroline Lucas: To ask the Secretary of State for Business, Innovation and Skills pursuant to the answer of 17 January 2011, *Official Report*, column 620W, on the Green Investment Bank, when he expects the Government to announce decisions on the asset sales which will provide proceeds for the Green Investment Bank. [39330]

Mr Prisk: The Government are pushing forward their asset sale programme and expect to be able to launch new sales across a number of assets over the coming months, with proceeds expected towards the end of 2011. This should therefore fit with the timetable for the Green Investment Bank to be making its first investments during 2012. The £1 billion DEL funding allocation is for investments to be made in 2013/14.

To give information on expected proceeds from individual sales would prejudice the Government's commercial position in ongoing and future sale processes. However, at an aggregate level, the Government are confident that asset sales they are considering will be sufficient to provide significant additional funding above the £1 billion allocated from departmental budgets. They will make further announcements on this funding stream in due course.

Sheffield Forgemasters: Loans

Huw Irranca-Davies: To ask the Secretary of State for Business, Innovation and Skills whether any concerns were raised with him by (a) his officials and (b) other individuals and organisations in respect of the likely effects on the supply chain of his decision to withdraw the loan to Sheffield Forgemasters (i) before and (ii) after the loan was withdrawn. [38471]

Mr Prisk: Both before and after the Government's decision not to proceed with the loan to Sheffield Forgemasters, the Department received a small number representations from MPs, organisations and members of the public expressing concern about the Government's decision. Some, but not all, of these referred to the nuclear supply chain.

Tobacco: Sales

Mr Offord: To ask the Secretary of State for Business, Innovation and Skills what assessment his Department has made of the potential effects on businesses of removing tobacco point-of-sale displays from retail outlets.

[36662]

Mr Prisk: Powers to prohibit the permanent display of tobacco products in retail outlets are contained in the Health Act 2009 and the Department of Health (DH) is the lead Government Department. DH are responsible for assessing the impact of the net cost to business. BIS is in discussions on the impact of DH's proposals subject to the independent scrutiny by the Regulatory Policy Committee and then consideration by the Reducing Regulation Committee.

UK Trade and Investment

Mr Amess: To ask the Secretary of State for Business, Innovation and Skills for what reason UK Trade and Investment did not include Israel in its promotional material about the forthcoming middle east trade initiative; what recent representations he has received on this issue; and if he will make a statement.

[39736]

Mr Prisk: The first tranche of leaflets to market the Partner ME 2011 event listed those countries for which we had confirmed participation at the time of printing. We have since had confirmation that Israel will be represented and web marketing material has been updated. Israel's participation is now included on all marketing material for this event.

EDUCATION

Children's Centres: Finance

Mrs Hodgson: To ask the Secretary of State for Education what recent discussions his Department has had with Hammersmith and Fulham Council on funding for children's centres.

[33290]

Sarah Teather: There is enough money in the recently announced early intervention grant (EIG) to maintain the existing network of Sure Start children's centres, accessible to all but identifying and supporting families in greatest need.

I am not aware of any direct communication between the Department for Education and Hammersmith and Fulham local authority on funding for children's centres. Our agents, Together for Children (TFC) report they have had routine discussions about the way in which Hammersmith and Fulham deliver its children's centre programme.

Children's Centres: Stoke on Trent

Joan Walley: To ask the Secretary of State for Education how much funding his Department has allocated to children's centres in Stoke-on-Trent in (a) 2009-10 and (b) 2010-11.

[22834]

Sarah Teather [holding answer 9 November 2010]: In the years 2009-10 and 2010-11 the Department allocated revenue and capital funding for children's centres to Stoke-on-Trent as follows:

Financial year	Children's centres and ex-Sure Start local programme revenue		Sure Start children's centres capital	Total
2009-10	7,345,162	602,863		7,948,025
2010-11	7,583,126	372,288		7,955,414
Total	14,928,288	975,151		15,903,439

These funding strands are paid as part of the wider Sure Start, Early Years and Childcare Grant. Children's centre allocations are not individually ring-fenced within the grant and are therefore notional. Local authorities have the freedom to spend flexibly to best meet local objectives.

College of Social Work

Meg Munn: To ask the Secretary of State for Education whether his Department has reached an agreement with UNISON on membership of the College of Social Work.

[35708]

Tim Loughton: Government are supporting the establishment of a college of social work in line with the recommendations of the Social Work Task Force for an organisation to articulate and promote the interests of good social work. It will give the profession strong, independent leadership; a clear voice in public debate, policy development and policy delivery; and strong ownership of professional social work standards. The Department does not seek to influence any partnership agreements the college might establish once it emerges from the current development stage and has not entered into any agreements on membership with Unison or any other organisation.

College of Social Work: Social Care Institute for Excellence

Andy Burnham: To ask the Secretary of State for Education whether the Social Care Institute for Excellence will have a role in the running of the College of Social Work.

[36269]

Tim Loughton [holding answer 26 January 2011]: The Social Care Institute for Excellence has been asked to facilitate the establishment of the College of Social Work, providing administrative support and expertise in a developmental phase of two years. Neither Government nor SCIE seek to influence the form or function of the emerging college. SCIE will have no role in the governance of the college that emerges.

Departmental Temporary Employment

Bill Esterson: To ask the Secretary of State for Education how many staff in his Department are employed on fixed-term contracts; and what the job title of each is. [34841]

Tim Loughton [*holding answer 10 January 2011*]: The number of staff in the Department employed on fixed-term contracts and their titles (by grade) is set out in the following table:

<i>Grade band</i>	<i>Total</i>
Executive assistant	26
Executive officer	1
Higher executive officer	48
Senior executive officer	12
Grade 7	5
Grade 6	1
Senior civil service	1

¹ Less than five

Disability: Children

Mr Laurence Robertson: To ask the Secretary of State for Education what plans he has for the future status of ring-fenced funding provided to local authorities to support children with disabilities; and if he will make a statement. [27256]

Sarah Teather [*holding answer 29 November 2010*]: Funding for disabled children will be delivered to local authorities through the Early Intervention Grant. The Early Intervention Grant (EIG) is a new funding stream created for local authorities to invest in early intervention for the most vulnerable children, young people and families, bringing together funding for a number of early intervention and preventative services, including those which relate to disabled children.

We have announced that we will provide over £800 million through EIG to support short breaks for disabled children over the spending review period.

This figure represents a small increase in the levels of funding which were provided to local councils for this activity in 2010-11, and includes the previously announced funding to be provided from Child Trust Fund money.

There will be no ring-fenced funding for local councils to support children with disabilities in this coming spending review period. The Government previously committed to reducing the ring fences around central Government funding to allow local areas more autonomy and flexibility to prioritise services locally.

Pre-school Education: Disadvantaged

Mr Offord: To ask the Secretary of State for Education if he will take steps to ensure the provision of 15 hours of free nursery education for disadvantaged children aged two years. [35532]

Sarah Teather: Through the Education Bill we will seek to amend Section 7 of the Childcare Act (2006), so that through regulations we can introduce a statutory entitlement to 15 hours of free early education a week for disadvantaged two-year-olds. Funding of £64 million/£223 million is being provided to allow local authorities

to offer free places to disadvantaged two-year-olds over the next two years. This will enable authorities to build towards the statutory entitlement which we plan to introduce in 2013. Funding will rise to £380 million a year by 2014-15.

COMMUNITIES AND LOCAL GOVERNMENT

Departmental Security

Jon Trickett: To ask the Secretary of State for Communities and Local Government which persons not employed by Government Departments or agencies hold passes entitling them to enter his Department's premises. [39272]

Robert Neill: Passes may be issued to those who are required to make frequent visits to specific Government sites, subject to the usual security checks. For security reasons it would not be appropriate to provide details of individuals who hold such passes.

EU Grants and Loans: North East

Catherine McKinnell: To ask the Secretary of State for Communities and Local Government pursuant to the answer of 9 December 2010, *Official Report*, column 382W, on EU grants and loans: North East, what the monetary value is of the funding to the North East England 2007-13 European Regional Development Competitiveness Programme that remains uncommitted. [39090]

Robert Neill: The North East has an ERDF allocation of €375.7 million. €236.6 million has been committed, leaving €139.1 million uncommitted as at 6 February 2011.

European Regional Development Fund

Catherine McKinnell: To ask the Secretary of State for Communities and Local Government who will chair the European Regional Development Fund programme monitoring committees in each region from March 2011. [39148]

Robert Neill: We are committed to giving localities and communities greater control and greater influence over the programmes and services delivered in their areas. To help achieve this, I have decided that we should restructure existing Programme Monitoring Committees as Local Management Committees which can ensure that, within the parameters already agreed with the EU, local people and businesses can influence the shape of the programme. These committees give strategic direction to the operational programmes and ensure that they are delivered compliantly and that outputs are delivered. I will be looking to ensure that the local representatives from across the public, private, voluntary and community and local authority sectors are represented on the Local Management Committees.

I am committed to ensuring my Department plays a key role in ensuring that the delivery of ERDF remains compliant with EU regulations. To deliver that, I have decided that a DCLG director will chair the Local Management Committees. But to underline our commitment to localism, I have also decided that a significant figure from the local community should be appointed as a deputy chair of the Local Management

Committee, to ensure that the ERDF programmes are overseen and shaped by local people. We will work with local communities to determine who should occupy this role.

We will be working closely with the existing membership of the Programme Monitoring Committees and other local representatives to determine the practical details of the changes I want to make. That will include the role of the Local Management Committees, how the deputy chair and membership will be selected and what underpinning arrangements they will need.

Housing: Armed Forces

Alison Seabek: To ask the Secretary of State for Communities and Local Government (1) what representations he has received from local housing authorities on the likely effects of returning personnel from overseas military bases as a result of changes announced in the strategic defence and security review; [39056]

(2) what assessment he has made of the effects on local housing authorities of the return of military personnel as a result of proposals to close bases overseas announced in the strategic defence and security review; [39057]

(3) when he last had discussions with the Ministry of Defence on the effects on private and public housing sectors of the return of military personnel posted overseas as a result of changes announced in the strategic defence and security review. [39058]

Andrew Stunell: Responsibility for addressing current and future housing needs rests with individual local authorities; the Department made no assessment of the possible effects of the return of overseas military personnel on local housing authorities.

The Government are committed to increasing housing supply and seeing more of the homes that people want, in the places that people want them. The New Homes Bonus Scheme, announced by my right hon. Friend the Minister for Housing and Local Government on 12 November 2010, will create a simple, transparent and permanent incentive to increase the supply of new homes.

The Department and MOD continue to discuss matters of shared interest. We are not aware of representations from local housing authorities on the likely effects of returning personnel from overseas military bases, as a result of changes announced in the strategic defence and security review. We would not expect to receive such representations before MOD's plans on returning personnel have been developed and finalised. In considering relocation of military personnel from overseas military bases as a result of the review, accommodation would be taken into account.

Housing: Prices

Matthew Hancock: To ask the Secretary of State for Communities and Local Government what estimate his Department has made of the number of domestic dwellings valued at £2 million or higher in each (a) local authority, (b) parliamentary constituency and (c) region. [39167]

Robert Neill: The Department has not made an estimate of the number of domestic dwellings valued at £2 million or higher. This estimate would require figures on the individual value of all domestic dwellings in each area. Such data are not held by the Department. Estimating the current capital value of individual domestic dwellings in each area would require a valuation/revaluation exercise. The Coalition Agreement rules out a domestic revaluation in this Parliament.

Housing: Sustainable Development

Mr Chope: To ask the Secretary of State for Communities and Local Government what definition his Department uses for sustainable housing. [39020]

Andrew Stunell: There is no single definition of sustainable housing as many different factors will bear on the sustainability of any particular housing development. The Code for Sustainable Homes is the national voluntary standard for the sustainable design and construction of new homes, and applies in England, Wales and Northern Ireland. The code measures the sustainability of a new home against nine categories of sustainable design, and covers energy and carbon dioxide, water use, materials, surface water runoff, waste, pollution, health and well-being, management, and ecology.

Local Government Finance: Sunderland

Bridget Phillipson: To ask the Secretary of State for Communities and Local Government what the change in (a) the amount of formula grant, (b) the amount of specific or area-based grants and (c) the total central government grant to Sunderland city council is between 2010-11 and 2011-12. [39394]

Robert Neill: Change in central Government funding to be provided to Sunderland city council in 2011-12 on a like for like basis is as follows:

Reduction in formula grant will be £20.1 million

Reduction in overall revenue spending power will be £28.0 million (8.8%) with a reduction of £12.2 million in specific/area-based grants.

Full information on the basis of these calculations can be accessed on the Department for Communities and Local Government website at:

<http://www.local.communities.gov.uk/finance/1112/spfull1s.xls>

Public Houses

Chris Ruane: To ask the Secretary of State for Communities and Local Government (1) if he will make an assessment of the (a) economic and (b) social factors leading to trends in the level of closure of (i) pubs and (ii) clubs; [39010]

(2) if he will assess the effects on social cohesion of trends in the frequency of visits to (a) pubs and (b) clubs. [39015]

Robert Neill: The Government support the development and maintenance of pubs that understand and respond to the needs of their local community, and my officials hold regular meetings with a variety of organisations from the pub and brewing trade to discuss their particular concerns.

Reports following Government research on alcohol taxation and pricing issues are available on the Treasury and Home Office websites respectively.

The Government have in place a package of measures designed to help community pubs, including:

aiming to ensure through the Localism Bill that community organisations have a fair chance to bid to take over and run assets and facilities that are important to them, including local pubs;

the Department will undertake a public consultation into the issue of restrictive covenants on pubs, with a focus on the impact they have on local communities. This will be completed in the summer of 2011;

communities interested in taking ownership of their local pub can seek advice from the Government-funded Asset Transfer Unit and the Plunkett Foundation;

helping firms with business rates: making small business rate relief automatic, introducing a more generous small business rate relief scheme for a year from October, and giving councils powers to levy discretionary business rate discounts—which could, for example, be used to support local pubs;

the Home Office announced on 18 January the Government's intention to ban the sale of alcohol below cost by setting a lower limit of duty plus VAT, as an important first step in delivering the Government's commitment to ban the sale of alcohol below cost;

scrapping the previous government's plans to introduce a 10% above inflation rise in the tax on cider; and

reforming licensing rules to make it easier to play live music in local pubs.

Runaway Children

Chi Onwurah: To ask the Secretary of State for Communities and Local Government what guidance his Department provides to local authorities on dealing with children who run away from home. [39782]

Andrew Stunell: This Department has not provided any specific guidance to local authorities on dealing with children who run away from home. However, guidance has been provided by the Department for Education.

We are working closely with colleagues in the Department for Education to prevent and tackle youth homelessness and to support young people to live independently. In addition, the Department for Education is represented on the cross-government Ministerial Working Group on Homelessness which focuses on addressing the complex causes of homelessness and rough sleeping.

TREASURY

Debts: Advisory Services

Kerry McCarthy: To ask the Chancellor of the Exchequer what assessment he has made of the effect of the ending of the Financial Inclusion Fund on provision of debt advice after March 2011. [39024]

Mr Hoban: The Government have not yet taken a decision on the future of the projects currently funded from the FIF, including the face-to-face debt advice service.

The Government remain committed to helping poorer households to access appropriate financial services, to

improve their financial resilience and to avoid falling into unsustainable levels of debt.

Departmental Photography

Kate Green: To ask the Chancellor of the Exchequer how much his Department has spent on photography since May 2010. [34543]

Justine Greening: The Treasury spent £206 on photography between 1 May 2010 and 31 January 2011.

Departmental Security

Jon Trickett: To ask the Chancellor of the Exchequer which persons not employed by Government Departments or agencies hold passes entitling them to enter his Department's premises. [39266]

Justine Greening: Passes may be issued to those who are required to make frequent visits to specific Government sites for business purposes, subject to them having a minimum level of security clearances. For security reasons, it would not be appropriate to provide details of individuals who hold such passes.

Excise Duties: Gaming Machines

Philip Davies: To ask the Chancellor of the Exchequer what estimate his Department has made of the additional revenue that would be raised by the introduction of a machine games duty in each of the first three years following its introduction. [38510]

Justine Greening: The introduction of machine games duty is not intended to raise additional revenue. It will replace the revenue from amusement machine license duty and VAT currently charged on machines.

Food: Prices

Kwasi Kwarteng: To ask the Chancellor of the Exchequer whether he is taking steps to curb commodity speculation for the purposes of limiting increases in food prices in the developing world. [39525]

Mr Hoban: I refer the hon. Gentleman to the answer given to the hon. Member for Streatham (Mr Umunna), by the Under-Secretary of State for International Development, the hon. Member for Eddisbury (Mr O'Brien), on 17 January 2011, *Official Report*, columns 528-29W.

Gold and Foreign Exchange Reserves

Mr Mike Hancock: To ask the Chancellor of the Exchequer what recent estimate he has made of the level of gold and foreign currency reserves. [39700]

Justine Greening: The level of the UK's official holdings of reserves is released on a monthly basis by HM Treasury and can be found at:

www.hm-treasury.gov.uk/press_12_11.htm

As of the end of January 2011 the UK's gross reserves stood at \$82.04 billion (£51.23 billion).

Income Tax: Football

Bob Russell: To ask the Chancellor of the Exchequer what discussions HM Revenue and Customs has had with professional football clubs on the payment of income tax on payments to professional footballers for image-rights. [39713]

Justine Greening: HMRC has a statutory duty of confidentiality to its customers and does not comment on individual cases. However HMRC are well aware of attempts to use image rights to avoid tax and will challenge these arrangements where appropriate. The taxation of image rights is a complex area where the tax treatment will very much depend on the facts of the particular case.

Bob Russell: To ask the Chancellor of the Exchequer what estimate he has made of the amount of income tax which would have been received by HM Revenue and Customs in each of the last 10 financial years had payments to professional footballers in respect of image-rights been treated as income. [39714]

Justine Greening: HMRC does not hold this data.

Income Tax: Tax Rates and Bands

Matthew Hancock: To ask the Chancellor of the Exchequer (1) if he will estimate the number of taxpayers earning £100,000 and over in each (a) local authority, (b) parliamentary constituency and (c) region in 2011-12; [39179]

(2) how many taxpayers would be affected by lowering the threshold for the additional rate of income tax to £100,000 in each (a) local authority, (b)

parliamentary constituency and (c) region in (i) 2011-12, (ii) 2012-13, (iii) 2013-14, (iv) 2014-15 and (v) 2015-16; [39180]

(3) if he will estimate the effect on levels of revenue of lowering the threshold for the additional rate of income tax to £100,000 in (a) 2011-12, (b) 2012-13, (c) 2013-14, (d) 2014-15 and (e) 2015-16. [39182]

Mr Gauke: The following table shows the estimated change to income tax liabilities from lowering the threshold for the additional rate of income tax to £100,000.

	<i>Estimated change in income tax liabilities (£ million)</i>
2011-12	1,200
2012-13	1,300
2013-14	1,500
2014-15	1,600
2015-16	1,800

Estimates take account of behavioural responses, such as changes in work effort, increased tax planning, avoidance or migration motivated by tax rate changes. These effects, and associated revenue costs, are highly uncertain. It should be noted that the tapered withdrawal of the personal allowance occurs over an income range after deductions, starting at £100,000.

The figures refer to accrued liabilities and do not reflect the timing of receipts.

The number of UK taxpayers with total income in excess of £100,000 in each region in 2011-12 is shown in the following table. This table also shows the estimated number of taxpayers who would be affected by a reduction in the additional rate threshold to £100,000, where their income after deductions and allowances exceeds £100,000.

<i>Region</i>	<i>Total income greater than £100,000</i>	<i>Income after deductions and allowances greater than £100,000</i>	<i>Number (thousand)</i>
North East	12		10
North West and Merseyside	47		37
Yorkshire and the Humber	34		27
East Midlands	33		26
West Midlands	39		31
East of England	79		65
London	180		152
South East	155		127
South West	44		35
Wales	14		10
Scotland	44		34
Northern Ireland	11		9
Address abroad/unknown	13		12
United Kingdom	706		576

The number of taxpayers who would be affected in later years is likely to increase gradually over time, reflecting growth in incomes relative to a fixed additional rate threshold.

It is not possible to produce reliable estimates for local authorities and parliamentary constituencies due to small sample sizes at these levels of geography.

Estimates are based on the 2007-08 Survey of Personal Incomes and projected using economic assumptions consistent with the Office for Budget Responsibility's autumn forecast 2010.

Income Tax: Tax Yields

Tessa Munt: To ask the Chancellor of the Exchequer how much income tax was generated from those with an income of (a) £6,475 to £7,475, (b) £7,476 to £8,475, (c) £8,476 to £9,475 and (d) £9,476 to £10,000 on each of the last five years; and if he will make a statement. [39050]

Mr Hoban: The following table shows the estimated income tax liabilities generated from 2006-07 to 2010-11,

for the income bands specified above. Income after deduction is defined as total income minus pension contributions and charitable contributions.

Income after deductions	Total tax				
	2006-07	2007-08	2008-09	2009-10	2010-11
£6,475-£7,475	228	190	186	96	94
£7,476-£8,475	441	365	390	290	290
£8,476-£9,475	686	592	569	470	467
£9,476-£10,000	466	402	376	312	311
All	1,820	1,550	1,520	1,170	1,160

£ million

Tax liabilities decrease primarily due to increases in the personal allowance, from £5,035 in 2006-07 to £6,475 in 2010-11.

Estimated figures for 2006-07 and 2007-08 are based on the Survey of Personal Incomes. Estimated figures for 2008-09 onwards are based on the 2007-08 Survey of Personal Incomes and projected using economic assumptions consistent with the Office for Budget Responsibility's autumn forecast 2010.

National Insurance Contributions

Stephen Lloyd: To ask the Chancellor of the Exchequer on how many occasions he has met representatives of the Federation of Small Businesses to discuss the regional national insurance contribution holiday. [39115]

Mr Gauke: Treasury Ministers and officials have meetings with a wide range of organisations and individuals in the public and private sectors as part of the process of policy development and delivery. As was the case with previous Administrations, it is not the Government's practice to provide details of all such meetings. However, a list of meetings with external stakeholders is published on the Treasury website. This list can be found at:

http://www.hm-treasury.gov.uk/minister_hospitality.htm

Pensions

Mike Weatherley: To ask the Chancellor of the Exchequer if he will assess the merits of raising the trivial pension threshold. [39451]

Mr Hoban: At present, an individual who is aged 60 or over and has less than £18,000 in total pensions wealth is permitted to take all of their pension savings as a lump sum, which is known as 'trivial commutation'.

As stated in a previous answer to my hon. Friend, the median pension wealth held by individuals aged 16 or over in 2006-08 was £6,500 for members of a defined contribution occupational pension scheme, and £12,000 for members of a personal pension plan¹. On this basis, the Government feel that the £18,000 limit for trivial commutation remains an appropriate threshold.

The Government published a call for evidence on early access to pension saving in December 2010, which also invited views on whether there was a case for introducing further flexibility in the trivial commutation rules. The call for evidence is open for submissions until 25 February 2011².

¹ "ONS Wealth and Assets Survey 2008/09", table 6.3.

² http://www.hm-treasury.gov.uk/consult_early_access_pension_savings.htm

Public Expenditure

Matthew Hancock: To ask the Chancellor of the Exchequer if he will place in the Library the underlying figures of Chart 1.1 published on his Department's flickr photostream on consolidation of the cyclically-adjusted current budget. [39104]

Justine Greening: Chart 1.1 on the Treasury flickr photostream

<http://www.flickr.com/photos/hmtreasury/5217567353/>

was published following the OBR's Economic and Fiscal Outlook in November 2010. The chart updates the same chart illustrating the forecast consolidation in the cyclically-adjusted current budget that was published as chart 1.3 in the June Budget and also by the previous Administration.

The data underlying the chart are the forecast for cyclically-adjusted current borrowing as at the March 2010 Budget, the June 2010 Budget and the OBR's Economic and Fiscal Outlook in November 2010:

		2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
March 2010 Budget	Cyclically-adjusted surplus on current budget	-4.8	-4.6	-3.4	-2.5	-1.8	-1.3	—	—
	Change in the cyclically-adjusted surplus on current budget	—	0.2	1.2	0.9	0.7	0.5	10.7	10.7
June 2010 Budget	Cyclically-adjusted surplus on current budget	-5.3	-4.8	-3.2	-1.9	-0.7	0.3	0.8	—
	Change in the cyclically-adjusted surplus on current budget	—	0.5	1.6	1.3	1.2	1.0	0.5	—
OBR's EFO 2010	Cyclically-adjusted surplus on current budget	-5.3	-4.7	-3.3	-1.8	-0.5	0.5	0.9	—

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Change in the cyclically-adjusted surplus on current budget	—	0.6	1.4	1.5	1.3	1	0.4	—

¹ This was an assumption as to the consolidation in the cyclically-adjusted current budget at the March 2010 Budget.

Revenue and Customs

Gregg McClymont: To ask the Chancellor of the Exchequer when he expects HM Revenue and Customs to publish its (a) change and delivery plan and (b) business implementation plan. [39504]

Mr Hoban: In response to part (a) of the question, HM Revenue and Customs (HMRC) will publish its Change Plan in February 2011.

In response to part (b) of the question relating to the business implementation plan, HMRC will publish its business implementation plans in April 2011.

Stamp Duty Land Tax

John Stevenson: To ask the Chancellor of the Exchequer how much revenue was raised from stamp duty land tax on residential properties (a) up to £150,000, (b) from £150,001 to £250,000, (c) from £250,001 to £500,000, (d) from £500,001 to £1 million, (e) over £1 million and (f) in total in (i) 2007-08, (ii) 2008-09 and (iii) 2009-10. [37794]

Justine Greening: Estimates of revenue raised from stamp duty land tax on residential property by stamp duty land tax price bands are given at:

http://www.hmrc.gov.uk/stats/stamp_duty/table15-3-0910.xls

Taxation

Simon Kirby: To ask the Chancellor of the Exchequer if he will commission a study on the effect on the economy of implementing a flat tax. [39245]

Mr Gauke: The Government have no plans to conduct a study on the implementation of a flat tax.

Taxation: Members

Mr Offord: To ask the Chancellor of the Exchequer for what reason the online submission facility for self-assessed tax returns is not available to hon. Members. [39315]

Mr Gauke: The vast majority of self-assessment taxpayers can take advantage of HMRC's online services to file their tax return via the internet. However, a small proportion of SA taxpayers (including MPs) need to complete special dedicated pages. These forms are not available online since it would be disproportionately costly to develop the links to departmental computer systems.

VAT: Charities

Karen Lumley: To ask the Chancellor of the Exchequer whether he plans to bring forward proposals to bring charitable providers of health care services within the provisions of section 41 of the Value Added Tax Act 1994. [39508]

Mr Gauke: The Government have no plans to bring forward such proposals. Section 41 of the VAT Act provides limited recovery of VAT for Government Departments, including the NHS, in respect of certain outsourced services. The VAT which is refunded to the NHS and other bodies is fully taken into account as part of those bodies' overall funding arrangements, and the schemes that are in place represent the most efficient means of delivering this part of their funding.

VAT: Northern Ireland

Lady Hermon: To ask the Chancellor of the Exchequer what consultation he undertook with the business community in Northern Ireland in advance of the rise in value added tax. [34190]

Mr Gauke: Treasury Ministers consult Northern Ireland Ministers on a range of issues on a regular basis. Treasury Ministers and officials also have meetings with a wide range of organisations and individuals in the public and private sectors as part of the process of the policy development and delivery. As was the case with previous Administrations, it is not the Government's practice to provide details of all such meetings.

Welfare Tax Credits

Kate Green: To ask the Chancellor of the Exchequer (1) whether the estimated savings to be made from reforms of tax credits and housing benefit take account of the changes to housing benefit entitlement arising from reductions in tax credit entitlements; [32922]

(2) what plans he has to monitor the effects on levels of public expenditure on housing of reductions in expenditure on tax credits; [32923]

(3) what estimate he has made of the effects on levels of housing benefit expenditure of the reduction in the proportion of child care costs covered by the child care element of working tax credit. [32924]

Mr Gauke: I refer the hon. Member to the answer I gave her on 10 January 2011, *Official Report*, column 212W. Full details of the savings from reforms to tax credits and housing benefit are available in the published document 'Spending Review 2010 policy costings', available on HM Treasury's website:

http://cdn.hm-treasury.gov.uk/sr2010_policycostings.pdf

There are no plans to monitor and record expenditure on housing benefit which is attributable to changes in the budget for tax credits.

JUSTICE

Arrest Warrants

David Cairns: To ask the Secretary of State for Justice how many arrest warrant applications were made to district judges by private individuals under laws relating

to universal jurisdiction between 1 January 1995 and 1 January 2010; how many such applications were granted; and how many prosecutions taken in consequence resulted in a conviction. [39344]

Mr Blunt: I refer the hon. Member to the answer given by the Lord Chancellor and Secretary of State for Justice, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), to the hon. Member for Enfield North (Nick de Bois) on 9 November 2010, *Official Report*, column 204W, information about applications for arrest warrants in respect of universal jurisdiction offences is not recorded, but staff at the City of Westminster magistrates court are aware of such applications in the last 10 years. It is public knowledge that two applications were granted, but in neither case was the warrant executed.

Bribery Act 2010

Helen Jones: To ask the Secretary of State for Justice when he plans to implement in full the provisions of the Bribery Act 2010. [39095]

Mr Kenneth Clarke: I am working on the statutory guidance required to make that guidance practical and useful for legitimate business and trade. It will be published once I am confident that it addresses the legitimate concerns of all those who took part in the consultation process. The Ministry of Justice's guidance will be published alongside joint prosecution guidance issued by the Director of the Serious Fraud Office and the Director of Public Prosecutions. This will be followed by a three month notice period before full implementation of the Act.

Helen Jones: To ask the Secretary of State for Justice what evidence he has evaluated on the effect of implementation of the Bribery Act 2010 on the competitiveness of British business; and if he will place in the Library a copy of such evidence he has evaluated. [39096]

Mr Kenneth Clarke: An impact assessment was published by the then Secretary of State for Justice in 2009 for the introduction of the Bribery Bill. We have obtained further representations on the subject in the course of the consultation process.

Helen Jones: To ask the Secretary of State for Justice what recent meetings he has had with representatives of (a) business organisations and (b) businesses to discuss the implementation of the Bribery Act 2010; and who was present on each occasion. [39097]

Mr Kenneth Clarke: I met representatives of the CBI, Multi-National Chairmen's Group and the International Chamber of Commerce UK on 19 January, the Federation of Small Businesses on 31 January and the British Chamber of Commerce on 2 February to discuss the Bribery Act and the guidance under section 9 to commercial organisations about preventing bribery.

Helen Jones: To ask the Secretary of State for Justice when he last met representatives of charities to discuss the implementation of the Bribery Act 2010. [39098]

Mr Kenneth Clarke: I met representatives of Transparency International UK and the Bond Governance and anti-corruption groups which represent non-governmental organisations and charities working on international development on 24 January.

Sadiq Khan: To ask the Secretary of State for Justice (1) whether he sought legal advice on his decision to delay the implementation of the Bribery Act 2010; [39672]

(2) by what date he expects to complete his review of the implementation of the Bribery Act 2010; what criteria he plans to use in the review; what estimate he has made of the likely cost of the review; whether the review will receive submissions from external organisations; when he expects to inform Parliament of the conclusions of the review; and whether the report of the review will be published. [39705]

Mr Kenneth Clarke: The Government are committed to the implementation of the Bribery Act. I am determined to ensure that it is implemented in a way which tackles corruption but does not impose unnecessary cost and uncertainty on legitimate business and trade. I am therefore working on the statutory guidance required to make that guidance practical and useful for legitimate business and trade. It will be published once I am confident that it addresses the legitimate concerns of all those who took part in the consultation process. As is usual, this work is informed by legal advice, where appropriate.

Sadiq Khan: To ask the Secretary of State for Justice what discussions he has had with (a) the Confederation of British Industry, (b) the Institute of Directors, (c) the British Chambers of Commerce and (d) the Engineering Employers Federation on his decision to delay the implementation of the Bribery Act 2010. [39673]

Mr Kenneth Clarke: I have met a number of stakeholders including the CBI, the BCC and representatives of the NGO community to discuss the Bribery Act and the guidance we are producing. My decision to delay implementation of the Act was not taken as a result of these meetings, but because I was not yet satisfied that the guidance was sufficiently practical and comprehensive to be published.

Departmental Security

Jon Trickett: To ask the Secretary of State for Justice which persons not employed by Government Departments or agencies hold passes entitling them to enter his Department's premises. [39261]

Mr Djanogly: Passes may be issued to those who are required to make frequent visits to specific Ministry of Justice sites, subject to the usual security checks.

This mainly applies to employees of firms contracted to provide services but also includes the Judiciary who are independent from and not employed by government.

For security reasons it would not be appropriate to provide details of individuals who hold such passes.

National Offender Management Service: Operating Costs

John McDonnell: To ask the Secretary of State for Justice what the cost to the public purse was of the National Offender Management Service headquarters in each of the last five years. [39233]

Mr Blunt: The National Offender Management Service (NOMS) Agency was established from April 2008. There are therefore no comparable figures for the financial years 2005-06 to 2007-08.

The NOMS Agency accounts for 2009-10 show, on a comparable basis, figures for both 2008-09 and 2009-10 for headquarters and policy as follows:

	<i>£ million</i>
2008-09	151
2009-10	255

The year on year difference includes £113 million which is due to the accounting treatment of the impairment of assets.

Prisons

John McDonnell: To ask the Secretary of State for Justice when he expects to publish the results of the prison estates review; and if he will make a statement. [39232]

Mr Blunt: In 2009, an organisational review was begun of prison works departments. However, this review became part of a larger review following the merger of the National Offender Management Service Agency Estate Capacity Directorate and the Ministry of Justice Estates Directorate in April 2010. A new structure at national level has been announced.

No decisions have yet been made about regional or local structures or about the how the estate will be managed in the longer term. Current reporting lines for local works staff and regional estate managers remain unchanged. Staff and trade unions will be consulted about any proposals for change.

Prisons: Construction

John McDonnell: To ask the Secretary of State for Justice what estimate he has made of the (a) direct and (b) indirect costs to the public purse of the commissioning process for the suspended private finance initiative prison project at Runwell, Essex to date. [39234]

Mr Blunt: The information requested is set out as follows.

Indirect costs

Approximately £0.6 million has been spent on financial and legal advice for the establishment of a PFI framework for potential new 1,500 place prisons, following the selection in April 2009.

In early 2008 and April 2009 other indirect costs included those related to the initial site search process and pre-application town planning meetings for both Runwell in Essex and Beam Park West in the London borough of Dagenham. The site search at that time was for locations for up to five 1,500 place prisons and site search costs relating to individual sites, such as Runwell, cannot be individually identified.

Direct costs

In addition to indirect costs, approximately £1.5 million has been spent on the Runwell project, on the town planning application, legal, consultation and technical advice since the site was identified in April 2009.

John McDonnell: To ask the Secretary of State for Justice (1) what estimate he has made of the (a) direct and (b) indirect costs to the public purse of the commissioning process for the previously planned 600-bed prison project at Maghull, Merseyside to date; [39235]

(2) what estimate he has made of the cost to the public purse of compensation due to the contractor for the previously planned 600-bed prison project at Maghull, Merseyside; and if he will make a statement. [39236]

Mr Blunt: Direct costs for the Maghull site since its purchase in 1998 are approximately £9 million. This includes site purchase costs, site security and obtaining planning consent for a prison. A further £7 million has been spent on obtaining detailed planning permission, discharging the planning conditions and demolishing the buildings that were on the site.

Indirect costs consisting of external professional advice (including legal, financial, insurance and technical advisors, as well as Partnerships UK), for the procurement of prisons at Maghull and Belmarsh West were approximately £2.4 million. As the tendering process for both prisons was run simultaneously, a breakdown of the cost of external professional advice for Maghull alone is not available.

Discussions about possible compensation are under way with the contractor of the former development at Maghull and related details are therefore commercial in confidence.

Social Impact Bonds

John McDonnell: To ask the Secretary of State for Justice what timetable the National Offender Management Service has set for the Social Impact Bond pilot. [39230]

Mr Blunt: The Ministry of Justice has commissioned Social Finance Limited to run the Social Impact Bond at Peterborough prison for a maximum period of six years.

The Social Impact Bond started working with offenders on 16 August 2010. The project will work with three 1,000-offender cohorts, and the final cohort will close when it numbers 1,000 offenders, or in August 2016 if the capacity is not reached. The assessment of reconviction rates for this cohort will begin 18 months after this point, and by February 2018 at the latest.

John McDonnell: To ask the Secretary of State for Justice when he expects to publish the evaluation of the National Offender Management Service Social Impact Bond pilot; and if he will make a statement. [39231]

Mr Blunt: The Ministry of Justice will publish an initial 'lessons learned' assessment of the Social Impact Bond pilot by May 2011.

An interim evaluation report will be published after the reconviction rate for the first cohort has been calculated. The first cohort will close when it numbers 1,000 offenders, or in August 2012 if the capacity is not reached. The independent assessment of reconviction rates will commence 18 months after the cohort closes, and by February 2014 at the latest.

A full evaluation of the Social Impact Bond will be published after the pilot has concluded, and the reconviction rate for the final cohort has been calculated. This assessment of reconviction rates will commence 18 months after the final cohort closes, and by February 2018 at the latest.

John McDonnell: To ask the Secretary of State for Justice how much funding has been allocated to the National Offender Management Service to date to pilot the Social Impact Bond. [39237]

Mr Blunt: The Ministry of Justice has allocated a total of £3 million of funding for the Social Impact Bond pilot, from which outcome payments will be made if the Bond has significant success in reducing reconvictions of offenders. The Big Lottery Fund, in its role of supporting innovation, will provide approximately £5 million of further funding.

All implementation and operating costs for the pilot will be met through social investment raised by Social Finance Limited. The Ministry of Justice will only fund outcome payments if the pilot achieves a sufficient reduction in reconviction events. If the required reduction is not achieved, no payment will be made.

TRANSPORT

Biofuels

Craig Whittaker: To ask the Secretary of State for Transport (1) what plans he has to review his Department's policy on use of biofuels in the transport network; and what the (a) timing and (b) scope of the review will be; [37219]

(2) when he expects the EU directive on renewable energy to be transposed into domestic legislation; what timetable he has set for his Department's consultation on the Renewable Transport Obligation prior to this legislation; what the terms of reference of the consultation will be; and if he will make a statement. [37220]

Norman Baker [*holding answer 3 February 2011*]: I am clear that biofuels have a role in our efforts to tackle climate change particularly where there is no viable alternative fuel identified, as is the case with aviation. However it is a prerequisite that biofuels used must lead to a worthwhile reduction in carbon emissions and be sustainable. I am engaging with ministerial colleagues across government to ensure a coherent approach to the deployment of sustainable biofuels.

Amendments to the Renewable Transport Fuel Order (RTFO) 2007 are being considered to implement both the transport elements of the renewable energy directive (RED) and aspects of the closely related fuel quality directive (FQD).

We have taken additional time to consider how best to implement the RED and FQD and are working to transpose the directives in the second half of this year, and to implement by the end of 2011. The Department will publish consultation documents shortly.

As part of the consultation exercise we intend to set out a timetable for implementation and will share this with stakeholders. The consultation will include implementation proposals on the detail of the sustainability criteria to be transposed into the RTFO.

The RED contains a requirement that the European Commission undertake a wide ranging review of the directive by 31 December 2014 and propose amendments if appropriate. Any such proposal may lead to further revisions of the RTFO.

Simon Wright: To ask the Secretary of State for Transport when he expects to implement provisions from the EU renewable energy directive prohibiting the import of biofuels which do not fulfil sustainability criteria. [38139]

Norman Baker: Amendments to the Renewable Transport Fuel (RTFO) Order 2007 are being considered to implement both the transport elements of the renewable energy directive (RED) and aspects of the closely related fuel quality directive (FQD).

Biofuels used towards meeting the RED and FQD targets must meet a number of mandatory sustainability criteria.

We have taken additional time to consider how best to implement the RED and FQD and are working to transpose the directives in the second half of this year, and to implement by the end of 2011.

The Department will publish consultation documents shortly.

Simon Wright: To ask the Secretary of State for Transport what his policy is on the use of imported biofuels from areas at risk of (a) degradation of natural habitats, (b) indirect land use change and (c) loss of biodiversity. [38141]

Norman Baker: The Renewable Energy Directive (RED) requires the UK to ensure that 10% of energy consumed in transport comes from renewable sources by 2020 and to ensure that any biofuels used towards this target meet a number of mandatory sustainability criteria. These include that biofuels must deliver a greenhouse gas saving of at least 35%, and must not be sourced from areas of high biodiversity, from high carbon soils (such as rainforests or wetlands), or from nature protection areas.

We have taken additional time to consider how best to implement the RED and FQD and are working to transpose the directives and the sustainability requirements in the second half of this year, and to implement by the end of 2011. The Department will publish consultation documents shortly.

The UK Government responded to a European consultation on Indirect Land Use Change (ILUC) in October 2010. The European Commission is now undertaking further assessment of whether and how to address ILUC in European legislation, which will conclude by July 2011.

Bus Services: Subsidies

Simon Kirby: To ask the Secretary of State for Transport if he will estimate the number of bus routes which received a public subsidy in each of the last five years for which figures are available. [36919]

Norman Baker: Bus Service Operators Grant (BSOG) is paid to operators of all eligible local bus services. This includes the vast majority of local bus routes in England. In 2009-10, £430 million of BSOG was paid to operators of local bus services in England.

In London, Transport for London (TfL) tender for local bus services. Outside London, English local authorities tender for around 20% of local bus services. In 2009-10, around £1,070 million was spent by TfL and local authorities on tendered services.

As a result, the vast majority of local bus routes in England receive public subsidy. We do not hold information on the amount of subsidy per bus route.

Buses: Fuels

Mr Offord: To ask the Secretary of State for Transport what incentives his Department provides to bus operators to use fuel which has minimal adverse effects on the environment. [39311]

Norman Baker: Under the £45 million Green Bus Fund, the Department for Transport is supporting the purchase of around 500 new low carbon emission buses (LCEBs). LCEBs use around 30% less fuel than conventional diesel buses and emit around a third less carbon dioxide. All buses supported by the Green Bus Fund have to be ordered by the end of March 2011 and must be in service by the end of March 2012.

In addition, from 1 April 2010, a 3% increase in bus service operators grant (BSOG) has been payable to any operator which achieves a fuel efficiency improvement (as measured in kilometres per litre) of 6% compared with the 'base year'.

Furthermore, a payment of 6p for every kilometre operated by Low Carbon Emission Buses has been payable since 1 April 2009.

Crossrail Line: Woolwich

Mr Raynsford: To ask the Secretary of State for Transport what progress has been made on the agreement between his Department and Transport for London and Berkeley Homes for the construction of the station box at Woolwich as part of the Crossrail scheme; and if he will make a statement. [39526]

Mrs Villiers: Negotiations to secure a funding solution for Woolwich station box are ongoing. Crossrail Ltd, the Department for Transport, Transport for London and Berkeley Homes have been working hard to secure an agreement which is in line with principles made clear to Parliament in 2007. These principles are that a station box at Woolwich can go ahead so long as it can be funded at no extra cost to the public purse above the current cost of Crossrail.

Cycle to Work Scheme

Andrew Gwynne: To ask the Secretary of State for Transport what estimate he has made of the level of take-up by (a) employees and (b) employers of the Cycle to Work scheme. [38207]

Norman Baker: Cycle to Work Schemes make use of the 1999 Finance Act annual tax exemption, which allows employers to loan cycles and cyclists' safety equipment to employees as a tax-free benefit.

While the Department does not hold data regarding the take up of the scheme, the Cycle to Work Alliance report that there are currently over 400,000 employees taking advantage of the scheme. This involves 650 bike retailers and 15,000 employers.

Departmental Information Officers

Mr Weir: To ask the Secretary of State for Transport how many (a) press officers, (b) internal communications officers, (c) external communications officers, (d) communications strategy officers and (e) other positions with a communications remit were employed by (i) his Department, (ii) its agencies and (iii) each other non-departmental public body sponsored by his Department on the most recent date for which figures are available. [38952]

Norman Baker [*holding answer 9 February 2011*]: Figures are taken from the Operational Efficiency Programme benchmarking exercise for the period of April 2009 to March 2010. The figures represent full-time equivalents (FTEs). The NDPBs figures requested can be provided only at disproportionate cost due to this information not being held centrally.

The Department's central communications function is currently being downsized to contribute to the overall reduction in staff costs by around 25% as part of the Department's programme for meeting the Government's policy of reducing administration costs by 33% during the spending review period.

Communications staff, full-time equivalents, 2009-10

		Central Department	Executive agencies
1	Internal communications	7.0	25.5
2	Digital/social media	6.0	10.3
3	Strategic communications	10.0	23.5
4	Corporate communications	0	17.0
5	Marketing	17.5	67.3
6	Media/press	19.0	30.5
7	Senior management	1.0	5.5

Departmental Procurement

Jon Trickett: To ask the Secretary of State for Transport 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. [36193]

Norman Baker: A table listing single tender contracts awarded since 12 May 2010 has been placed in the Libraries of the House.

Dover Harbour Board

Charlie Elphicke: To ask the Secretary of State for Transport pursuant to the answer of 25 January 2011, *Official Report*, column 151W, on the Dover Harbour Board, on what dates since May 2010 officials in his Department met the Dover Harbour Board; and which officials were present at each such meeting. [37845]

Mike Penning: A number of policy officials in the Department met representatives of Dover Harbour Board in the normal course of business on 17 June 2010. Policy officials were also present at a meeting I held on 21 June with the chairman of Dover Harbour Board and my visit to the port of Dover on 8 December.

Departmental officials dealing with the decision on the proposed transfer scheme have not held meetings with representatives of Dover Harbour Board.

Charlie Elphicke: To ask the Secretary of State for Transport what the majority view was of respondents to the two consultations carried out by his Department on the transfer scheme proposed by the Dover Harbour Board. [37881]

Mike Penning: I refer the hon. Member to my answer given to him on 25 January 2011, *Official Report*, column 152W.

I have placed in the Library of the House summaries of the representations received on the application from Dover Harbour Board to allow it to sell the port of Dover. The Decision Minister, the Minister of State, Department for Transport, my right hon. Friend the Member for Chipping Barnet (Mrs Villiers), is presently considering the application made by the Dover Harbour Board in the light of those representations.

Electric Vehicles

Huw Irranca-Davies: To ask the Secretary of State for Transport what estimate he has made of the number of (a) electric cars and (b) hybrid cars sold in the UK in 2009-10. [37843]

Norman Baker: The Department for Transport does not hold data on vehicle sales, but does hold data on newly-registered vehicles. During the 2009-10 financial year there were 202 electric cars and 17,437 hybrid cars newly registered at addresses in the UK.

High Speed 2

Andrew Gwynne: To ask the Secretary of State for Transport (1) what preparatory work his Department has undertaken on the interoperability of High Speed 2 with European rail standards; [38592]

(2) what estimate he has made of the likely costs arising from interoperability requirements in the construction of High Speed 2. [38799]

Mr Philip Hammond: The specification designed by HS2 Ltd is for HS2 to be fully interoperable with existing European high speed railways. While no specific

estimates have been made, designing the line to European standards is likely to reduce costs as off-the-shelf componentry could be utilised.

High Speed 2: Finance

Christopher Pincher: To ask the Secretary of State for Transport how much his Department has allocated for exceptional hardship purposes in its budget for High Speed 2. [38805]

Mr Philip Hammond: The Department for Transport has estimated £50 million for the cost of the Exceptional Hardship Scheme over the life of the scheme from launch on 20 August 2010 to its assumed end date around the end of 2011 or early 2012.

Local Sustainable Transport Fund

Andrew Gwynne: To ask the Secretary of State for Transport whether he has had recent discussions on the role of employers in use of the Local Sustainable Transport Fund. [38208]

Norman Baker: As part of the bidding guidance issued to accompany the £560 million Local Sustainable Transport Fund, local authorities are encouraged to engage with local businesses and employers when preparing applications in order to ensure that such bids meet the key objectives of the fund—to create growth and cut carbon.

Localism Bill

Charlie Elphicke: To ask the Secretary of State for Transport whether he plans to take steps to encourage community ownership bids for statutory harbour authorities under clauses 66 to 70 of the Localism Bill. [37864]

Mike Penning: The Localism Bill is currently being considered by the House of Commons Committee. It will be for the community to determine whether it wants to make a challenge or a bid, under the opportunities provided by the Localism Bill.

Parking: Fees and Charges

John Woodcock: To ask the Secretary of State for Transport what representations he has received from local authorities on the level of parking charges and penalties since 12 May 2010; and how many of these requested greater scope for local authorities in determining the level of such charges and penalties. [39365]

Norman Baker [*holding answer 9 February 2011*]: I refer the hon. Member to the answers I gave him on 10 January 2011, *Official Report*, column 36W, and the right hon. Member for Warley (Mr Spellar) on 8 December 2010, *Official Report*, column 264W. I have not received further representations from local authorities since those dates.

One local authority has requested greater scope in determining the level of parking penalty charges.

Railways: Disability

Andrew Gwynne: To ask the Secretary of State for Transport pursuant to the answer of 20 January 2011, *Official Report*, column 891W, on railways: disability, if he will assess the provision of support available to disabled passengers who choose to travel at short notice. [38198]

Norman Baker: We do not currently intend to carry out an assessment of the level of service and facilities available to disabled passengers who choose to travel at short notice, as this is primarily an operational matter for the train operating companies and Network Rail in their compliance with the obligations placed upon them by the Equalities Act. We do however understand that Passenger Focus is planning further research in this area, which we await with interest.

Railways: Franchising

Andrew Gwynne: To ask the Secretary of State for Transport what mechanism he plans to put in place to measure rail overcrowding in (a) Manchester, (b) Leeds and (c) Birmingham under his proposed rail franchise rules. [35985]

Mrs Villiers: The crowding measures, and associated mechanisms, that will be used in non-London urban centres will be developed when the relevant commuter franchises are re-let reflecting the specific issues that relate to each area.

Andrew Gwynne: To ask the Secretary of State for Transport (1) what assessment he has made of the relative consideration to be given to (a) investment, (b) profitability, (c) punctuality and (d) overcrowding in determining the length of future rail franchises; [35993]

(2) what factors his Department will take into account in determining the length of future rail franchises. [35994]

Mrs Villiers: We believe that future franchises should generally be for around 15 years but that shorter contracts may be necessary in some circumstances, for example, where major works like Thameslink, will involve significant changes in the configuration of services. Where significant private sector investment is proposed, we are prepared to consider franchises of up to 22.5 years.

The significant variation in the nature of services provided on different parts of the network means that a one size-fits-all approach to franchising is not appropriate. Franchise terms will therefore be tailored to the specific circumstances of the services in question.

We anticipate that issues around profit sharing, punctuality and crowding will be assessed as part of the bid process and will be reflected in contract outputs where appropriate.

Railways: Overcrowding

Andrew Gwynne: To ask the Secretary of State for Transport what resources his Department has allocated to help train operators manage overcrowding. [35996]

Mrs Villiers: In total the Government will deliver more than 2,100 new rail carriages on to the network by May 2019. Of these 1,200 will be for new Crossrail and Thameslink services. This will in turn free up hundreds of existing electric carriages to be deployed on to the newly electrified lines by franchised train operators. In total, there will be at least 1,850 net additional carriages on the network by 2019. The Government are currently engaged in commercial negotiations with the franchised operators about the allocation of the unallocated element of 650 further carriages for delivery before 2014.

Roads: Accidents

Mr Offord: To ask the Secretary of State for Transport whether parties injured in a motor vehicle accident where the driver at fault is not insured are entitled to compensation from the public purse. [39395]

Mike Penning: Victims in accidents involving uninsured drivers are eligible to claim compensation from the Motor Insurers' Bureau, the UK compensation body funded by the motor insurance industry.

Sea Rescue

Mr Sanders: To ask the Secretary of State for Transport what assessment he has made of the compatibility of his proposals to reduce the number of (a) coastguard control centres and (b) coastguard control staff with the provisions of the international convention on maritime search and rescue 1979. [38061]

Mike Penning: The proposals as outlined in the consultation document "Protecting our Seas and Shores in the 21st Century" are compatible with the international convention on maritime search and rescue 1979.

In the MCA's proposal, the communications infrastructure and the provision of search and rescue facilities (coastguard rescue teams, helicopters, lifeboats etc.) are unaffected, and are considered to be appropriate with the provisions of the convention. Furthermore the ability of centres to communicate with, and support one another will be enhanced.

Shipping: Oil

Dr Thérèse Coffey: To ask the Secretary of State for Transport how many ships gave notice of ship to ship oil transfers in January 2011, as required under MARPOL Annex 1 New Chapter 8. [39117]

Mike Penning: Chapter 8 of annex I to the MARPOL convention has not yet been implemented in the UK. It will be implemented by means of regulations which are being prepared by the Department for Transport.

In January 2011:

13 applications for permission to carry out ship-to-ship transfers in the UK territorial sea, resulting in 16 actual ship-to-ship transfers, were processed by the Maritime and Coastguard Agency. (Two other applications were submitted but withdrawn.)

No ships notified the UK that they planned ship-to-ship transfer operations beyond the 12 nautical mile limit of the UK territorial sea.

Trust Ports

Charlie Elphicke: To ask the Secretary of State for Transport whether he has plans to convert those trust ports classified as public corporations into organisations owned by the local community. [37867]

Mike Penning: The Secretary of State for Transport, my right hon. Friend the Member for Runnymede and Weybridge (Mr Hammond), has no such plans.

In relation to the Port of Dover, as my hon. Friend is aware, the Minister of State, Department for Transport, my right hon. Friend the Member for Chipping Barnet (Mrs Villiers), is currently considering an application for a transfer of the port undertaking made by Dover Harbour Board under the Ports Act 1991.

Charlie Elphicke: To ask the Secretary of State for Transport pursuant to the answer of 26 January 2011, *Official Report*, column 265W, on trust ports, what relevant policy guidance his Department provides; and if he will place in the Library a copy of such guidance. [37964]

Mike Penning: No such specific guidance has been issued. However, any such guidance, if issued, would be placed in the Libraries of the House.

Charlie Elphicke: To ask the Secretary of State for Transport pursuant to the answer of 26 January 2011, *Official Report*, column 265W, on trust ports, whether any sanctions are available to him in respect of trust ports which have failed to deal with stakeholders in an accountable manner beyond asking them to explain their reasons. [37965]

Mike Penning: If a stakeholder considers that a trust port or its board has not dealt with their concerns appropriately, then they should bring it to the Department's attention. After the board of the trust port has had an opportunity to comment, the Department will consider what the appropriate response should be.

Charlie Elphicke: To ask the Secretary of State for Transport pursuant to the answer to the Member for Christchurch of 16 September 2010, *Official Report*, column 1250W, on trust ports: privatisation, what relevant representations his Department received in relation to the proposals by Dover Harbour Port. [38320]

Mike Penning: I refer the hon. Member to my answer given to him on 25 January 2011, *Official Report*, column 152W.

Charlie Elphicke: To ask the Secretary of State for Transport (1) if he will make it his policy that when a trust port is sold the levy of 50 per cent. applicable under the provisions of the Ports Act 1991 be passed to the community to be reinvested for the benefit of the locality; [38321]

(2) if he will make it his policy to allow trust ports designated as public corporations to be transferred to independent status without the proceeds accruing to the local community or to the Exchequer. [38324]

Mike Penning: The Ports Act 1991 requires all payments of the levy on the sale of a major trust port to be made into the Consolidated Fund. The Secretary of State for Transport, my right hon. Friend, has no plans to bring forward legislation to amend the Ports Act.

Charlie Elphicke: To ask the Secretary of State for Transport whether the Marine Management Organisation has received any recent proposals from a trust port to seek powers through a harbour revision order to modify the terms of the Ports Act 1991 for the purposes of relinquishing public corporation status. [38322]

Mike Penning: The Marine Management Organisation has not received any recent such proposals from a trust port.

Charlie Elphicke: To ask the Secretary of State for Transport if he will make it his policy that public corporation status for major trust ports be rescinded in favour of community ownership. [38323]

Mike Penning: My right hon. Friend the Secretary of State has no such plans.

In relation to the port of Dover, as my hon. Friend is aware, my right hon. Friend, the Minister of State (Mrs Villiers) is currently considering an application for a transfer of the port undertaking made by Dover Harbour Board under the Ports Act 1991.

WORK AND PENSIONS

Council Tax Benefits

Mr Douglas Alexander: To ask the Secretary of State for Work and Pensions if he will place in the Library a copy of each item of correspondence with (a) the Local Government Association, (b) local authorities and (c) the devolved administrations on his proposals to localise council tax benefit. [29023]

Steve Webb: There has been no formal ministerial correspondence on this matter, however, there has been contact at official level with devolved Administrations, all local authorities and their associations on proposals announced as part of the Spending Review, specifically a letter from the head of housing benefit strategy division within the Department for Work and Pensions to colleagues within the Local Government Association, London Councils and Convention of Scottish Local Authorities dated 20 October 2010, which the Secretary of State has placed in the Library.

Departmental Publications

Conor Burns: To ask the Secretary of State for Work and Pensions how much his Department has spent on the publication and distribution of its DWPeople magazine in each year since the magazine's first publication. [36929]

Chris Grayling: The Department for Work and Pensions launched an all staff magazine in April 2010 called DWPeople. This magazine is written and designed in-house by staff in DWP Internal Communications.

The costs are:

April 2010 to December 2010 = £127,387.70 (net costs)

This cost was for a bi-monthly publication, with 40,000 copies produced each issue and made available to all DWP staff.

We are currently looking at lower cost electronic options to distribute DWPeople.

The Department is currently reviewing expenditure across the board to ensure we are delivering value for money for the taxpayer.

Disability Living Allowance: Housing Benefit

Ms Buck: To ask the Secretary of State for Work and Pensions (1) how many and what proportion of local housing allowance claimants are in receipt of disability living allowance; [39711]

(2) how many disability living allowance claimants will be affected by changes to local housing allowance in 2011-12; and what estimate he has made of the average change in the level of benefit payments to such claimants. [39712]

Steve Webb: The information on the proportion of local housing allowance claimants who receive disability living allowance is not available.

Information is collected on claimants' income from disability living allowance on the new single housing benefit extract. However, this information has not yet been quality assured to National Statistics standard, and to do so would incur disproportionate cost.

The Department published a document on "Impacts of Housing Benefit proposals: Changes to the Local Housing Allowance to be introduced in 2011-12" on 23 July 2010. This can be found at:

<http://www.dwp.gov.uk/docs/impacts-of-hb-proposals.pdf>

An impact assessment and equality impact assessment were published on 30 November. These can be found at:

<http://www.dwp.gov.uk/docs/lha-impact-nov10.pdf>

and

<http://www.dwp.gov.uk/docs/lha-eia-nov10.pdf>

Disability Living Allowance: Industrial Diseases

Gregg McClymont: To ask the Secretary of State for Work and Pensions how many people have successfully claimed industrial injuries disability benefit for osteoarthritis in Cumbernauld, Kilsyth and Kirkintilloch East constituency in each of the last three years. [39505]

Maria Miller: Osteoarthritis of the knee in coal miners, and osteoarthritis of the hip in farmers are both included within the industrial injuries disablement benefit scheme. We do not have information on the numbers of successful claims for either disease at constituency level, but can provide the numbers of successful claims for osteoarthritis of the knee in coal miners at the national level. The number of farmers paid benefit for osteoarthritis of the hip is not currently available.

Since the addition of osteoarthritis of the knee to the list of prescribed industrial diseases on 13 July 2009, 18,605 customers received an award of, or an increase in, industrial injuries disablement benefit.

This information is based on an informal count by the Jobcentre Plus offices dealing with industrial injuries disablement benefit at December 2010. This information will be published in due course.

Future Jobs Fund

Chris Ruane: To ask the Secretary of State for Work and Pensions what assessment he has made of the effects of the operation of the future jobs fund on economic growth; and if he will make a statement. [38892]

Chris Grayling: At up to £6,500 per person the future jobs fund (FJF) is expensive; creates temporary, short term posts; and the grants do not include any incentives to move people into permanent jobs. As part of the evaluation of the FJF we will be conducting an impact assessment to estimate the difference that the policy has made to participants' employment and benefit receipt outcomes. To enable participants' outcomes to be tracked for a sufficient period analysis will be undertaken from autumn 2011 This will inform a cost-benefit assessment based on benefit, fiscal and economic savings. However it is not possible to reliably identify the potential impact on economic growth.

Housing Benefit

Jonathan Edwards: To ask the Secretary of State for Work and Pensions what the reasons are for the timetable he has set for implementation of the proposed housing benefit cap and the proposed 30th percentile calculation change. [22320]

Steve Webb: The Department laid amendments to Housing Benefit legislation on 30 November 2010. Following advice from the Social Security Advisory Committee and key stakeholders in relation to the implementation of these measures and to ensure a smooth transition, the measure to set local housing allowance rates at the 30th percentile and the overall weekly caps will both come into force for new customers from 1 April 2011. This means all measures that will adjust local housing allowance rates in 2011 will come into force on the same date. However, existing customers will have more time to adjust to any reduction in entitlement by having up to nine months transitional protection at their existing local housing allowance rate from the anniversary date of the claim.

Graeme Morrice: To ask the Secretary of State for Work and Pensions if he will estimate the number of single 25 to 35 year-old local housing allowance claimants living in single-occupancy households in (a) West Lothian and (b) Scotland. [37939]

Steve Webb: At October 2010, our records show that there were 8,110 recipients of housing benefit in Scotland assessed under the local housing allowance arrangements who were single and aged between 25 and 35 years old. Out of these recipients, 170 were living in West Lothian local authority. Information about the occupancy type of these households is not available.

Note:

Figures are derived from the single housing benefit extract for October 2010 and are rounded to the nearest 10 recipients.

Mr Frank Field: To ask the Secretary of State for Work and Pensions how much his Department has spent in real terms on housing benefit in each year since the introduction of the benefit. [39599]

Steve Webb: The first year of housing benefit in broadly its current form is 1988-89. Housing benefit expenditure in real terms is shown in the following table.

	2010-11 prices (£ million)
1988-89	7,429
1989-90	7,860
1990-91	8,737
1991-92	10,279
1991-92	10,279
1992-93	12,245
1993-94	14,060
1994-95	15,175
1995-96	15,879
1996-97	16,017
1997-98	15,331
1998-99	14,863
1999-2000	14,575
2000-01	14,514
2001-02	14,739
2002-03	15,571
2003-04	14,790
2004-05	15,341
2005-06	15,950
2006-07	16,443
2007-08	16,945
2008-09	17,927
2009-10	20,597
2010-11 forecast	21,477

Notes:

1. Forecasts for 2010-11 are based on the autumn 2010 forecast.
2. Housing benefit expenditure can be found at the following URL: http://statistics.dwp.gov.uk/asd/asd4/alltables_budget2010.xls
3. Housing benefit expenditure by local authority district can be found at the following URL: http://research.dwp.gov.uk/asd/asd4/h_tables_budget2010.xls

Source:

Local Authority Subsidy returns

Pensions

Rachel Reeves: To ask the Secretary of State for Work and Pensions what proportion of the average income of (a) women and (b) men retiring in 2011 will be made up of (i) basic state pension, (ii) occupational and personal pension, (iii) additional state pension and (iv) other savings. [39510]

Steve Webb: The exact information requested is not available.

Estimates of the levels of pensioners' incomes are published in the Pensioners' Income Series, which uses Family Resources Survey data. The latest year for which figures are available is 2008-09. It should be noted that information provided for 2008-09 covers all those who were pensioners in that year and not those that retired in that year.

The following table gives information available for the average incomes of pensioner couples, single male pensioners and single female pensioners in 2008-09 split out by various income sources. It is not possible to split out basic state pension and additional state pension from the survey data—these are both included within state pension income in the following table:

All pensioners in 2008-09	Average income (£ per week)	As a percentage of gross income
<i>Pensioner couples</i>		
Gross income	564	100
<i>Of which:</i>		
State pension income	150	27
Non state pension benefit income	41	7
Occupational pension	145	26
Personal pension income	25	4
Investment income	57	10
Earnings	141	25
Other income	5	1
<i>Single male pensioners</i>		
Gross income	304	100
<i>Of which:</i>		
State pension income	116	38
Non state pension benefit income	47	15
Occupational pension	81	27
Personal pension income	13	4
Investment income	28	9
Earnings	17	6
Other income	2	1
<i>Single female pensioners</i>		
Gross income	264	100
<i>Of which:</i>		
State pension income	109	41
Non state pension benefit income	53	20
Occupational pension	54	20
Personal pension income	4	2
Investment income	19	7

<i>All pensioners in 2008-09</i>	<i>Average income (£ per week)</i>	<i>As a percentage of gross income</i>
Earnings	22	8
Other income	3	1

Notes:

1. These statistics are based on the Family Resources Survey.
2. The estimates presented here are for the United Kingdom.
3. All estimates are based on survey data and are therefore subject to uncertainty. Small differences should be treated with caution as these will be affected by sampling error and variability in non-response.
4. The analysis provided is for pensioner units. A pensioner unit is defined to be either a single pensioner over state pension age (i.e. a man aged 65+ or a woman aged 60+ in 2008-09) or a pensioner couple, either married or cohabiting, where one or more are over state pension age. The analysis does not reflect income from others in a household. So, for example, if a pensioner lives with their adult children, the children's income is not reflected in this analysis.
5. Gross income is income from all sources received by the pensioner unit including income from social security benefits (including housing benefit), earnings from employment, or self-employment, any private pension and tax credits.
6. State pension income consists of basic state pension, additional state pension, widow's pension and widowed parent's allowance.
7. Non state pension benefit income consists of pension credit, housing benefit, council tax benefit, social fund grants, carer's allowance, disability living allowance and attendance allowance.
8. Average incomes have been rounded to the nearest pound.

Rachel Reeves: To ask the Secretary of State for Work and Pensions what the additional basic state pension entitlement is for (a) a woman and (b) a man retiring in (i) 2016 and (ii) 2018. [39512]

Steve Webb: The available information is in the following table.

	<i>Average amount of weekly state second pension/state earnings-related pension scheme for new claimants at state pension age</i>	
	<i>March 2016</i>	<i>March 2018</i>
	<i>£, cash terms</i>	
Male	35	37
Female	21	23

Notes:

1. Figures are rounded to the nearest £1.
2. Award relates to the average weekly amount of state second pension/state-earnings related pension scheme in payment to someone claiming at state pension age in a particular year and exclude those above state pension age receiving a deferred claim.
3. Figures do not include graduated retirement benefit.
4. Figure include claimants living overseas.

Rachel Reeves: To ask the Secretary of State for Work and Pensions what estimate he has made of the average occupational pension for a (a) woman and (b) man retiring in (i) 2011, (ii) 2016 and (iii) 2018. [39600]

Steve Webb: The information requested is in the following table.

	<i>£</i>	
	<i>Men</i>	<i>Women</i>
2011	143	78
2016	162	102
2018	178	106

Notes:

1. Results shown are mean weekly average occupational pension income for those who have some occupational pension income (those with a nil amount are excluded) and who reach state pension age in the indicated years; they are in cash terms and are rounded to the nearest £1.
2. Results are based on version 11_02 of DWP's pension simulation model Pensim2 and reflect all legislated and announced pension policy changes; for example, automatic enrolment into workplace pension schemes, increases in state pension age etc. Figures shown are indicative as they are based on small sample sizes; Pensim2 contains a 60,000 representative sample of the population and only a proportion of these reach state pension age in any given year with a non-zero occupational pension amount.
3. Results show combined income from all occupational pension schemes, both defined contribution (including NEST) and defined benefit schemes; they do not include any income from state pension, other state benefits (either contributory or income based) or personal pensions (including stakeholder pensions).
4. Historical information on proportions in receipt of occupational pensions and amounts received are available through the DWP's Pensioners' Income Series, copies of which are available in the Library.

Social Security Benefits

Ms Buck: To ask the Secretary of State for Work and Pensions how many recipients of out-of-work benefits were in receipt of (a) incapacity benefit, (b) severe disablement allowance and (c) employment support allowance in each year since 1992; and how many of these were also in receipt of disability living allowance in each such year. [39710]

Maria Miller: The information requested regarding the number of people receiving incapacity benefit, severe disablement allowance and employment and support allowance is currently only available for the period May 2002 to May 2010. We are also currently unable to provide figures for the number of people receiving each of these benefits who were also in receipt of disability living allowance. Collating the information requested for these benefits between 1992 and 2002 will take a longer period due to the complexity and extent of work required.

I will undertake to write to the hon. Member by 28 February with the rest of the information requested, and will deposit a copy of the letter in the House Library.

Incapacity benefit, severe disablement allowance and employment and support allowance claimants: Great Britain and abroad

<i>As at May each year</i>	<i>Incapacity benefit</i>	<i>Severe disablement allowance</i>	<i>Employment and support allowance</i>
2002	2,471,140	336,480	n/a
2003	2,494,890	320,760	n/a
2004	2,508,770	305,940	n/a
2005	2,490,850	292,870	n/a
2006	2,449,990	280,010	n/a
2007	2,417,710	267,610	n/a
2008	2,382,000	255,560	n/a
2009	2,130,130	244,090	288,270
2010	1,892,980	233,710	527,120

Notes:

1. Figures are rounded to the nearest 10.
 2. Totals may not sum due to rounding.
 3. Incapacity benefit was replaced by employment support allowance for new claimants from October 2008.
 4. Data includes those cases receiving 'credits only'.
- Source:**
DWP Information Directorate 100% WPLS.

Social Security Benefits: Medical Examinations

Rosie Cooper: To ask the Secretary of State for Work and Pensions whether his Department has any plans to renegotiate the contract with companies providing medical assessments for employment and support allowance and disability living allowance applicants following the outcome of the comprehensive spending review. [37699]

Chris Grayling: The DWP Medical Services contract was awarded to Atos Healthcare, a division of Atos Origin, in 2005 for a period of seven years, with the option to extend for a further three and then for a further two. In 2009 the Department negotiated an extension to the contract to 31 August 2015 with the exclusion of disability living allowance from 2013, which will be put to competitive tender. The extension is made subject to Atos Healthcare delivering substantial savings against the current estimated cost of £100 million per annum.

Work Capability Assessment

Tom Greatrex: To ask the Secretary of State for Work and Pensions with reference to his Department's document ESA214—The Work Capability Assessment, page 4, what the cost of the contract to the private company carrying out the medical services element of the work capability assessment was in the last 12 months. [37877]

Chris Grayling: Information relating to the cost to the contractor for delivery of the medical services element of the work capability assessment is commercially sensitive and release of the information would prejudice the interests of Atos Healthcare and the Department's future dealings with Atos Healthcare or other service providers.

Caroline Nokes: To ask the Secretary of State for Work and Pensions how many assessments conducted by Atos were carried out on people suffering from a terminal illness in 2010. [38202]

Chris Grayling: In 2010, 4,647 employment support allowance cases were referred to Atos Healthcare by the Department for Work and Pensions (DWP) under the terminal illness code. Of these, 3,253 cases were confirmed as terminally ill.

In 2010, 100,942 disability living allowance cases were referred to Atos Healthcare by the DWP under the terminal illness code. No information is held on how many of these were confirmed as terminally ill.

No information is held relating to terminal illness cases for other benefit types.

PRIME MINISTER

Remploy

Ian Austin: To ask the Prime Minister pursuant to the answer to the hon. Member for Cynon Valley of 2 February 2011, *Official Report*, column 857, on Remploy, for what reasons he believes the previous administration had planned to phase out support for Remploy; and if he will make a statement. [39506]

The Prime Minister: The modernisation plan for Remploy was introduced by the previous administration and under which 29 factories were closed or merged. The plan also contained unrealistic sales targets of 130% growth in procurement for Remploy's factories.

Like all manufacturing organisations Remploy faces increased global competition and the need to overcome the impact of the recession. As a result the previous administration's modernisation plan's sales targets have proved impossible to achieve. For this reason Remploy management have decided to offer voluntary redundancies to staff and managers in the factories and central functions.

The Government have confirmed that Remploy's operational budget for the current five-year modernisation period remains protected at £555 million.

INTERNATIONAL DEVELOPMENT

Departmental Security

Jon Trickett: To ask the Secretary of State for International Development which persons not employed by Government Departments or agencies hold passes entitling them to enter his Department's premises. [39262]

Mr O'Brien: Passes may be issued to individuals where there is an identified business need for them to make frequent visits to Department for International Development premises, subject to the usual security checks. For security reasons it would not be appropriate to provide details of individuals who hold such passes.

Palestinians: Overseas Aid

Mr Jim Cunningham: To ask the Secretary of State for International Development what funding his Department has provided in aid to Palestinians, excluding for police and security purposes, in each of the last three years; and if he will make a statement. [39036]

Mr O'Brien: Excluding funding for specific projects to support the development of the Palestinian security sector, UK aid to the occupied Palestinian territories (OPTs) totalled:

£59.4 million in 2007-08;

£60.2 million in 2008-09; and

£82.1 million in 2009-10.

These figures include contributions to the UN Relief and Works Agency, which provides services to Palestinian refugees both in the OPTs themselves and also in Jordan, Syria and Lebanon.

The figures also include our direct financial assistance to the Palestinian Authority (PA), which supports among other things the PA's payment of recurrent costs, such as civil service and security force salaries. As this funding is not earmarked, we cannot disaggregate the proportion used to pay salaries in the security sector. All support provided by the Department for International Development (DFID) to the OPTs, including our support to Palestinian policing and security, is classified as official development assistance (ODA) in accordance with the rules of the Organisation for Economic Cooperation and Development's (OECD's) Development Assistance Committee (DAC).

Zimbabwe: Overseas Aid

Mr Evennett: To ask the Secretary of State for International Development how much his Department has allocated to aid to Zimbabwe in 2010-11. [38984]

Mr O'Brien: The Department for International Development (DFID) has allocated £70 million to Zimbabwe for 2010-11 through its bilateral aid programme. Final spending figures for 2010-11 will be available by October 2011 in DFID's annual publication, 'Statistics on International Development', which provides a detailed summary of UK aid flows.

None of the funds provided by the UK are channelled through the Government of Zimbabwe. DFID works

through established partners such as the United Nations and non-governmental organisations.

HEALTH

Care UK

Jon Trickett: To ask the Secretary of State for Health what meetings (a) he, (b) Ministers and (c) senior officials in his Department have had with representatives of Care UK since his appointment. [39175]

Paul Burstow: Ministers and senior officials in the Department have had the following meetings with independent sector organisations where Care UK representatives were in attendance.

No.	Date of meeting	Ministers/senior officials in attendance	Purpose of meeting
1	30 July 2010	Bob Ricketts—Director, Provider Policy	Any Willing Provider (AWP) Workshop—Workshop on proposals to extend AWP into community services. In attendance were representatives of Independent Sector/Voluntary Sector Organisations including Care UK.
2	16 September 2010	Ian Dalton—Managing Director, Provider Development	NHS Chief Executive Conference for the Independent Sector. Mike Parish, Chief Executive, Care UK in attendance.
3	26 October 2010	Parliamentary Under-Secretary of State (Earl Howe) Bob Ricketts—Director, Provider Policy	Meeting with David Worskett (Director of NHS Partners Network)—Care UK representative was also in attendance as part of the NHS Partners Network.
4	2 November 2010	Bob Ricketts—Director, Provider Policy	Future of Provider Landscape Workshop—In attendance were representatives of Independent Sector/Voluntary Sector Organisations including Care UK.
5	18 January 2010	Ian Dalton—Managing Director, Provider Development Bob Ricketts—Director, Provider Policy	Attendance at the NHS Partners Network Dinner at the Commonwealth Club.

Darent Valley Hospital

Gareth Johnson: To ask the Secretary of State for Health whether he has undertaken any consultations on health provision at Darent Valley hospital; and if he will make a statement. [38969]

Mr Simon Burns: The Secretary of State for Health, my right hon. Friend the Member for South Cambridgeshire (Mr Lansley), has not undertaken any consultations on health provision at Darent Valley hospital. It is for national health service commissioners to consider the provision of services for their local population.

Departmental Procurement

Jon Trickett: To ask the Secretary of State for Health whether all new contracts his Department has tendered over £10,000 have been published with associated tender documents on the Contracts Finder website since its inception. [39221]

Mr Simon Burns: The Department has, since September 2010, published the documentation for 99 tenders over

the value of £10,000 both on the interim website that was made available until December 2010 and more recently Contracts Finder. The Department has not published two tenders during this as exemptions under the Freedom of Information Act were considered to apply to both.

The Government's commitment to publish all new contracts awarded was from January 2011. The Department will be publishing shortly those contracts awarded since January 2011, subject to consideration of possible exemptions under the Freedom of Information Act.

The Department has put in place an internal monitoring process to ensure that new tenders and contracts are published in line with the Government's commitments.

Departmental Redundancy Pay

Stephen Barclay: To ask the Secretary of State for Health whether a confidentiality clause in a contract entered into with a public body and concerning a special severance payment prevents the other party to that contract from discussing with their hon. Member (a) details of the agreement and (b) matters relating to the agreement. [39790]

Mr Simon Burns: Special severance payments when staff leave public service employment should be exceptional. They will always require Treasury approval. Whether the payment is made under a compromise agreement or not, which may or may not include a confidentiality clause, setting out exactly what is expected of both parties, is a matter for local discretion.

The Public Interest Disclosure Act 1998 provides that any clause or term in contract, or other agreement between a worker and their employer, is void insofar as it purports to preclude the worker from making a protected disclosure.

In relation to 'gagging clauses', the Department's stance has not altered since 2005. Contracts of employment are a matter between the employing organisation and its employee. It is likely that most contracts will include some form of confidentiality clause as employees will have access to sensitive patient and commercial information which should not be released. However, the Public Interest Disclosure Act 1998 provides that any clause or term in contract, or other agreement between a worker and their employer, is void insofar as it purports to preclude the worker from making a protected disclosure.

The Department made clear, in a Health Service Circular on the Public Interest Disclosure Act (HSC 1999/198), that local policies should prohibit confidentiality gagging clauses in contracts of employment and compromise agreements which seek to prevent the disclosure of information in the public interest.

Stephen Barclay: To ask the Secretary of State for Health (1) what steps he is taking to satisfy himself that all special severance payments comply with HM Treasury guidance Managing Public Money, annex 4.13; [39791]

(2) what steps he is taking to satisfy himself that all special severance payments achieve value for money in line with HM Treasury guidance Managing Public Money. [39792]

Mr Simon Burns: The NHS Finance Controllers Office (in the Department of Health) has produced and published detailed guidance for employers to follow around the process for making severance payments. This guidance states that employers should consider why a severance case represents value for money, before a business case for the payment is produced.

Strategic health authorities are required to submit all business cases for severance payments to the NHS Finance Controllers Office in the Department of Health. The NHS Finance Controllers Office then seeks HM Treasury approval for the business case.

Foundation trusts must also seek HM Treasury approval, through Monitor, for all severance payments.

Consequently, all severance payments made by national health service employers must be approved by HM Treasury. As part of this approval process, HM Treasury apply their own criteria to assess whether severance payments achieve value for money.

General Practitioners

Mr Love: To ask the Secretary of State for Health what proposals for GP consortia he has received to date in (a) Enfield, (b) London and (c) England; and what criteria will be used to assess such proposals. [38996]

Mr Simon Burns: The Health and Social Care Bill 2011 will provide for general practitioner (GP) consortia to be established from April 2012, prior to taking on full statutory responsibilities from April 2013. The Bill sets out that it will be for the NHS Commissioning Board to determine applications to become a consortia.

A rolling programme of GP pathfinder consortia has been established to test the different elements involved in GP-led commissioning and enable emerging GP consortia to get more rapidly involved in current commissioning decisions. Groups of GP practices keen to participate in the pathfinder programme put themselves forward to their strategic health authority (SHA). SHAs will approve any group of practices to become a pathfinder if they can demonstrate clinical leadership, local authority engagement, and an ability to contribute to the delivery of the local quality, innovation, productivity and prevention agenda in their locality. They will also need to be able to operate in the context of the existing service and financial plans in the health communities they are working in.

For details of the pathfinder consortia already established I refer the hon. Member to the written answer I gave the right hon. Member for Wentworth and Dearne (John Healey) on 19 January 2011, *Official Report*, columns 846-49W.

Gosport War Memorial Hospital

Stephen Lloyd: To ask the Secretary of State for Health (1) what steps his Department is taking to ensure accountability in the case of the deaths of patients at the Gosport War Memorial hospital in the late 1990s; [39325]

(2) if he will initiate a public inquiry into the deaths of patients at Gosport War Memorial hospital in the late 1990s. [39326]

Mr Simon Burns: The police investigated the circumstances surrounding the deaths of several elderly patients at Gosport War Memorial hospital in the late 1990s; the Crown Prosecution Service subsequently decided that there was insufficient evidence to justify any prosecutions. The doctor whose actions had come under suspicion was also subject to a General Medical Council Fitness to Practise hearing which concluded that her continued registration should be made subject to several conditions. We understand that the doctor has now retired.

The Portsmouth coroner will be holding an inquest into the death of another elderly patient who died at Gosport War Memorial hospital at the time concerned. We will wait until the conclusion of that inquest before deciding whether any further action is appropriate; however, we cannot at present see what more a public inquiry could discover.

Hospital Wards: Closures

John Pugh: To ask the Secretary of State for Health which (a) urgent care units, (b) accident and emergency departments and (c) maternity departments are the subject of a closure proposal. [39110]

Mr Simon Burns: This information is not held centrally. Activity on national health service reconfiguration, either planned or already under way is a matter for the local NHS.

The Secretary of State for Health has outlined new strengthened criteria he expects decisions on NHS service changes to meet. All service reconfiguration proposals must:

- demonstrate support from general practitioner commissioners
- ensure arrangements for public and patient engagement, including local authorities should be further strengthened
- ensure greater clarity about the clinical evidence base underpinning proposals
- take into account the need to develop and support patient choice

Infant Foods: Labelling

Mr Bain: To ask the Secretary of State for Health what discussions he has had at EU level on the effects on consumer confidence of industry practices in labelling formula milk containing docosahexanoic acid. [39276]

Anne Milton: European Union-wide legislation on the use of certain health claims for docosahexanoic acid was agreed at the Standing Committee on Food Chain and Animal Health on 6 December 2010. Consumer understanding of the labelling of these products was discussed by EU member states and was taken into account in the conditions of use which apply to the claims. The claims, which are now subject to scrutiny by the European Parliament, would not be permitted on infant formula (products suitable for babies from birth). However they could be used on follow-on formula (suitable for babies from six months of age), weaning foods and any other foods meeting the conditions of use.

NHS: Pay

Michael Connarty: To ask the Secretary of State for Health (1) whether the pay of all NHS staff will remain within the remit of the relevant national pay review bodies after implementation of the provisions of the Health and Social Care Bill; [39099]

(2) what estimate he has made of the number of NHS staff that will be covered by national pay and bargaining structures following implementation of the provisions of the Health and Social Care Bill. [39100]

Mr Simon Burns: The Government have committed to work with NHS Employers and trade unions to explore appropriate arrangements for setting pay following the end of the two-year public sector pay freeze. At this stage, I am unable to predict the outcome of those discussions and, therefore, what the future remit of the pay review bodies may be.

We are unable to estimate the number of national health service staff that will be covered by future national pay and bargaining structures. The Government have made it clear that pay decisions should be led by health care employers rather than imposed by the Government.

To achieve this, all individual employers will have the right, as foundation trusts have now, to determine pay for their own staff. However, it is likely that many providers will want to continue to use national contracts as a basis for their local terms and conditions.

Andrew Griffiths: To ask the Secretary of State for Health what assessment he has made of the (a) effectiveness and (b) costs to the public purse of the Agenda for Change programme in the NHS. [39597]

Mr Simon Burns: Agenda for Change was introduced to replace a pay system which was no longer fit for purpose and was designed to deliver improvements in NHS services and give trusts the tools, advice and guidance to match staff resources and activities to patient need and organisational objective.

Use of these tools is delivering the following productivity and quality benefits:

Re-designing services around patients. Harmonising terms and conditions of service helps break down barriers between occupational groups and enhance team and gives employers the freedom to create new roles to support patient care.

Higher quality care. The new system of pay progression (linked to the Knowledge and Skills Framework) provides incentives for staff to acquire and use new skills.

Greater flexibility in the use of staff. New ways of recognising unsocial hours and extended service cover provides greater incentives for flexible working patterns, enabling services to be extended into evening and weekends.

Boosting recruitment and retention. The new pay scales offer higher starting pay and maxima, helping to improve participation rates and keep nurses working for the NHS.

Tackling local labour market pressures through the use of recruitment and retention premia.

It is for individual organisations to ensure they are making best use of the service benefits and flexibilities offered by Agenda for Change.

The paybill cost for Agenda for Change staff was £32.51 billion in 2009-10, the latest date for which figures are available.

NHS: Redundancy Pay

Stephen Barclay: To ask the Secretary of State for Health (1) which five (a) NHS acute trusts, (b) foundation trusts, (c) mental health trusts, (d) special health authorities, (e) strategic health authorities, (f) primary care trusts, (g) ambulance trusts and (h) care trusts made the most special severance payments by (i) total value of payments and (ii) total number of payments per organisation in each of the last three years; [39793]

(2) how many special severance payment cases have been notified to HM Treasury by (a) NHS acute trusts, (b) foundation trusts, (c) mental health trusts, (d) special health authorities, (e) strategic health authorities, (f) primary care trusts, (g) ambulance trusts and (h) care trusts, in accordance with HM Treasury Managing Public money guidelines in each of the last three years; what the total value of such payments was; and what proportion of payments included a confidentiality clause. [39794]

Mr Simon Burns: The following table shows the number and value of special severance payment cases that have been approved by HM Treasury (HMT) in respect of national health service organisations.

The table includes the number and total value of approvals for payments by HMT. It does not include the actual payments, as this information is not held by the Department. The final actual payments made can be lower than the approved amount or, not made at all.

The Department does not hold equivalent data on special severance cases for foundation trusts. The table therefore does not include foundation trusts. Foundation trusts' severance cases are under the direction of Monitor.

The Department does not hold information regarding the number of confidentiality clauses that have been included as part of any special severance payment case.

	2008-09		2009-10		2010-11 ¹	
	Number of cases approved by HMT	Total value of approved payments (£)	Number of cases approved by HMT	Total value of approved payments (£)	Number of cases approved by HMT	Total value of approved payments (£)
NHS acute trusts	71	2,774,508	47	592,408	13	224,225
Mental health trusts	19	382,929	11	499,042	2	3,448
Special health authorities	13	154,053	9	271,900	2	57,214
Strategic health authorities	3	801,223	3	199,985	3	35,791
Primary care trusts	75	1,686,176	47	737,789	10	133,496
Ambulance trusts	3	38,290	5	30,750	4	51,000
Care trusts	6	118,325	5	137,294	0	0
NHS Direct	2	35,000	3	21,800	0	0
Total	192	5,990,504	130	2,490,968	34	505,174

¹ 1 April 2010 to 8 February 2011.

Primary Care Trusts: Costs

John Pugh: To ask the Secretary of State for Health what the administrative costs of operating each primary care trust, excluding the administrative costs of running clinical services where the trust was the provider, was in the latest period for which figures are available. [39225]

Mr Simon Burns: Figures representing total expenditure on administrative and clerical staff in 2009-10 are shown in the following table. It is not possible to disaggregate the element of this total cost that can be attributed to the running of clinical services where the trust was the provider.

<i>Administrative and clerical staff</i>	
Name	£000
Ashton, Leigh and Wigan Primary Care Trust (PCT)	12,194
Barking and Dagenham PCT	4,900
Barnet PCT	10,539
Barnsley PCT	16,178
Bassetlaw PCT	3,155
Bath and North East Somerset PCT	6,648
Bedfordshire PCT	8,108
Berkshire East PCT	6,498
Berkshire West PCT	10,376
Bexley NHS Care Trust PCT	5,928
Birmingham East and North PCT	20,488
Blackburn with Darwen PCT	7,268
Blackpool PCT	6,566
Bolton PCT	12,684
Bournemouth and Poole Teaching PCT	5,693
Bradford and Airedale Teaching PCT	21,858
Brent Teaching PCT	18,820
Brighton and Hove City Teaching PCT	4,194
Bristol PCT	15,582
Bromley PCT	9,978
Buckinghamshire PCT	8,456
Bury PCT	7,359

<i>Administrative and clerical staff</i>	
Name	£000
Calderdale PCT	7,551
Cambridgeshire PCT	12,960
Camden PCT	37,919
Central and Eastern Cheshire PCT	16,578
Central Lancashire PCT	14,481
City and Hackney Teaching PCT	14,542
Cornwall and Isles Of Scilly PCT	9,550
County Durham PCT	9,723
Coventry Teaching PCT	12,008
Croydon PCT	13,524
Cumbria Teaching PCT	10,009
Darlington PCT	12,818
Derby City PCT	8,290
Derbyshire County PCT	15,324
Devon PCT	16,890
Doncaster PCT	14,984
Dorset PCT	10,730
Dudley PCT	11,241
Ealing PCT	20,064
East and North Hertfordshire PCT	14,797
East Lancashire Teaching PCT	15,156
East Riding Of Yorkshire PCT	4,691
East Sussex Downs and Weald PCT	9,265
Eastern and Coastal Kent PCT	21,915
Enfield PCT	16,803
Gateshead PCT	5,967
Gloucestershire PCT	14,662
Great Yarmouth and Waveney PCT	8,335
Greenwich Teaching PCT	9,748
Halton and St Helens PCT	12,763
Hammersmith and Fulham PCT	6,706
Hampshire PCT	25,269
Haringey Teaching PCT	6,134
Harrow PCT	4,262
Hartlepool PCT	622
Hastings and Rother PCT	3,958
Havering PCT	17,061
Heart of Birmingham Teaching PCT	14,213

<i>Administrative and clerical staff</i>	
<i>Name</i>	<i>£000</i>
Herefordshire PCT	15,241
Heywood, Middleton and Rochdale PCT	9,253
Hillingdon PCT	7,308
Hounslow PCT	7,797
Hull Teaching PCT	15,701
Isle of Wight NHS PCT	12,750
Islington PCT	12,217
Kensington and Chelsea PCT	19,016
Kingston PCT	2,669
Kirklees PCT	8,089
Knowsley PCT	8,534
Lambeth PCT	16,519
Leeds PCT	20,264
Leicester City PCT	10,506
Leicestershire County and Rutland PCT	19,272
Lewisham PCT	11,800
Lincolnshire Teaching PCT	18,557
Liverpool PCT	36,128
Luton Teaching PCT	7,306
Manchester PCT	24,011
Medway PCT	12,519
Mid Essex PCT	9,131
Middlesbrough PCT	4,689
Milton Keynes PCT	9,640
Newcastle PCT	13,117
Newham PCT	11,821
Norfolk PCT	18,523
North East Essex PCT	12,568
North East Lincolnshire Care Trust Plus PCT	9,016
North Lancashire Teaching PCT	10,896
North Lincolnshire PCT	2,494
North Somerset PCT	2,234
North Staffordshire PCT	4,705
North Tyneside PCT	3,149
North Yorkshire And York PCT	16,341
Northamptonshire Teaching PCT	19,212
Northumberland Care PCT	3,799
Nottingham City PCT	10,105
Nottinghamshire County Teaching PCT	18,601
Oldham PCT	7,767
Oxfordshire PCT	9,510
Peterborough PCT	13,337
Plymouth Teaching PCT	9,863
Portsmouth City Teaching PCT	11,403
Redbridge PCT	4,720
Redcar and Cleveland PCT	4,445
Richmond and Twickenham PCT	5,287
Rotherham PCT	9,761
Salford PCT	12,827
Sandwell PCT	11,514
Sefton PCT	10,606
Sheffield PCT	15,919
Shropshire County PCT	4,793
Solihull NHS Care Trust PCT	5,070
Somerset PCT	10,036
South Birmingham PCT	19,795
South East Essex PCT	8,010
South Gloucestershire PCT	3,053
South Staffordshire PCT	13,800
South Tyneside PCT	5,044
South West Essex PCT	15,557

<i>Administrative and clerical staff</i>	
<i>Name</i>	<i>£000</i>
Southampton City PCT	14,612
Southwark PCT	8,275
Stockport PCT	8,094
Stockton-On-Tees Teaching PCT	2,129
Stoke On Trent PCT	11,131
Suffolk PCT	7,411
Sunderland Teaching PCT	11,996
Surrey PCT	17,833
Sutton and Merton PCT	7,460
Swindon PCT	3,698
Tameside and Glossop PCT	10,937
Telford and Wrekin PCT	7,065
Torbay Care PCT	8,713
Tower Hamlets PCT	23,311
Trafford PCT	5,514
Wakefield District PCT	16,440
Walsall Teaching PCT	13,549
Waltham Forest PCT	6,557
Wandsworth PCT	15,699
Warrington PCT	7,608
Warwickshire PCT	15,693
West Essex PCT	6,316
West Hertfordshire PCT	8,896
West Kent PCT	15,093
West Sussex PCT	27,564
Western Cheshire PCT	7,826
Westminster PCT	13,266
Wiltshire PCT	10,529
Wirral PCT	15,372
Wolverhampton City PCT	19,624
Worcestershire PCT	10,571

Source:

2009-10 Financial Returns of primary care trusts.

Reconfiguration Panel

John Pugh: To ask the Secretary of State for Health what reconfiguration proposals have been referred to the Reconfiguration Panel in the last 12 months. [39163]

Mr Simon Burns: The Secretary of State for Health has referred five reconfiguration proposals to the Independent Reconfiguration Panel in the last 12 months, following formal referrals to him by local overview and scrutiny committees. The five schemes are:

- Health for northeast London
- Changes to Women and Children's services at Maidstone and Tunbridge Wells NHS Trust
- Changes to Homeopathy services in Sefton
- Portsmouth (closure of end of life care ward)
- Meeting Patients' Needs (changes to health services in East Lancashire)

Sexually Transmitted Diseases: East Sussex

Simon Kirby: To ask the Secretary of State for Health whether he has had recent discussions with the (a) Brighton and Hove and (b) North Down and Weald primary care trust on approaches to limiting the spread of sexually-transmitted diseases. [39196]

Anne Milton: Performance on the two indicators in the NHS Operating Framework for 2010-11 of 'Access to a GUM clinic within 48 hours' and 'Chlamydia screening of 16-24 year olds', which relate to tackling the spread of sexually transmitted infections, is raised at regular meetings between the South East Coast Strategic Health Authority and the performance delivery team at the Department of Health as part of performance discussions on key indicators in the NHS Operating Framework.

FOREIGN AND COMMONWEALTH OFFICE

Departmental Security

Jon Trickett: To ask the Secretary of State for Foreign and Commonwealth Affairs which persons not employed by Government departments or agencies hold passes entitling them to enter his Department's premises. [39265]

Alistair Burt: Passes may be issued to those who are required to make frequent visits to specific Government sites, subject to the usual security checks. For security reasons it would not be appropriate to provide details of individuals who hold such passes.

Kashmir: Al-Qaeda

Mr Offord: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent assessment he has made of the presence of al-Qaeda in Kashmir. [38992]

Alistair Burt: We cannot confirm that Al-Qaeda has a direct presence in Kashmir but we recognise that Al-Qaeda poses a significant threat by directing other groups, networks and individuals to mount attacks in all areas in South Asia as well as against UK interests. There is a history of militant activity on both sides of the Line of Control. We continue to call for an end to external support for violence in Kashmir.

The UK works closely with the Governments of Pakistan and India to tackle terrorism and violent extremism which threatens all our interests. UK funding also supports human rights, conflict prevention and peace building efforts on both sides of the Line of Control.

Middle East: Armed Conflict

David Cairns: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what recent discussions he has had with (a) his Israeli counterpart and (b) the Palestinian Authority on trends in the conduct of administration by Hamas of the Gaza Strip; [39345]

(2) what recent reports he has received on the (a) number and (b) range of missiles available to Hamas; [39346]

(3) what estimate his Department has made of (a) the number of missiles held by Hamas and (b) their range in each year since 2005. [39348]

Alistair Burt: We maintain regular discussion with the Government of Israel and the Palestinian Authority on a wide range of issues, including the situation in Gaza.

We are concerned by reports that Hamas continue to acquire and test a variety of weapons. This is a continuing picture and we are not able to comment further on the detail. However, we have long made it clear that the arming and funding of Hamas and other Palestinian rejectionist groups is unacceptable.

We continue to call on Hamas to take concrete steps towards the Quartet principles: renouncing violence, recognising Israel and accepting previously signed agreements.

Middle East: Peace Negotiations

David Cairns: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent assessment he has made of steps taken by (a) Egypt, (b) Jordan and (c) Saudi Arabia on implementing the confidence measures towards Israel proposed by the EU External Relations Council at its meeting of 15 June 2009. [39347]

Alistair Burt: While we have not held discussions with EU counterparts specifically on using the Association Agreement to encourage these countries to recognise Israel, regional integration and co-operation are important parts of European Union Association Agreements and the wider Neighbourhood policy. The External Action Service and European Commission undertake assessments of progress against association agreements. This includes information on regional co-operation.

The latest assessments by country are at:

http://eeas.europa.eu/countries/index_en.htm

Regarding Israel specifically, our position is set out in the Foreign Affairs Council conclusions of December 2010, which noted:

"The EU recalls that peace in the Middle East should be comprehensive and reiterates the importance of negotiations on the Israel-Syria and Israel-Lebanon tracks. Peace should lead to the full integration of Israel in its regional environment, along the lines set out in the Arab Peace Initiative".

David Cairns: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his EU counterparts on the potential use of the EU's Association Agreement with Lebanon as a means to encourage Lebanon to recognise Israel. [39350]

Alistair Burt: We have not held discussions with EU counterparts specifically on using the Association Agreement to encourage Lebanon to recognise Israel. The EU-Lebanon Action Plan, which implements the Association Agreement, has as an objective the further development of co-operation between the EU and Lebanon in the context of the Middle East Peace Process, which is pursued on the ground and in Brussels.

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David Cairns: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his EU counterparts on the potential use of the EU's Association Agreement with Tunisia as a means to encourage Tunisia to recognise Israel. [39351]

Alistair Burt: While we have not held discussions with EU counterparts specifically on using the Association Agreement to encourage Tunisia to recognise Israel, regional integration and co-operation are important parts of European Union Association Agreements and the wider Neighbourhood policy. The External Action Service and European Commission undertake assessments of progress against association agreements. This includes information on regional co-operation.

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David Cairns: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what recent discussions he has had with his EU counterparts on the potential use of the EU's Association Agreement with Morocco as a means to encourage Algeria to recognise Israel; [39352]

(2) what recent discussions he has had with his EU counterparts on the potential use of the EU's Association Agreement with Algeria as a means to encourage Algeria to recognise Israel. [39353]

Alistair Burt: While we have not held discussions with EU counterparts specifically on using the Association Agreement to encourage Morocco to recognise Israel, regional integration and co-operation are important parts of European Union Association Agreements and the wider Neighbourhood policy. The External Action Service and European Commission undertake assessments of progress against association agreements. This includes information on regional co-operation.

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CABINET OFFICE

Arts and Sports: Public Participation

Chris Ruane: To ask the Minister for the Cabinet Office if he will assess effects of long-term trends in attendance at (a) rock and pop concerts, (b) shows, (c) theatre, (d) football matches, (e) rugby matches and (f) cricket matches on social cohesion; and if he will make a statement. [39008]

John Penrose: I have been asked to reply.

While there are several small-scale studies suggesting a positive benefit on social cohesion of attendance at cultural and sporting events, there is little robust evidence demonstrating the scale of impact or how sport and culture can be best used to promote it. The DCMS-led Culture and Sporting Evidence programme (CASE), run jointly with our main arm's length bodies, aims to provide better evidence on the benefits of engagement in culture and sport. So far we have identified and quantified health and learning impacts, but are collecting data on behaviour change over time to assess a wider range of outcomes including social cohesion.

Sports: Community Development

Chris Ruane: To ask the Minister for the Cabinet Office if he will assess the role played by team sports in developing community cohesion and civic society. [39007]

Hugh Robertson: I have been asked to reply.

While there are several small-scale studies suggesting positive benefits of team sports in developing community cohesion and civic society, there is little robust evidence demonstrating the scale of impact. The DCMS-led Culture and Sporting Evidence programme (CASE), run jointly with our main arm's length bodies, aims to provide better evidence on the benefits of engagement in culture and sport. So far we have identified and quantified health and learning impacts, but are collecting data on behaviour change over time to assess a wider range of outcomes including social cohesion.

ENERGY AND CLIMATE CHANGE

Feed-in Tariff

21. **Claire Perry:** To ask the Secretary of State for Energy and Climate Change what progress he has made on the feed-in tariff review; and if he will make a statement. [39430]

Gregory Barker: I refer the hon. Member to the answer I gave to the hon. Member for Monmouth (David T. C. Davies) today.

Winter Weather

22. **Mr Lilley:** To ask the Secretary of State for Energy and Climate Change what advice he has received from the Met Office about likely weather conditions in the winter of 2010-11. [39431]

Gregory Barker: Near the end of each month (October to January) the Met Office provided forecasts for three months ahead to Cabinet Office. These were shared with the Department.

In each of these forecasts, the most likely scenario for northern Europe was that the following three months would be colder and drier than normal. The October forecast indicated an increased risk of a cold, wintry start.

Low-carbon Technologies

23. **Ian Lavery:** To ask the Secretary of State for Energy and Climate Change what steps he plans to take to stimulate the development of low-carbon technologies; and if he will make a statement. [39432]

Gregory Barker: In addition to supporting the renewables obligation, DECC has secured over £200 million from the spending review to support innovation in low-carbon technologies. This includes offshore wind technology and manufacturing infrastructure at port sites.

However, the total science budget, which includes other low carbon investment is £4.6 billion.

Paul Blomfield: To ask the Secretary of State for Energy and Climate Change when he last met (a) the Chancellor of the Exchequer and (b) the Secretary of State for Business, Innovation and Skills to discuss operational models for attracting private sector investment into low-carbon technologies. [39426]

Gregory Barker: Ministers in DECC have regular discussions with ministerial colleagues on new ways in which Government can attract private sector investment into low carbon technologies. This includes discussions on the potential form and functions of Europe's first Green Investment Bank as part of the coalition Government's commitment towards a green growth agenda.

Departmental Public Expenditure

Cathy Jamieson: To ask the Secretary of State for Energy and Climate Change how much Barnett consequential funding his Department has provided to each devolved Administration in (a) 2010-11 to date and (b) each of the last three years; and with which programmes such funding was associated. [39397]

Gregory Barker: In the 2010 Spending Review changes in the budgets of the devolved Administrations were determined by the Barnett formula in the normal way. The settlements for the year 2011-12 to 2014-15 were published in table 2.22 of the 2010 Spending Review document (Cm 7942).

Barnett consequentials relating to each of the devolved Administrations for the year 2008-09 to 2010-11 are published as part of the public expenditure statistical analyses (PESA) supplementary material on the Treasury's website.

Updated tables taking account of adjustments since the publication of the 2010 edition of PESA will be published alongside the next edition of PESA later this year.

Information on the block grants paid by the territorial offices to the devolved Administrations is published alongside the main and supplementary estimates.

Departmental Responsibilities

Mr Bone: To ask the Secretary of State for Energy and Climate Change if he will bring forward proposals to abolish his Department. [39709]

Gregory Barker: No.

Energy: EU Action

Zac Goldsmith: To ask the Secretary of State for Energy and Climate Change what steps he plans to take to support the development of a European supergrid. [38769]

Charles Hendry: Through the North Seas Offshore Grid Initiative the Government are working with nine other countries to explore how we might better co-ordinate offshore grid development in the North, Irish and Baltic seas so that we can make the most of our renewable energy resources. The aim is to address the planning, market, regulatory and technical challenges presented by such offshore grid development and create the right framework for industry to invest in future projects. This initiative will not only pave the way for delivery of the North Seas Offshore Grid, but could also help remove the barriers to the other large-scale cross-border infrastructure projects across the EU which together will form the EU supergrid of the future. The Government are also discussing with fellow members of the British Irish Council the possibility of an 'All Islands Approach' to maximising the renewable energy potential around the British Isles, which could involve working together to assess the opportunity for joint renewables projects, better co-ordinating network development and tackling any barriers to greater co-operation.

Energy: Prices

Philip Davies: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the change in the number of people who will be classified as fuel poor as a result of increase in energy prices arising from the Renewables Obligation in each of the next five years. [39650]

Gregory Barker: There have been no recent estimates made as to the effect on the increase in the level of energy generated from renewable sources will have on the number of people in fuel poverty.

Government are mindful of the need to strike a balance between increasing costs on customers' bills and providing measures to tackle fuel poverty.

Fuel Poverty

Chris Ruane: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 31 January 2011, *Official Report*, column 524W, on fuel poverty, what the (a) number and (b) proportion of households in fuel poverty in each Government office region was in each year from 2000 to 2007. [39921]

Gregory Barker: The following table shows the number of households in fuel poverty in each Government office region in England and Wales for each of the years between 2003 and 2007. This information is only available from 2003 onwards.

Government office region	Thousand				
	2003	2004	2005	2006	2007
North East	95	103	126	179	207
Yorkshire and the Humber	180	163	169	273	334
North West	178	190	268	415	473
East Midlands	112	101	145	236	272
West Midlands	146	153	197	304	383
South West	139	134	181	256	259
East of England	115	141	155	224	253
South East	149	133	169	291	333
London	108	119	120	254	309
Wales	n/a	134	166	243	n/a

n/a = not available

The equivalent figures for Scotland are shown in the following table. These data are available for 2002 onwards.

	Thousand				
	2002	2003-04	2004-05	2005-06	2007
Scotland	293	350	419	543	586

The following tables show the proportion of households in fuel poverty in each Government office region.

Government office region	Percentage				
	2003	2004	2005	2006	2007
North East	8.7	9.5	11.5	16.4	18.7
Yorkshire and the Humber	8.6	7.7	8	12.7	15.5
North West	6.3	6.6	9.2	14.2	16.2
East Midlands	6.3	5.7	8.1	12.9	14.8
West Midlands	6.7	7	8.9	13.7	17.2
South West	6.5	6.2	8.3	11.6	11.7
East of England	5.1	6.1	6.7	9.7	10.8
South East	4.4	3.9	4.9	8.5	9.5
London	3.6	3.9	3.9	8.3	10
Wales	n/a	11	14	20	n/a

n/a = Not available

	Percentage				
	2002	2003-04	2004-05	2005-06	2007
Scotland	13.4	15.4	18.2	23.5	25.3

Fuel Poverty: Natural Gas

Duncan Hames: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the proportion of households in fuel poverty which do not have a mains gas connection. [39507]

Gregory Barker: In England in 2008, the latest year for which these figures are available, around 22% of households in fuel poverty did not have a mains gas connection.

Natural Gas: Safety

Tom Greatrex: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 18 January 2011, *Official Report*, column 742W, on natural gas: escapes, if he will assess the effect of the practice of (a) Ofgem and (b) the Health and Safety Executive on gathering data on (i) the number of gas escapes awaiting repair and (ii) the monthly number of reported gas escapes on the likely effectiveness of their joint review of the gas main replacement programme. [39367]

Charles Hendry: The Government welcome the review of the gas mains replacement programme by Ofgem and the Health and Safety Executive (HSE) and expects all relevant data to be taken into account (including records of gas escapes, repairs, costs, etc.). The Government look forward to Ofgem and the HSE reporting in due course.

Nuclear Power: Finance

Simon Hughes: To ask the Secretary of State for Energy and Climate Change what steps he is taking to ensure that new nuclear power stations do not receive public subsidy; and if he will make a statement. [39417]

Charles Hendry: It is the Government's policy to enable energy companies to invest in new nuclear power without public subsidy. Government set out what they mean by no public subsidy in a written statement on 18 October.

Sheffield Forgemasters: Finance

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 20 December 2010, *Official Report*, column 981W, on Sheffield Forgemasters: finance, whether any formal discussions were held prior to the decision to withdraw the loan to Sheffield Forgemasters. [38273]

Mr Prisk: I have been asked to reply.

No formal discussions were held between the Department and Sheffield Forgemasters prior to the decision not to proceed with the loan.

Solar Power

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change if he will discuss with Ministerial colleagues steps to restrict the construction of solar parks on brownfield sites. [37470]

Gregory Barker: The Secretary of State for Energy and Climate Change, my right hon. Friend the Member for Eastleigh (Chris Huhne), regularly discusses all aspects of his portfolio with ministerial colleagues.

Solar Power: Feed-in Tariffs

Zac Goldsmith: To ask the Secretary of State for Energy and Climate Change whether solar photovoltaics installed in social housing will be covered by the first review of the feed-in tariffs scheme. [39759]

Gregory Barker: The comprehensive review of Feed-in Tariffs (FITs) announced on 7 February 2011 will consider all aspects of the FITs scheme, including photovoltaics for all bands and applications, including social housing. It will report before the end of this year for implementation in April 2012. The review will also include specific fast-track consideration of large-scale solar photovoltaic installations of more than 50 kW and fast-track consideration of farm based Anaerobic Digestion.

The starting point for determining whether an installation would fall above or below 50 kW threshold is the existing FITs legislation. On this basis, the review of tariffs for installations below 50 kW would not be

fast-tracked. This is regardless of whether they are installed on private housing or social housing.

The Government fully supports “rent roof” models (third party ownership financial packages), especially in the context of opening up the benefits of FITs to those living in social housing. However, the effectiveness and costs of all elements of the FITs scheme will be considered as part of the comprehensive review which will be tasked with improving the scheme to deliver both greater long term certainty to industry and investors and also deliver value for money to consumers.

Wind Power: Planning Permission

Mr Knight: To ask the Secretary of State for Energy and Climate Change how many decisions on offshore wind farms are pending under section 36 of the Electricity Act 1989. [38657]

Charles Hendry: There are four section 36 consent applications for offshore wind farms that have yet to be determined by DECC Ministers.

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