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House of Commons

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The House met at half-past Two o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

Vocational Education

1. **Mr Iain Wright** (Hartlepool) (Lab): What plans he has for vocational education; and if he will make a statement. [130869]

2. **Mr Jim Cunningham** (Coventry South) (Lab): What plans he has for vocational education; and if he will make a statement. [130870]

The Parliamentary Under-Secretary of State for Skills (Matthew Hancock): World-class vocational education is vital for a world-class economy, so we are bringing rigour to vocational education by recognising the best qualifications, strengthening apprenticeships and introducing a Tech Bac to reward and celebrate stretching occupational education.

Mr Wright: EngineeringUK has today published a report showing that this country needs to double the number of engineering recruits and triple the number of engineering apprenticeships. It calls for face-to-face careers advice in schools and additional assistance to help schools appreciate 21st century engineering. The Government have had to U-turn over their engineering diploma, so will the Minister U-turn again and implement EngineeringUK's recommendations in full?

Matthew Hancock: I met EngineeringUK last week at the launch of its report, so I am well versed on its recommendations and very supportive of the need to increase the number of engineers in our country, something that has been sadly lacking for far too long. As the hon. Gentleman knows, we are introducing, along with the Royal Academy, new qualifications that fit the accountability system. We will do what it takes to ensure that this country has enough engineers.

Mr Jim Cunningham: What assessment has the Minister made of the Richard report, which recommends that apprenticeships should last at least a year?

Matthew Hancock: I warmly welcome the Richard report, which stresses the need for rigour in apprenticeships and for apprenticeships to be more employer focused. I am studying it in great detail. The hon. Gentleman says that apprenticeships need to be for a minimum of a year, and in almost all cases that is already happening, thanks to changes introduced by my predecessor, but we want to look at all the recommendations and see which we can implement.

Mr James Gray (North Wiltshire) (Con): I welcome some of the things the Minister said to the hon. Member for Hartlepool (Mr Wright) about engineering, but is he not concerned that Sir James Dyson—Dyson engineering is based in my constituency—said last week that he needs 200 new designers and engineers in Malmesbury alone but cannot find them and that across the nation we are desperately short of them. What will we do to improve science, engineering and design in our schools and universities?

Matthew Hancock: Not only is the number of engineering apprenticeships up, but a higher proportion of young people are now starting STEM—science, technology, engineering and maths—degrees at university. That is going up, rather than down, as it was before. This is an area of huge concern to me and I am working extremely hard to try to put it right.

Robert Halfon (Harlow) (Con): Does my hon. Friend agree that the university technical colleges, one of which will open in Harlow in 2014, will transform vocational education and provide young people with a conveyor belt to pre-apprenticeships?

Matthew Hancock: Yes, I do. I was almost expecting an invitation to visit the UTC in Harlow, which I would love to see. UTCs across the country are about trying to fill the gap that has been left for far too long, and this Government are dealing with it.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): The Minister confirmed in *The Times* on Saturday the report that the Government

"is stealing the idea for a Technical Baccalaureate proposed by Ed Miliband".

Does he agree that, in addition to high-quality apprenticeships, English and maths until age 18 and quality technical education before 16 will be crucial to the success of such a baccalaureate?

Matthew Hancock: I am absolutely delighted by the positive tone coming from the Opposition Front Bench. The Tech Bac, as suggested by Lord Adonis, a man for whom the Government have huge respect, is one of the things we will do to ensure higher quality occupational and vocational qualifications and more respect for them. I look forward to consulting widely and will set out more details in due course.

Stephen Twigg: But does the Minister agree that there is a real risk that this is out of kilter with the pre-16 reforms that the Government are proposing? Last week's excellent report on schools by the CBI stated that the

"mistakes of the past… may be repeated in the"

English baccalaureate. It is urging a pause. Both head teachers and business leaders are now united against the Government's EBacc reforms, so will they think again?

Matthew Hancock: The CBI will be very surprised to be quoted in that fashion. The crucial point is that a common core of strong English and maths is vital for underpinning technical, occupational, vocational and academic qualifications. The single most important pair of qualifications that anybody can get for their employability is GCSE-level English and maths, and so making sure that there is a strong common core at the age of 16 is a vital part of stronger occupational and vocational education after that.

Henry Smith (Crawley) (Con): I am delighted that on 14 December I will officially open the new university presence in Crawley. Will the Minister join me in congratulating Central Sussex college on introducing STEM vocational courses, working with some of the first-class companies in my constituency, as well as extending apprenticeships?

Matthew Hancock: Yes. I have not been able to visit the college that my hon. Friend talks about, but from what I have seen of it, it is exactly the sort of thing that we need to do in extending upwards the quality chain in vocational education and engaging with employers—businesses and public sector employers—to make sure that we provide the skills that they need in future.

Laptops and Tablets

3. **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): What steps he is taking to encourage the use of laptops and tablets in the school learning process. [130871]

The Parliamentary Under-Secretary of State for Education (Elizabeth Truss): Technology provides a great opportunity to get high-quality teaching materials and experiences from around the world into our classrooms, but it is key to remember that the quality of teaching is paramount in educational achievement. That is why we have given heads the power over their own budgets to decide how best to spend money.

Mr Sheerman: The Minister will not be surprised to find me disagreeing with her analysis. The fact is that there is a growing digital divide between schools that take technology seriously as a way of learning and those that do not. It is up to this Government, who got rid of the Department's e-learning unit, to realise that leadership in this respect will take us to an educational system for the future.

Elizabeth Truss: We are extremely keen as a Government that children do not just use technology but understand how it works because they are able to code and programme from an early age. We are working with leading experts to develop programmes in computing so that children are able to do that. In fact, the technology needed to achieve it is very cheap. A parent or school can get Scratch from Massachusetts Institute of Technology for free and the Raspberry Pi device for under £20. This is not an issue of funding but of teaching and inspiration, and the leadership that we are showing.

Andrew Percy (Brigg and Goole) (Con): I know from my own time in the classroom how important digital media resources can be in helping to deliver first-class lessons, but too many schools in my constituency are unable to access fast enough broadband speeds. May I urge my hon. Friend to take up the mantle of schools on the Isle of Axholme, in particular, to ensure that our broadband delivery plans are rolled out as quickly as possible?

Elizabeth Truss: I completely agree with my hon. Friend that high-speed broadband is important so that students can access the best-quality teaching materials from around the world. That is why, as a Government, we are pursuing high-speed broadband across the country.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Bridge academy in Hackney and our university technology college, among other schools in Hackney, provide proper digital learning for jobs for five years hence. Given the Minister's words about the importance of learning in this field, what is she doing to make sure that the school curriculum is preparing students for the work force for businesses such as those in Tech City which require this home-grown talent?

Elizabeth Truss: We are working with leading figures in IT and computing to develop a programme of study that will encourage children to learn to code and programme from an early age. The problem with the previous information and communications technology curriculum, as everybody agreed, is that it was focused on using programmes instead of understanding how to programme.

John Pugh (Southport) (LD): I thank the Minister for giving that answer, which is very encouraging. However, what is the timetable for this new enthusiasm for programming?

Elizabeth Truss: The timetable is imminent.

School Discipline

4. **Mr David Amess** (Southend West) (Con): What steps he is taking to improve discipline in schools. [130872]

The Parliamentary Under-Secretary of State for Education (Elizabeth Truss): We are taking decisive action to equip teachers to restore discipline in schools. No longer can a decision to exclude pupils be undermined by an appeal panel against the best interests of a school and other students in it. We are also strengthening the law so that teachers can issue same-day detentions.

Mr Amess: What steps is my hon. Friend taking to ensure that head teachers are able to exclude pupils whose behaviour becomes unacceptable, and what help is then given to those pupils?

Elizabeth Truss: We are making sure that the ultimate decision on exclusion is made by a school governing body. Under the previous Government, appeals panels had the final say and 810 permanently excluded pupils were reinstated in schools between 2002 and 2010. We

are encouraging schools to take an interest in the long-term education of those students who are excluded and we are trialling approaches so that they take an interest.

Tristram Hunt (Stoke-on-Trent Central) (Lab): One of the best ways of ensuring discipline in the classroom is well-trained, motivated teachers. Could the Minister therefore explain why Keele university, which supplies many excellent teachers to Stoke-on-Trent, is losing 100% of its capacity to train teachers under the new School Direct proposal? We know that if universities train locally, the teachers will go locally. Why are the Government undermining aspiration in Stoke?

Elizabeth Truss: We are giving head teachers the power over how they train up teachers and how to ensure that we have the best quality teachers in the classroom.

Mathematics

5. **Caroline Dinenage** (Gosport) (Con): What steps he is taking to raise standards in mathematics in schools. [130874]

The Parliamentary Under-Secretary of State for Education (Elizabeth Truss): We treat maths as a very high priority and are working to attract the best graduates into mathematics teaching through bursaries of up to £20,000. From 2014, we will remove calculators from primary tests to ensure that pupils master the basics, and we are reforming the national curriculum to focus on core arithmetic, which is key to so much future success in employment.

Caroline Dinenage: With that in mind, what steps is my hon. Friend taking to ensure that children have a good basic grasp of mental arithmetic before they are able to rely on calculators?

Elizabeth Truss: At present, the evidence suggests that 10-year-olds in England are more likely to use calculators than those in virtually any other country in the world, and we are 28th in the world league tables for maths. It is important that children understand and are fluent in multiplication, division, addition and subtraction before they use calculators. That is why we are removing calculators from the primary tests, in line with high-performing countries such as Hong Kong and jurisdictions such as Massachusetts.

Kelvin Hopkins (Luton North) (Lab): A dozen or so years ago, Lord Moser concluded in his report that more than 50% of people in Britain were innumerate and illustrated that by saying that 50% of the population do not understand what 50% means. Recently I attended a National Numeracy reception and spoke to Lord Moser again, and others, and the problem still exists. Are the Government able to put their finger on precisely what has gone wrong and is the Minister doing enough to put it right?

Elizabeth Truss: One of the issues we have identified is too early a reliance on calculators in some classrooms. There is also an over-focus on data in the primary curriculum at the expense of arithmetic and number, which are the basis of a strong mathematical understanding later in life. We are readjusting the balance to make sure that those core basics are secure first.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): Will the Minister join me in welcoming the formation of National Numeracy, which is a fantastic new organisation? It has expressed concern about the new maths curriculum for primary schools and says that there is too much

"rote learning and not enough emphasis on problem solving and using maths in real-life contexts."

I agree with the Minister that numeracy is vital, but I fear that this may be a lost opportunity to improve maths education in primary schools. Will she work with National Numeracy and teachers to develop a maths curriculum that will really make a difference?

Elizabeth Truss: I suggest that the hon. Gentleman visit Woodberry Down primary school in Hackney, which has already adopted the new national curriculum that we have suggested, including more advanced fractions, multiplication and division. I have seen the inspirational teaching at that school and the excitement on children's faces as they play games using advanced fractions and grasp that the underlying principles of mathematics will help them for the rest of their lives. That is what our new curriculum does: it allows excellent teachers to inspire the next generation.

Religious Education

6. **Paul Goggins** (Wythenshawe and Sale East) (Lab): What assessment he has made of the current standard of religious education teaching. [130875]

The Secretary of State for Education (Michael Gove): Ofsted's subject report in 2010 found that religious education teaching was not good enough, but teacher quality is improving. In 2012-13, 78% of religious education teacher trainees held a 2:1 or higher degree classification, compared with just 70% in 2011-12.

Paul Goggins: I am grateful to the Secretary of State for that answer. If he believes that the best way to achieve academic rigour is through the English baccalaureate, is he willing to reconsider the inclusion of religious education as a core subject, at least for faith schools, in order that they can uphold their ethos and parental choice, as well as their high educational standards?

Michael Gove: I have enormous respect for the right hon. Gentleman. He is a stout advocate for faith schools and I want to underline the important role that they play in state education. We have no plans to change the English baccalaureate, not least because religious education remains a compulsory subject in the national curriculum. Well taught, it can take its place alongside the subjects in the English baccalaureate in a broad and balanced education.

Michael Fabricant (Lichfield) (Con): My right hon. Friend will know that I value faith schools and the teaching of religious education. However, what steps is he taking to ensure that religious hatred is not taught by some faith schools and religious teachers?

Michael Gove: My hon. Friend has a distinguished record in fighting extremism of all kinds. That is why I am delighted to be able to say that we have set up a due diligence unit in the Department for Education to prevent extremism. It has staff from the security services and elsewhere, and will ensure that public money is not abused by those who would preach hate rather than love.

Dan Rogerson (North Cornwall) (LD): To follow on from the answers to the right hon. Member for Wythenshawe and Sale East (Paul Goggins) and the hon. Member for Stoke-on-Trent Central (Tristram Hunt) about the need for specialist teaching, the number of institutions training religious education teachers has declined. Will the Department keep a constant review on the number of teachers entering the profession in subjects that are outside the EBacc to ensure that there is adequate expertise across the specialisms?

Michael Gove: My hon. Friend is quite right to hold my feet to the fire on that. The headcount for religious education teachers at key stage 4 has increased over the lifetime of the Government from 10,400 to 10,700 and there are two applicants for every available post for a religious education teacher, so there is no evidence of a decline in numbers or quality.

Vocational Education

7. **Iain Stewart** (Milton Keynes South) (Con): How he plans to deliver more rigorous vocational education in schools. [130876]

The Parliamentary Under-Secretary of State for Skills (Matthew Hancock): School performance tables are being used to incentivise the teaching of the highest-value vocational qualifications. From September 2012, the vocational qualifications taught to 14 to 16-year-olds have had to meet rigorous new standards. From next year, we will identify the highest-value vocational qualifications for 16 to 18-year-olds, thereby removing thousands of weak and poor quality qualifications.

Iain Stewart: Will my hon. Friend ensure that employers have a greater role in designing the vocational qualifications that are taught in schools?

Matthew Hancock: Yes, I absolutely will. I believe passionately that it is only when all vocational qualifications are high quality that all vocational qualifications are seen to be high quality. Employers have a critical role in making that happen.

Andy Sawford (Corby) (Lab/Co-op): The shadow Secretary of State and I recently visited Tresham college in my constituency of Corby and east Northamptonshire, where we met many apprentices who were not able to find work experience placements and, sadly, had little hope of local employment. What message of hope does the Minister have for those young people in my constituency?

Matthew Hancock: I welcome the hon. Gentleman to questions, having welcomed his eloquent maiden speech on a similar subject. We are looking to introduce traineeships, which will include English and maths for those who do not have level 2 qualifications, work experience and work preparation. That will ensure that as many people as possible are ready for work and know how to get and hold down a job. That will be another step in our important efforts to tackle youth unemployment.

Education, Health and Care Plans

8. **John Glen** (Salisbury) (Con): What progress he has made on introducing education, health and care plans for children with special educational needs. [130877]

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): Education, health and care plans, which are an integral part of our reform of the special educational needs system, are being tested through 20 pathfinders across 31 local authorities. Independent evaluation suggests that they are making good progress in designing single assessment and planning processes. The pathfinders expect to have completed more than 300 plans by the end of December. They will continue to inform the development of our draft legislation.

John Glen: I thank the Minister for that helpful response. What processes will there be to ensure that the plans remain accountable to parents and families, and to ensure that the provisions that are laid out are fully implemented?

Mr Timpson: My hon. Friend raises an important point. Our proposed reforms maintain current protections for families, but they will go further in strengthening accountability by placing a duty on local authorities and health services to plan and commission services jointly, as well as to extend the current right of appeal to young people between 16 and 25 in further education and training.

Mr Robert Buckland (South Swindon) (Con): Does my hon. Friend agree that unless joint commissioning works practically on the ground, with health and education working together, education, health and care plans risk not being as effective as we would like in the legislation?

Mr Timpson: I agree with my hon. Friend that we must make progress to integrate education, health and social care as closely as possible, from the formulation of a plan through to any dispute there may be between, parents, young people, local authorities and health services. That is why I am still engaged in discussions with the Department of Health, which continue to be extremely constructive.

Dr Julian Lewis (New Forest East) (Con): I am glad that the Minister mentioned integration with social care. He will recall the recent debate I secured on the funding gap for those between the ages of 16 and 18. Further education colleges in the New Forest feel that they cannot offer support for more than three days a week instead of five days, and that has taken place progressively since 2008. I know the Minister intends to write to me in more detail, but is he concentrating on that important gap which places an extra burden on parents?

Mr Timpson: My hon. Friend's debate highlighted an important area that we must get right. I will be writing to him in great detail about how we will ensure that, where appropriate, five days' support for children with special educational needs and disabilities will be available through their education. I will be happy to discuss that matter with him as we proceed with the legislation.

Sponsored Academies

9. **David Rutley** (Macclesfield) (Con): How many primary schools have become sponsored academies since May 2010. [130878]

The Minister for Schools (Mr David Laws): Since May 2010, 146 sponsored primary academies have opened, including two new provision sponsored primary academies. In addition, 15 underperforming primary schools have converted and joined an academy chain.

David Rutley: I was recently honoured to open a new classroom at Mottram St Andrew primary academy. That will not only help to enhance the facilities available to pupils, but will assist the academy's work with School Direct trainee teachers in conjunction with the university of Manchester. Does my right hon. Friend agree that progress in outstanding schools such as that one helps to highlight the progress and steps that are being made by innovative academy schools, and that that should encourage other primary schools to seek academy status?

Mr Laws: I agree with my hon. Friend, and that is a good example of the way outstanding schools can use the freedoms of academy status to innovate and improve their standards further. Too many primary schools in the country are not reaching the level of good and outstanding—we heard from the chief inspector that 2 million children are still being educated in schools that are neither good nor outstanding. Academy status is a potential way to improve the leadership and governance of those schools.

Mr Geoffrey Robinson (Coventry North West) (Lab): The Minister will be aware that Coventry primary schools are rated lowest in the country in the latest Ofsted report, and there is widespread dismay in Coventry about that. Although no one is convinced that sponsored academies are the whole or a necessary part of the answer, at the request of the Coventry council member responsible for education, I have written to the Secretary of State suggesting that resources in the Department for Education might help to rectify the situation. I am looking forward to an early reply. When might I get it?

Mr Laws: The hon. Gentleman can expect a very early reply, and I am delighted that he and other hon. Members are taking seriously the conclusions of Sir Michael Wilshaw who has drawn attention to the massive disparity across the country in the proportion of schools that achieve good and outstanding status. There are boroughs in inner London, for example, where almost 100% of schools achieve good or outstanding status, right down to those local authorities where barely 40% of schools achieve that. Either I or one of my departmental colleagues would be delighted to meet the hon. Gentleman to discuss the issue further.

Safeguarding of Children

10. **Yvonne Fovargue** (Makerfield) (Lab): What plans he has for the safeguarding of children; and if he will make a statement. [130879]

The Secretary of State for Education (Michael Gove): The child protection system is not working. That is why we are undertaking reform. We are reforming the social work profession and removing the bureaucracy which holds gifted professionals back, and demanding greater transparency and efficiency from local authorities.

Yvonne Fovargue: A recent all-party group inquiry highlighted the vulnerability of children who go missing from care, and the risks of physical and sexual exploitation. Does the Secretary of State therefore agree that local authorities and police forces should offer training to front-line and managerial staff working with children to raise awareness of the risks associated with running away and of the vulnerability of all children, including older children?

Michael Gove: The hon. Lady raises an important point. My former colleague, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), responded to that report and made a compelling argument for ensuring better data sharing between local authorities and the police on the location of children within children's homes to ensure that we can provide yet better protection for them. However, that is only one part of a mosaic of policies we need in order to give those children and young people a better chance.

Mr Peter Bone (Wellingborough) (Con): Given the Secretary of State's opening remarks, could he start with Northamptonshire county council? Two foster parents came to see me. Two very difficult children were placed with them—they are the same ethnic background. They have bonded very well with the children and are now one family, but—would you believe it?—the county council is trying to break the family up to save money. Will the Secretary of State intervene in this matter?

Michael Gove: I am grateful to my hon. Friend for bringing this case to my attention—I shall look at it more closely. It is vital that all recognise that those who agree to foster children are responsible for bringing love and stability to some of the most damaged children and young people in our society. We should do everything possible to support them.

Lisa Nandy (Wigan) (Lab): The Children's Commissioner's recent interim report was reportedly dismissed by senior Government Ministers as "hysterical" and "half-baked". According to news reports, Government sources said:

> "It is difficult to overstate the contempt the Government has for the methodology and analysis".

Does the Secretary of State want to take this opportunity to reject those comments; to join me, the NSPCC and Barnardo's in welcoming that important report on child sexual exploitation; and to tell hon. Members what concrete steps he plans to take immediately to ensure that the 16,500 young people identified in the report as at immediate and high risk of exploitation are protected before harm comes to them?

Michael Gove: I am grateful to the hon. Lady, and to the deputy Children's Commissioner for her work. I asked her explicitly to accelerate part of her report to inform our work on improving child protection. The hon. Lady says that 16,500 are at risk. The methodology used to identify them is not shared by every professional in the field, but we can put that statistic to one side. The urgency with which we need to tackle the problem is undoubted, and I commend to her the action plan that I outlined in a speech to the Institute for Public Policy Research I made just a few days before the report was published.

Creative Subjects

11. **Fiona Mactaggart** (Slough) (Lab): What assessment he has made of the likely contribution to the UK's international achievements of studying creative subjects in school; and if he will make a statement. [130880]

The Secretary of State for Education (Michael Gove): The arts are mankind's greatest achievement. Every child should be able to enjoy and appreciate great literature, music, drama and visual art.

Fiona Mactaggart: But is the Secretary of State aware that Britain's record in Nobel prizes—we have won 19 prizes for every 10 million of our population, whereas the USA has won 11 prizes per 10 million, and the EU has won 9 per 10 million—is achieved partly as a result of the combination of excellent science education and a strong creative tradition throughout our education system? At the same time, the Secretary of State's EBacc proposals will result, according to research he has commissioned from Ipsos MORI, in something like a quarter of our schools dropping subjects such as art and design, design technology, music and so on. Will that mean that our international achievements, including in Nobel prizes, will slide down?

Michael Gove: If I thought the EBacc proposals would lead to that, I would not be able to sleep at night, knowing that the ghosts of Rutherford and Churchill were hanging over my bed and chiding me for my failures. I had the opportunity to speak to representatives of a variety of arts organisations today. They applauded the work we have done, not least the report that Darren Henley authored on cultural education. Many of the initiatives that we have launched since that time are initiatives that the previous Government were capable of neither initiating nor funding.

Mr Nick Gibb (Bognor Regis and Littlehampton) (Con): One key factor when considering the subjects to be studied at secondary schools must be how well they prepare young people for further training or study at college or university. Professor Ebdon from the Office for Fair Access has said that it is "dreadful snobbery" to put pressure on schools to achieve places for their students at the best universities. As a former schools Minister, I share the uncertainty of another former schools Minister, Lord Adonis, about whether Professor Ebdon is the right person to lead an organisation committed to encouraging wider access to higher education. Does my right hon. Friend share that uncertainty?

Michael Gove: When my hon. Friend and Lord Adonis agree, it is a brave and usually wrong man who disagrees.

Bill Esterson (Sefton Central) (Lab): The creative industries are critical to jobs and growth, and some estimates are that as many as half of all new jobs will be created in those industries in the coming years. Will the Secretary of State take on board the massive concerns put forward by the CBI among others about how the EBacc is pushing academic study at the expense of vocational, not least creative, subjects?

Michael Gove: My right hon. Friend the Minister for Schools pointed out earlier that there has been a misreading of the CBI's argument by those on the Opposition Benches. The CBI is not always right—it was not right about appeasement and it was not right about the euro. Historically, it has not been right about many things. However, on this occasion the CBI is applauding our policies. I do not know whether I should be delighted or worried, but I take comfort where I can that there are many people who are committed to improving our state education system who think our reform programme is right.

Duncan Hames (Chippenham) (LD): Learning to let creativity flourish will be enormously beneficial for the next generation and needs to be embraced right across the curriculum. The Secretary of State has been offered input by heads from the leading edge programme of the best-performing schools, among them Martin Williams from the Corsham school, to help to ensure that teaching is engaging and innovative for pupils learning in key stage 4. How will he respond to that offer from these outstanding schools?

Michael Gove: I am grateful to my hon. Friend and I will respond with enthusiasm. I want to make sure that the very best, which succeed not just in the quality of academic and technical education, but in instilling a love of creative education in young people, have an opportunity to help schools that may not have those strengths. I have never visited a school that is strong academically that is not also strong creatively. The more we can learn from great schools, the better for all our children.

Education Funding

12. **David Mowat** (Warrington South) (Con): What plans he has to review the allocation formula for education funding. [130881]

The Minister for Schools (Mr David Laws): The current system for funding schools is unfair and out of date. In March, the Secretary of State announced our intention to introduce a new national funding formula which would redistribute funding on a fair, transparent and pupil-led basis.

David Mowat: The current formula, which we inherited, contains in-built bias and anomalies. Given that the Secretary of State and several Ministers are on record as saying that it needs to be replaced, why must we wait until 2015 before that process even starts?

Mr Laws: My hon. Friend is right to chide by implication the previous Government for failing during a far more benign financial environment to tackle the unfairness of the national formula for funding schools. I can reassure my hon. Friend that the Government are taking action. We are already, in 2013-14 and 2014-15, simplifying massively the funding formula for schools, paving the way for the national funding formula, which we will introduce in the next spending review period.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): On a slightly different aspect of the education funding formula, Liverpool Community college has seen an extra 1,000 16 to 18-year-olds enrol this year. However, due to the current funding formula there is a gap of £6 million. Can the Government confirm that none of those young people will lose out and that they will all get the same high standard of education that they deserve?

Mr Laws: I am not sure what that gap is, but even in difficult times this Government have produced a fantastic settlement for schools and are doing what her Government never did: deliver a £2.5 billion pupil premium which will get more money to the most disadvantaged youngsters in the country.

Mr Graham Stuart (Beverley and Holderness) (Con): The Minister accepts that there are gross funding discrepancies among schools, not on the basis of need but simply because of the local authority in which a school sits. Will the Minister and the Secretary of State consider the f40 group's appeal again and look to take action in this Parliament? Such gross unfairness cannot be allowed to last into the next Parliament.

Mr Laws: I agree with my hon. Friend's points. I met representatives of the f40 group recently and had a detailed discussion. As I have already explained, we are making the first moves to introduce a national funding formula in the next spending review period. I assure my hon. Friend that in the meantime I will keep a close eye—as will the Secretary of State—on the representations that the f40 group is making about how we get a fairer funding formula.

State Boarding Schools

13. **Philip Davies** (Shipley) (Con): What his policy is on capital allocations for state boarding schools; and if he will make a statement. [130882]

The Minister for Schools (Mr David Laws): Capital maintenance funding for maintained state boarding schools is allocated through local authorities, and through the Education Funding Agency for schools that are voluntary-aided. In addition, devolved formula capital is allocated directly to boarding schools for their own use. Academies will continue to have access to the academies capital maintenance fund.

Philip Davies: State boarding schools are the secret jewel in the crown of the state education system. However, the boarding parts of such schools and the maintenance of them are currently unfunded from capital allocations. Will the Minister take steps to resolve that, or at the very least allow state boarding schools to borrow against their boarding assets?

Mr Laws: I know that my hon. Friend is a strong supporter of state boarding schools, and so are this Government. He will probably be aware that the State Boarding Schools Association recently met with Lord Hill to discuss some of these matters, and he may be interested to know that a further meeting is scheduled for the end of January next year. My hon. Friend will also know that my predecessor, the hon. Member for Bognor Regis and Littlehampton (Mr Gibb), took a sensible decision to include in the property data survey a review of boarding provision and the capital needs of boarding schools. My hon. Friend will be aware that the data survey will report back next year. At that time we will have the evidence base to make the right decisions to ensure that state boarding schools have good-quality assets.

Secondary Curriculum

14. **Nic Dakin** (Scunthorpe) (Lab): What plans he has for the secondary curriculum; and if he will make a statement. [130883]

15. **Julie Hilling** (Bolton West) (Lab): What plans he has for the secondary curriculum; and if he will make a statement. [130885]

The Secretary of State for Education (Michael Gove): We announced draft proposals for the new primary curriculum earlier this year and we will bring forward proposals for the secondary curriculum in due course.

Nic Dakin: When I visited award-winning St Lawrence academy in my constituency on Friday, I heard first hand how year 10 and year 11 students were gaining from accessing vocational courses at North Lindsey college. Can the Secretary of State confirm that he still supports Alison Wolf's recommendation that 14 to 16-year-olds can benefit hugely from access to high-quality vocational education in colleges?

Michael Gove: I often find myself nodding along whenever the hon. Gentleman makes a point, and I have never yet found a recommendation by Alison Wolf with which I have not agreed.

Julie Hilling: Given the cross-party support, public support and professional support, and because he can save 150,000 lives a year, why on earth will the Secretary of State not put emergency life support skills somewhere in the national curriculum, so that every school leaver is a life-saver?

Michael Gove: The many heads and teachers who listened to the hon. Lady as she made her point will think that if they have not already incorporated emergency life-saving skills into the way they teach, they should do so in future. Indeed, with such brilliant advocacy, I am sure that even more lives can be saved.

Andrew Bridgen (North West Leicestershire) (Con): Can my right hon. Friend assure the House that when reforms of the national curriculum are published, teachers will have more than sufficient time to become fully familiar with them?

Michael Gove: My hon. Friend makes a very good point. It is absolutely important that we ensure that teachers have an opportunity to absorb the changes that we want to make, so that they can do what I know they wish to do, which is to raise the bar for all children.

Mary Macleod (Brentford and Isleworth) (Con): Would my right hon. Friend consider putting enterprise into the school curriculum? This Government are keen to see young people set up businesses, which will be important for the future growth of this country.

Michael Gove: There are few in the Government keener than me on encouraging enterprise among young people—in fact, there is one: the Under-Secretary of State for Skills, my hon. Friend the Member for West Suffolk (Matthew Hancock). However, I would be wary of treating the curriculum as though it were Santa's sack—as though we could shove into it everything that we wanted and it would magically expand. If we are to ensure that teachers are free from unnecessary prescription, we need to ensure that great teachers can build the curriculum they want with a proper balance between what we expect centrally and what they determine locally.

Ms Karen Buck (Westminster North) (Lab): Ian McNeilly, the head of the National Association for the Teaching of English, has said of the Government's new English curriculum:

"It is fantastic that Mr Gove has acknowledged that English as a subject needs to move into a different century. Unfortunately for all concerned, he has chosen the 19th rather than the 21st".

I am sure that the Secretary of State will regard that as the highest praise, but does he agree that that is almost certainly not what was intended? Will he therefore reflect again on the omissions from the curriculum—particularly in areas such as writing, analytical and listening skills—that have been invoked by our friends in the CBI?

Michael Gove: I do not see anything wrong with having the 19th century at the heart of the English curriculum. As far as I am concerned, Jane Austen, Charles Dickens and Thomas Hardy—not to mention George Eliot—are great names that every child should have the chance to study. As for the National Association for the Teaching of English, I am afraid that it is yet another pressure group that has been consistently wrong for decades. It is another aspect of the educational establishment involving the same people whose moral relativism and whose cultural approach of dumbing down have held our children back. Those on the Opposition Benches have not yet found a special interest group with which they will not dumbly nod along and assent to. I believe in excellence in English education. I believe in the canon of great works, in proper literature and in grammar, spelling and punctuation. As far as I am concerned, the NATE will command my respect only when it returns to rigour.

Mr Aidan Burley (Cannock Chase) (Con) *rose*—

Mr Speaker: Order. I am sorry to disappoint the hon. Member for Cannock Chase (Mr Burley). I would have called him to ask a question if that oration had concluded earlier, but it did not, so I cannot. I will, however, look kindly on him in topical questions. We shall see.

Topical Questions

T1. [130894] **John Pugh** (Southport) (LD): If he will make a statement on his departmental responsibilities.

The Secretary of State for Education (Michael Gove): With your permission, Mr Speaker—

Mr Speaker: Order. On this occasion, an answer rather than a speech will suffice. I must also say that I richly enjoyed the Secretary of State's Oxford Union oration.

Michael Gove: Thank you, Mr Speaker. I have had lots of meetings today and they have all been fun. Getting advice from you is the most fun of all.

John Pugh: Last month, the Secretary of State attacked the National Audit Office for being one of the "fiercest forces of conservatism", and that statement was raised with the NAO in the Public Accounts Committee last week. Is such a statement wise, given the helpful advice that the NAO has provided on matters such as the overspending on the academies programme? After all, we all want to defeat the forces of conservatism.

Michael Gove: I am grateful to my hon. Friend for giving me the opportunity to expand briefly on those remarks. It is important that the National Audit Office and the Public Accounts Committee should strike a proper balance between respect for public money and the encouragement of innovation. As the NAO pointed out, the academies programme has been a success for this Government. We also need to ensure, however, that every penny that we have is spent wisely.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Is the Secretary of State aware that, according to Ofsted's recent report, there are now 381 fewer children's centres than there were at the time of the election, which represents a cut of 10%? In the same week, the Minister for Children and Familiesadmitted that the number of centres providing child care had fallen by 30% in just one year, and that many of the closures were in deprived areas that have problems with the availability and quality of child care. How many of those services, on which families rely, does the Secretary of State think will be lost, now that the budget for Sure Start has been cut by 40%? Why does he not care about Sure Start?

Michael Gove: It is because I care so much about Sure Start that I want to ensure that the quality of service that is delivered to young people is the most important criterion. We do not want to fetishise bricks and mortar; we want to ensure that the quality of the education that children receive is as high—*[Interruption.]* What sort of an example is that setting for the nation's three and four-year-olds? I say that we should concentrate on the quality of education.

T3. [130896] **Lorely Burt** (Solihull) (LD): Scope recently launched its "Keep us close" report, which found that six in 10 families with disabled children said that the vital services they needed were not available in their local area. What steps is the Minister taking to implement the report's recommendations to ensure that local authorities make vital universal services such as schools and leisure services accessible to families with disabled children, so that they do not have to travel long distances to get to them?

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): You will no doubt be aware, Mr Speaker, that today is the international day for people with disability, so it is apt that my hon. Friend has chosen to ask that question. Our special educational needs reforms will require local authorities to involve local families in developing a published local offer of services for children and young people with SEN and disabilities to ensure that councils understand their needs and can plan local provision accordingly.

T2. [130895] **Helen Jones** (Warrington North) (Lab): Children with special needs, children who are in care and even children on free school meals are disproportionately represented among pupils permanently excluded from school. Many end up in pupil referral units, where the limited number of courses on offer can permanently damage their life chances. What is the Secretary of State doing to find out why that is happening and to provide more support to teachers in the classroom in dealing with such pupils?

Michael Gove: The hon. Lady makes a very important point. We appointed a special adviser to deal specifically with disciplinary and behavioural issues—Charlie Taylor, who had experience in dealing with precisely the sort of children whom the hon. Lady and I care about. That is why we have a reform programme to ensure that the quality of education offered in pupil referral units improves and that teachers who are responsible for dealing with those children receive improved initial teacher training. If the hon. Lady would like to know more, I would be happy to arrange a meeting with Mr Taylor so that he can bring her up to date.

T4. [130897] **Annette Brooke** (Mid Dorset and North Poole) (LD): Will the Secretary of State comment further on how he will address the concerns that creative studies might be squeezed out of the secondary curriculum? Furthermore, will he or his Minister for Schools meet the secondary heads in my constituency to celebrate their successes and to discuss the future direction of the secondary curriculum?

Michael Gove: I am grateful to my hon. Friend, who always makes her points proportionately and wisely. I agree with her that it is important not just to reassure students and teachers, but to applaud the fantastic work that is being done in creative and cultural education. That is why I or one of my colleagues would be only too happy to meet those in the schools in her constituency that are doing such a good job.

T8. [130901] **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): It is 20 years ago today that the very first SMS was sent by an engineer. Today also sees the publication of Engineering UK's report, setting out the need to double the number of students studying GCSE physics if we are to meet the engineering needs of the future. What is the Secretary of State doing to make sure that a doubling of the numbers studying physics will happen, particularly in academies, which as he knows are responsible only to him?

The Parliamentary Under-Secretary of State for Skills (Matthew Hancock): It is vital that we increase the number of engineers, and indeed, provide more physics, which leads on to engineering. The number of schools offering three sciences at 16 is now back up to 80% after falling precipitously in the past decade. The number and proportion of pupils studying physics is going up, too. We need to do much more, but we are on the right track.

T5. [130898] **Charlotte Leslie** (Bristol North West) (Con): Will my right hon. Friend outline what plans he has to improve alternative provision, and will he recognise the role that sports, particularly boxing, can play in raising the educational achievements of our most disadvantaged and underperforming young people?

The Parliamentary Under-Secretary of State for Education (Elizabeth Truss): I congratulate my hon. Friend on her work with the all-party parliamentary group on boxing. I think boxing has had a great year: we have seen great performances, such as by Nicola Adams in winning a gold medal in the Olympics. That is a fantastic inspiration to many school students. We are encouraging more diversity in alternative provision. We want to encourage boxing alongside academic subjects so that students can get back into mainstream education.

T10. [130903] **Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): I listened carefully to the answer to my earlier question about Liverpool community college, but I must point out that Liverpool community college does not receive the pupil premium. Will the Minister responsible for skills answer my question? Will he approve the granting of £6 million, on which the college currently loses out because of the lagged funding formula, so that none of the extra 1,000 students who have enrolled will lose out.

Michael Gove: I am grateful to the hon. Lady for advocating so persistently and constantly on behalf of her constituents. I would say two things. First, we are doing everything to ensure that we can equalise funding between schools, school sixth-forms and colleges in the direction that the Association of Colleges has welcomed. Secondly, I am absolutely delighted that 1,000 more students have enrolled in Liverpool, thus proving that our reforms to the education maintenance allowance and its replacement by a bursary fund has been, as Government Members have said, a success—and not the failure predicted by Opposition Members.

T6. [130899] **John Glen** (Salisbury) (Con): Salisbury has submitted an application for a science university, a university technical college and a free school sixth-form; we also have two outstanding grammar schools and a recent encouraging report from Sarum

academy. Does the Minister agree that that diversity of provision allows opportunities for all children from all backgrounds?

Matthew Hancock: I do agree, and I urge others to take the same view as my hon. Friend. We should ensure that there is a diversity of provision, including university technical colleges, free schools and academies, and also a diversity of high-quality qualifications on offer—both academic qualifications and occupational qualifications that will form part of the TechBacc—so that we can provide the best education, highly regarded and held in high esteem, for every single student who wants it.

John Healey (Wentworth and Dearne) (Lab): Last weekend the Secretary of State condemned a foster care decision made by social workers in Rotherham, who he said had made

"the wrong decision in the wrong way for the wrong reasons".

He knew nothing about that complex case and had done nothing to check the facts, which was completely wrong for a Minister in his position. Will he now apologise?

Michael Gove: Absolutely not.

T7. [130900] **Mr Aidan Burley** (Cannock Chase) (Con): More than 80 independent day schools are backing the Sutton Trust's open access scheme, which will make private school places available to able children from all backgrounds on the basis of merit rather than ability to pay. Does the Secretary of State agree that opening up 100% of such places would fundamentally change the social structure of the schools, accelerate social mobility, and give bright kids from poor backgrounds the chance of a fantastic education?

Michael Gove: The Sutton Trust and Sir Peter Lampl have done wonderful work to advance social mobility. Not every aspect of the open access scheme necessarily recommends itself to the Government, but I applaud all the independent schools, such as those in the King Edward VI Foundation in Birmingham, which have done so much to extend a brilliant education to students from disadvantaged backgrounds.

Alison McGovern (Wirral South) (Lab): The Secretary of State spoke earlier about the canon. He may recall that, in 2009, he said:

"the greatest artists and thinkers are great precisely because their insights and achievements have the capacity to move, and influence, us all".

Does he agree with the great artist Danny Boyle, who said recently:

"If there is any way you can help make culture, music, dance, theatre a core of the new English baccalaureate you will have given something beyond what you give every day"

Michael Gove: As an admirer of Danny Boyle's film-making, and indeed of the amazing work that he did at the opening ceremony for the Olympics, I hesitate ever to disagree with him in any respect. That is why I was so pleased this morning to be able to talk to representatives of the culture sector, including those responsible for dance education, drama and visual arts, and to agree on what we can do together to ensure that every child has access to the best that has been thought and written.

T9. [130902] **Mr Dominic Raab** (Esher and Walton) (Con): Our schools in Elmbridge face serious financial pressures as a result of a spike in the birth rate, the large number of young families who are moving into the area, and small pockets of relatively acute deprivation. Those factors were consistently overlooked by the last Government. What steps is the Minister taking to ensure that they are properly taken into account in the forthcoming funding formula review?

The Minister for Schools (Mr David Laws): As my hon. Friend will know, we are simplifying the funding formula for 2013-14. We believe that it contains the right factors, which will be able to accommodate the real pressures throughout the country. My hon. Friend will also know that we are conducting a review of the formula for 2014-15. If he will write to me about the problems in his constituency, I shall be sure to look at them very closely.

Toby Perkins (Chesterfield) (Lab): Sales skills are crucial to British businesses, but although nearly 10% of people are employed in sales, fewer than 1% of apprenticeships are in sales. Having escaped the opportunity to become Alan Sugar's apprentice, Kate Walsh is now heading the Labour party's policy review body, which is looking into how we can ensure that more young people get into sales and recognise the value of such work. Will the Minister congratulate Kate Walsh on having engaged in the political process, and acknowledge the importance of sales in our schools and colleges?

Matthew Hancock: I would commend any work intended to enhance the quality of apprenticeships, which are no longer restricted to one part of the economy but now extend to the whole economy. They are increasing in quantity, and we need to ensure that they increase in quality as well. I should welcome the contributions of anyone who can bring about an increase in the number of rigorous and employer-focused apprenticeships.

George Eustice (Camborne and Redruth) (Con): Many small schools in Cornwall are concerned about changes in the dedicated schools grant and the implications for their future. What reassurance can the Minister give that when the current minimum funding guarantee runs out in 2014, the Government will recognise the importance of funding stability to such schools?

Mr Laws: I can give my hon. Friend the assurances first that the minimum funding guarantee will continue, secondly that this Government value the role of small schools, and thirdly that we are carrying out a review of the funding formula for 2014-15, to look very carefully at some of the concerns he mentions.

Lucy Powell (Manchester Central) (Lab/Co-op): Has the Secretary of State read the Pearson report, published last week and written by the Economist Intelligence Unit, which shows that Britain has the sixth best education system in the world and the second best in Europe? Does he agree that that shows great advancement under 13 years of the previous Labour Government and following

many years of hard work from our teaching profession, and does he therefore regret talking down our education system and our teaching profession, as he did earlier today?

Michael Gove: I congratulate the hon. Lady on her recent election to Parliament. She couched her question brilliantly, and I know she will be a superb asset to this House. She is right to draw attention to the fantastic work our teachers are doing. However, only last week I was talking to Arne Duncan, the reappointed Secretary for Education in Barack Obama's Administration, and he outlined to me how important it is that the two of us work together on a reform programme identical in every detail, to ensure that, however well we have done in the past, we do yet better in the future on behalf of all our children.

Sir Bob Russell (Colchester) (LD): Further to Question 6 on religious education teaching, the Bible gives accounts of Jesus healing the sick. With that in mind, will the Secretary of State put first aid training in the national curriculum?

Michael Gove: On previous occasions I have observed that the hon. Gentleman has never yet said anything in Education questions with which I have disagreed. This is a first, therefore. It is miraculous that there should be any gap between us, but I look forward perhaps to talking to the hon. Gentleman to see what we can do.

Mr Speaker: Certainly there is very rarely any Question Time in which the hon. Member for Colchester (Sir Bob Russell) does not say something. We are accustomed to that by now, and we are grateful to him for it.

Mr Gerry Sutcliffe (Bradford South) (Lab): Why do free schools not have to provide sports facilities, and how will that help the Olympic legacy?

Michael Gove: All schools need to ensure that their children have access to high-quality sports and physical education facilities and, under regulations that we have brought in, for the first time ever all schools, including independent and free schools, will have to guarantee access to high-quality facilities.

Points of Order

3.32 pm

Mr David Davis (Haltemprice and Howden) (Con): On a point of order, Mr Speaker. I raise this point of order with you in respect of your duty of defending the interests and rights of Back Benchers and Committees in this House. This morning in an interview in *The Sun* newspaper, the Home Secretary, who I see is on the Treasury Bench, said the following about the Communications Data Bill:

"Criminals, terrorists and paedophiles will want MPs to vote against this bill. Victims of crime, police and the public will want them to vote for it. It's a question of whose side you're on."

She also said:

"Anybody who is against this bill is putting politics before people's lives."

A Joint Committee of this House and the other House is meeting at present to pass comment on this Bill. Therefore, apart from traducing a large number of Members of this House, the Home Secretary is undermining the work of that Committee. Has she asked to come to the House to explain herself, and if not, what can you do to protect us, Mr Speaker?

Sir Menzies Campbell (North East Fife) (LD): On a point of order, Mr Speaker.

Mr Speaker: Is it on the same theme?

Sir Menzies Campbell *indicated dissent.*

Mr Speaker: We shall come to it, therefore. I am saving the right hon. and learned Member up. He is worth waiting for, I am sure.

Let me respond first to the point of order of the right hon. Member for Haltemprice and Howden (Mr Davis). Ministers and other Members must take responsibility for their own words. I have not received any requests from the Home Secretary to come to the House. The right hon. Lady is reported as having expressed herself in strong terms, as the right hon. Gentleman alluded, and others, notably including the right hon. Gentleman, may disagree with her analysis. The two Houses agreed that a Joint Committee would be an appropriate way of examining the Government's proposals in detail, but that does not put the proposals beyond comment by others. I am sure that, as with all Joint and Select Committees, this Joint Committee's report will be founded on a careful and sober weighing of the evidence. I hope that is helpful to the right hon. Gentleman and the House.

Sir Menzies Campbell: On a point of order, Mr Speaker. Have you received any requests from the Secretary of State for Foreign and Commonwealth Affairs to make a statement about the nature of diplomatic relations between the United Kingdom and Israel? Following last week's events in New York at the United Nations, a number of actions have been taken and/or promised that are admittedly retaliatory in purpose. Would it not be right for the House to be brought up to date as soon as possible about the attitude of Her Majesty's Government towards those actions and any future conduct which may be of the same nature?

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Further to that point of order, Mr Speaker. May I support the right hon. and learned Member for North East Fife (Sir Menzies Campbell) in what he has said? Last week, the Foreign Secretary came to this House to make a statement about a proposed action by Palestinians, as was right and proper. It is therefore beyond me that when the state of Israel is breaking international law in three ways the Foreign Secretary has not regarded it as necessary to come here today. When will we have a statement from him?

Mr Speaker: I am grateful to the right hon. and learned Member for North East Fife (Sir Menzies Campbell) and to the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman) for raising this point. With respect to the latter part of the right hon. and learned Gentleman's point of order, I refer to his words directly: it is right that the House should be kept up to date on this matter. There will be precisely such an opportunity at Foreign and Commonwealth Office questions tomorrow. I am not psychic, but you don't have to look into the crystal ball when you can read the book; judging from the historical evidence of FCO questions, I just have a hunch that the right hon. and learned Gentleman and the right hon. Gentleman will be in their places, and there is surely a reasonable chance that their eyes might catch mine. I hope that that is helpful.

Henry Smith (Crawley) (Con): On a point of order, Mr Speaker. On 2 August, I wrote to the Home Office on behalf of my constituent Vanessa Watson with regard to a dangerous dogs issue, yet despite chasing that Department on many occasions, I have yet to receive a substantive response. May I seek the advice of the Chair as to what I should do next?

Mr Speaker: The short answer is: first, timely answers are not just desirable, but essential; secondly, the Home Secretary is on the Bench and is almost thirsting to rise from her seat—she can if she wishes; thirdly, I just point out to the hon. Gentleman that the Leader of the House is in his place and I know he will want to chase an early reply. If the Home Secretary wishes to come to the Dispatch Box, she may do so.

The Secretary of State for the Home Department (Mrs Theresa May): Further to that point of order, Mr Speaker. I apologise to my hon. Friend for the delay in responding to his particular question. I will ensure that that matter is chased up and he receives a more timely reply.

Mr Speaker: I am grateful to the Home Secretary and I hope that is regarded as helpful. I hope there will not be many more points of order, as I do not want other people to be unduly delayed. However, I will take a last point of order from Mr Jim Dowd.

Jim Dowd (Lewisham West and Penge) (Lab): On a point of order, Mr Speaker. I am particularly obliged to you for taking this point of order, which relates to the next, and main, business of the day. You will be aware that one of the main categories in the Register of Members' Financial Interests is that of media earnings, which are many and diverse, and affect very many

Members of this House. First, may I ask you to decide whether everybody who has an interest in that category should declare it in the forthcoming debate? Secondly, rather than just giving the completely uninformative, "I draw the House's attention to my entry in the Register of Members' Financial Interests," should Members say what it is they are pointing to?

Mr Speaker: What I would say to the hon. Gentleman is that each hon. and right hon. Member is responsible for his or her own declaration of interest. On the further point of substance, the declaration of interest should be sufficient to enable the House to recognise the nature of the interest. I hope that is helpful. I think that, if I may say so, what I have said is, or at any rate should be, self-explanatory to hon. and right hon. Members.

NEW MEMBERS

The following Members took and subscribed the Oath, or made and subscribed the Affirmation, required by law:

Sarah Deborah Champion, for Rotherham.

Andrew Joseph McDonald, for Middlesbrough.

Steven Mark Ward Reed, for Croydon North.

Leveson Inquiry

3.43 pm

The Secretary of State for Culture, Media and Sport (Maria Miller): I beg to move,

That this House has considered the matter of the Leveson report into the culture, practices and ethics of the press.

Lord Justice Leveson's report marks a dark moment in the history of the British press. In the words of the judge, the press have

"wreaked havoc with the lives of innocent people whose rights and liberties have been disdained…not just the famous but ordinary members of the public".

Lord Justice Leveson's report shows in detail the breadth and range of that abuse, with acts of despicable intrusion into people's lives when many of them had already suffered extensively. In days to come, that must remain at the forefront of all our thoughts.

We must also remember that Lord Justice Leveson falls well short of criticising the whole industry and that he offers praise for its important role in our society. At the heart of our democratic traditions is an irreverent, opinionated and, yes, sometimes unruly press. We live in a country where the press can hold people to account and where free speech is a right, not a privilege, yet with that comes a clear responsibility—a responsibility that Lord Justice Leveson found had not been honoured.

As Members of Parliament discussing the report, we have a heavy and profound duty to put forward our views with passion and force, to set aside party politics, and to discuss the fundamental issues and questions that this report poses. The debate will send a loud message to the press of this country, and that message is that the status quo is not an option. The Prime Minister is clear: we will see change. That change can come either with the support of the press or, if we are given no option, without it. Be in no doubt that if the industry does not respond, the Government will. I do not underestimate the differences of views that will be expressed here today, but I ask all right hon. and hon. Members to consider first what is clear to me—that there is more that unites us than divides us.

Sir Bob Russell (Colchester) (LD): Having set the scene, will the right hon. Lady give a clear indication that there is a world of difference between the national press and our local press?

Maria Miller: My hon. Friend is right. Many of us want to make sure that we have a thriving press into the future, particularly a thriving local press, and he will be reassured to know that I will be meeting members of the local press later this week to make sure we achieve that important objective.

Keith Vaz (Leicester East) (Lab): As the Secretary of State knows, when the Leveson inquiry was set up on 13 July last year, it was to be in two parts. We have had the first part, but there is no indication when the second part will take place. Will Lord Justice Leveson chair that second inquiry, or will another chair be selected to deal with the relations with the police and the investigations of the Metropolitan police prior to the inquiry?

Maria Miller: I am sure the right hon. Gentleman will know that it is not possible for us to give a timetable for the future of stage 2 of these inquiries at this time, with ongoing police investigations. I am sure he will therefore be aware that it is difficult for me to answer his question in full, although I understand that he wants to get some assurances. However, as soon as the criminal investigations are completed, we will do that.

In his statement the Prime Minister accepted in full the principles set out by Lord Justice Leveson that a new independent self-regulatory body has to be set up, and that it is truly independent in appointments and funding, giving real access to justice for the public and setting the highest standards for journalism through a code, with teeth to investigate and hold the industry to account. Rightly, Leveson set out that it is for the press industry itself to determine how this self-regulatory system is delivered.

Chris Bryant (Rhondda) (Lab): Will the Minister explain how the new body that she envisages could possibly have any powers if it is not given any power by law?

Maria Miller: The hon. Gentleman will, I know, take a full part in the debate. I ask him to reflect a little. We are saying that we accept the principle of an independent and tough regulatory body, and that we will do what is necessary to make sure that it is tough and adheres to those Leveson principles. I am sure he will want to follow closely some of the cross-party talks that I am having with the right hon. and learned Member for Camberwell and Peckham (Ms Harman), who speaks from the Front Bench for his party, on how we achieve just the sort of underpinning that he is talking about.

Sir Malcolm Rifkind (Kensington) (Con): My right hon. Friend said that if the press do not respond, the Government will take action. If the press produce a system of review which is not fully independent of the press industry, which does not fully accept the jurisdiction of that new body, or which is not able fully to implement standards and conclusions that it reaches, will my right hon. Friend on behalf of the Government say that the Government would then accept the need for an Act of Parliament to achieve these objectives, which she rightly said we fully endorse?

Maria Miller: My right hon. and learned Friend sets out clearly what he sees as the key principles contained in Lord Justice Leveson's report, and I can respond by saying that we will absolutely ensure that those key principles will be implemented, including many of the things he talks about. We are equally clear that if we do not see the action that is needed, we will take action. The status quo is not an option. I will certainly make that clear in my meetings with editors tomorrow.

Mr Graham Stuart (Beverley and Holderness) (Con): We live in one of the least corrupt societies on earth, and I congratulate my right hon. Friend and the Prime Minister on doing everything possible to avoid statutory regulation of the press. Freedom is defined not by people doing freely those things we approve of, but sometimes by them doing those things we do not approve of, and it is a precious thing and vulnerable to inadvertent assault.

Maria Miller: My hon. Friend is right, although I remind him that we must ensure that we do not end up with the status quo at the end of this process. We absolutely expect the press to make considerable progress in putting together a self-regulatory approach that is effective.

Several hon. Members *rose—*

Maria Miller: I will give way to the right hon. Member for Blackburn (Mr Straw) and then to my hon. Friend the Member for Aldershot (Sir Gerald Howarth), but then I will have to make progress.

Mr Jack Straw (Blackburn) (Lab): The right hon. and learned Member for Kensington (Sir Malcolm Rifkind) asked whether the Secretary of State would back legislation if the cross-party discussions do not produce an effective result, not whether she would take action. Will she please answer the question? Will she back legislation or not?

Maria Miller: I can be crystal clear, as indeed was the Prime Minister last week: yes, we will take action along the lines set out in the Leveson report if action is not taken to put together a self-regulatory approach, and that, as the right hon. Gentleman knows, would include legislation.

Sir Gerald Howarth (Aldershot) (Con): My right hon. Friend has said that the Government accept Leveson's proposals and that, in the event that there is not a satisfactory regime, the suggestion of my right hon. and learned Friend the Member for Kensington (Sir Malcolm Rifkind) would be taken up. However, I remind her that Leveson states in paragraph 76 of the executive summary that he also wants to see a "statutory verification process". It would be a statutory verification process, not a shackling of the press. Is that part of the Government's current proposals, because we know that self-regulation has been an abject failure for 70 years?

Maria Miller: I will answer that point very briefly, although I am sure that it will be subject to much debate later, but then I really must make some progress. There are two aspects of statutory regulation within Lord Justice Leveson's proposals: one is verification and the other is how we can put in place incentives for membership. I say simply to my hon. Friend—I know that he understands my point because we have had conversations about this before—that we take a very principled approach to this and have grave concern about the use of statutory legislation to underpin the recommendations. We do not believe that it is necessary. We believe that we should be looking at potential alternatives. Indeed, that is what we are discussing in cross-party talks today.

Several hon. Members *rose—*

Maria Miller: If I could make some progress, I might answer some of the questions that hon. Members are trying to ask.

This is not about the press coming up with a model that suits its own ends. The day for a Press Complaints Commission mark 2 is well and truly gone. We will not accept a puppet show with the same people pulling the

same strings. I will be meeting editors tomorrow to hear how they will take this forward. I say to hon. Members that we must not allow this debate to polarise us. We all agree on the need for a tough and independent regulator for the press, that the suffering of the victims and their families cannot be allowed to happen again and that the status quo is not an option. It is the responsibility of this House to ensure that whatever is put in place is effective. This is common ground. Let us put to one side the politics and turn our focus on the principles.

It is right that we look at the detail of how we deliver those principles in practice. Lord Justice Leveson's report underscores the importance of protecting the freedom of the press. The Prime Minister and I, and other hon. Members on both sides of the Chamber, see that there are clear and practical difficulties in drafting legislation without providing an amendable legislative framework. Many in the House today, on both sides of the Chamber, have a deep-seated and grave concern that such legislation could have a profound effect on our ability to safeguard completely the freedom of our press in the future.

Jim Dowd (Lewisham West and Penge) (Lab): I endorse the Secretary of State's view entirely; I do not think there is a great deal of difference between many people on either side of the argument regarding the recommendations of the Leveson inquiry. However, if she is to provide the incentives to make so-called self-regulation work, does she not feel that it would be useful to bring forward, at least in draft form, the legislation that she thinks may be necessary should the press fail to live up to expectations?

Maria Miller: The hon. Gentleman raises an important point. He may or may not be aware that we are already midway into cross-party negotiations and discussions on this. We have already agreed with the right hon. and learned Member for Camberwell and Peckham and the Leader of the Opposition to draft such a Bill to see what that legislation would look like. Our concern is that it then provides a framework that could create real problems in terms of safeguarding free speech into the future. I am glad, though, that the hon. Gentleman acknowledged that there is a great deal of similarity between many of our positions, and we should not focus on the differences.

Mr Frank Field (Birkenhead) (Lab): The debate seems to be polarising between favouring legislation or no legislation. Given that Leveson says that those who join the new organisation will have some very clear and important privileges, would we not be legislating on what those privileges are so that they could be backed up, or not backed up, by law? Therefore, is not the debate really about the scope of the legislation rather than being foolishly polarised on the question of whether to legislate?

Maria Miller: The right hon. Gentleman is right. The point of discussion today should be the fact that the Leveson report advocates an independent self-regulatory body. Leveson clearly states that he does not think that the Press Complaints Commission ever delivered on that. The right hon. Gentleman is right to suggest that the privileges, or incentives, that could be provided and that are outlined in the report could well encourage participation. I suggest to him that we should be considering ways in which we can achieve those privileges without setting them out in legislation.

Mr John Redwood (Wokingham) (Con): How would making a newspaper journalist a regulated person with a licence stop future abuse given that the introduction in 2000 of statutory regulation for banking and financial services ushered in more crime, abuse and disasters than we had before? I urge my right hon. Friend to agree with the Prime Minister and to warn this House that there is no easy way of stopping abuse, and that statutory regulation might not do it.

Maria Miller: My right hon. Friend has given an example that we can all reflect on. I also bring to his attention the problems that have been experienced recently in Ireland despite the fact that it has a regulatory system, albeit light-touch, in place.

Mr Andy Slaughter (Hammersmith) (Lab) *rose—*

Frank Dobson (Holborn and St Pancras) (Lab) *rose—*

Maria Miller: Will Opposition Members give me a few moments to make a little progress?

Who can say what amendments would be made to such a legislative framework in future? Who can make promises for the politicians and the political parties in years to come? The action that we take will have consequences that will be felt for generations to come, and we must make sure that whatever action we take, it is not just for now but for the coming years as well.

Penny Mordaunt (Portsmouth North) (Con): I was very disappointed that on another issue—one of tremendous constitutional importance—we were not given a free vote in this place. Given that this topic is arguably more important, will my right hon. Friend consider allowing a free vote when it comes before the House?

Maria Miller: I hope that there will be no votes on the issue, because what we need is consensus. We need to move forward with something that we can all agree on.

We should remember that the Leveson report is not just about statutory underpinning, although I think that, as a result of the debate thus far, we could be forgiven for thinking that it is. To reduce it to that does a disservice to Leveson. There are other recommendations that we need to consider carefully. I hope that in today's debate, hon. Members will discuss the role of Ofcom as set out in Lord Justice Leveson's report.

Sir Tony Baldry (Banbury) (Con): One of my constituents was not reappointed as director general of the Office of Fair Trading because he refused to carry out a political instruction from the then Chancellor of the Exchequer to undertake an inquiry, the only purpose of which was to give the Labour Government cover when they increased fuel duties. As a consequence, he lost his job as director general of the OFT. The simple fact is that if Secretaries of State appoint statutory regulators, they will always be subject to some political pressure from Secretaries of State.

Maria Miller: I understand fully my hon. Friend's point, although I draw his attention to the fact that, while I do not know as much about the structure of the OFT, Ofcom is independent as a regulator. Although the chair is appointed by me, its independence is set out in law. I understand his point and some may feel that the proposal is not distant enough from Government.

Several hon. Members *rose—*

Maria Miller: I would like to make a final point about Ofcom, if hon. Members will allow me. Lord Leveson states clearly in his report that his preference is for this organisation to oversee the efficacy of the self-regulator. He also suggests that if no independent self-regulatory system can be agreed, the Government might have to turn to Ofcom to act as a statutory regulator. The House needs to reflect on that and we have put it at the heart of our discussions with the Labour party.

Mr John Baron (Basildon and Billericay) (Con): My right hon. Friend is being very generous in giving way. Will she consider the fact that most of the offences against victims—phone hacking, paying police officers and so on—broke the law? Instead of doubling up on state regulation, will she consider whether the answer is not also that we should have better and fairer access to the law, because too many victims find it too complex and too costly? Will she raise that with the Justice Department?

Maria Miller: My hon. Friend raises an important point. Leveson's report brings out fully the importance of ethics, including those of the police—my right hon. Friend the Home Secretary is already doing a great deal in that area—and of access to law. The report is being considered in great detail by the Ministry of Justice and I will come on later to some of the practical ways in which we want to make sure that access to justice is available for all.

Several hon. Members *rose—*

Maria Miller: I want to make some progress, because I know that many right hon. and hon. Members want to contribute to the debate.

Questions also have to be asked about the report's data protection proposals and their potential impact on investigative journalism. We need to give careful consideration to whether it would be appropriate for the Information Commissioner to investigate and then decide on the public interest, which, in effect, is what would happen if the report were implemented in full. As Lord Justice Leveson himself says, changing exemptions for journalists would be significant. This goes to the heart of the balance between the freedom of the press and the individual's right to a private life. These issues require serious thought. I hope that in today's debate we can bring out that and other elements of the report, and not only focus on the narrow issue of statutory underpinning.

Tracey Crouch (Chatham and Aylesford) (Con): Thousands of excellent local and regional journalists will be affected by the changes to the regulatory structures for the press. When my right hon. Friend meets editors later this week to discuss the changes, will she ensure that the local press has an equal voice in the design and operation of the new system?

Maria Miller: I will certainly listen very carefully to the concerns of the local press. As I said earlier, we all want to see a thriving press industry. We know the financial pressures and constraints that it is under in this country, whether at a national or local level. We need to ensure that coming out of this process, we have not only a regulatory system that encourages the right sort of journalism, support and reporting, but a thriving press.

Several hon. Members *rose—*

Maria Miller: I will make a little more progress.

We have not wasted time since last Thursday. Following the publication of the report, we have acted. Lord Justice Leveson recommended that there should be cost protection in defamation and privacy cases to ensure that ordinary people are not put off using the courts by the fear that they cannot afford it. The Justice Secretary has asked the Civil Justice Council to look at that issue and the Government will implement the changes at the earliest possible opportunity.

Additionally, some of Leveson's recommendations build on work that has already been done by the Home Office and the Association of Chief Police Officers on behalf of the police. The report recognises that, because of that work, the policing landscape is changing.

Ian Paisley (North Antrim) (DUP): I thank the Secretary of State for her generosity in giving way to Opposition Members. I agree with what she has said about the status quo and about how the media should be monitored and regulated. However, the former editor of the *Belfast Telegraph* has said in today's paper that the time when the press can mark their own homework is well gone and that the time when the press can determine what punishment they should face when they have breached the law is well gone. Does she agree?

Maria Miller: I agree that we need an independent self-regulatory system that can be overseen and is seen to be effective. I urge the hon. Gentleman to ensure that he has gone through the recommendations in detail. It is not the Government who are saying that the system should be put together by the press, but Lord Leveson himself, and he is right to do so.

Several hon. Members *rose—*

Maria Miller: I will just finish my point, and then I will give way to a few of my hon. Friends who have been trying to catch my eye.

The police and crime commissioners took office on 22 November and the college of policing will come into being this week. The Independent Police Complaints Commission is being given new powers and Her Majesty's inspectorate of constabulary has greater independence and a new non-police chief to head it. Increased transparency will support stronger systems for whistleblowing and both will contribute to a culture of openness and responsiveness, and will increase public confidence in the police. Those are all important actions

that have already been taken. My right hon. Friend the Home Secretary will report to Parliament on all that in January.

Sir Edward Garnier (Harborough) (Con): I thank my right hon. Friend for giving way so generously. It is becoming difficult to follow the thread of her argument. That is not her fault, because it has been interfered with by so many people seeking to intervene. I plead guilty to that myself.

Will my right hon. Friend confirm something that Lord Justice Leveson said on any number of occasions? I will quote paragraph 6.1 on page 1771:

"I will say again, because it cannot be said too often, that the ideal outcome from my perspective is a satisfactory self organised but independent regulatory body, established by the industry, that is able to secure the voluntary support and membership of the entire industry and thus able to command the support of the public."

We are not talking about—and Lord Justice Leveson is not talking about—the statutory control of the press. Can we try to move away from the hyperbole that suggests that Lord Justice Leveson is demanding some form of Stalinist control of the press?

Maria Miller: I understand my hon. and learned Friend's intervention, but I carefully draw his attention to the fact that the issue is about making the new system effective, and that is where the discussion lies. I gently remind him that what the Prime Minister set out last week was very clear: the Government absolutely agree with the principles in Lord Justice Leveson's report, and we are looking at how they will work in practice.

Several hon. Members *rose—*

Maria Miller: I will give way to two more hon. Members, and then I will conclude my remarks.

Bill Wiggin (North Herefordshire) (Con): I was interested in the Minister's comments about January. For the benefit of my constituents and newspaper editors, will she tell us her ambitions for a resolution to this matter, so that we know we can trust what we read again?

Maria Miller: I will give my hon. Friend a much firmer idea about that once I have met the editors tomorrow. The ball is firmly in their court for them to come forward with a clear timetable this week, as I think they have said they will do. I will also set out exactly how the Government will progress with those areas of the report to which we need to respond.

Angie Bray (Ealing Central and Acton) (Con): The Minister has spoken about wanting to look forward to a healthy newspaper industry. Does she agree, however, that the industry is dying on its feet because of competition from the entirely unregulated digital media? More and more people are getting their news every day from digital media; they do not go out and buy newspapers. When looking at some kind of level playing field, we must be careful not to kill off newspapers by shackling them so much that they remain completely uncompetitive.

Maria Miller: My hon. Friend raises an important point about the future of the press and ensuring that it is economically viable. She also touches on the important issue of online news which, as she will have studied in the report, Lord Justice Leveson feels should be dealt with by the new self-regulatory body.

Several hon. Members *rose—*

Maria Miller: I will give way to the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman), and then I will conclude my remarks.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Although it is clear that the provisions in the Leveson report on the backing up of self-regulation of the press must be carried out, does the right hon. Lady agree that if the House rushes to legislative judgment, that will be seen as Members of the House of Commons taking revenge on the press for what the press have said about them, including me? This is not about Members of Parliament; it is about ordinary people who are victims of press persecution.

Maria Miller: The right hon. Gentleman has made his point extremely clearly, and he is right that we must come at this issue in a measured way that looks to the long term, not just the short term. We must look not just at each other in the Chamber today, but beyond these shores as a country that champions free speech and democracy on the world stage. Can we credibly question and challenge others on issues of liberty and freedom if we have placed our own press in a legislative framework? Today is not about what is right here and now, this week, this month or in this Parliament; it is about a profound set of issues for our democracy that will have real and lasting consequences.

Lord Justice Leveson published his report into the future of press regulation last Thursday. Today's debate demonstrates the Government's commitment to finding a swift way forward. We have already held two cross-party meetings and will continue to hold more. Today in the Chamber we have the opportunity to discuss the findings of this report in full and to hear from all sides of the House. What we are debating today has profound implications, and we should remember the weight of that responsibility in days to come.

4.14 pm

Ms Harriet Harman (Camberwell and Peckham) (Lab): I thank the Secretary of State for affording the House the opportunity to have this debate. Last week, following the Prime Minister's statement, the House agreed that victims had suffered terribly, that the Press Complaints Commission had failed, and that we must have change. Today, we must focus on how we make that change.

Let me turn right away to the most controversial issue in the Leveson report—the question of statute. At the heart of today's debate is whether we have independent self-regulation backed by law. It is important that we are clear about why statute is required and what it would do. We need statute because the current system of self-regulation has failed—year after year, for 70 years, and despite seven major reports. It has failed not because there are not people of good will in the press and not because last chances and dire warnings were not given—there are people of good will in the press and last chances and dire warnings were given. Each time there has been a new incarnation of self-regulation by the

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press, everybody has started with the best of intentions, but every time, because there is no oversight, standards have slipped and wrongdoing has returned.

Mr Peter Lilley (Hitchin and Harpenden) (Con): Does the right hon. and learned Lady recognise that the inquiry was set up because of two scandals—phone hacking and the bribing of police—both of which are against the law and neither of which will be tackled by the form of state intervention she is talking about?

Ms Harman: The inquiry was set up—I congratulate the Prime Minister on setting it up, and my right hon. Friend the Leader of the Opposition on demanding it—not only because the criminal and civil law were broken, but because the press demonstrably had not abided by their own standards that they set out in their code of conduct. To stop that happening again, we must decide who overseas the regulator, because currently no one does.

Alun Cairns (Vale of Glamorgan) (Con): I am sure the right hon. and learned Lady remembers that the inquiry was established because of a number of smears from Opposition Members against the former Secretary of State for Culture, Olympics, Media and Sport. In view of the fact that the Leveson inquiry cleared my right hon. Friend of any such allegation, should she not apologise?

Ms Harman: Lord Leveson actually said he was not going to look into whether there had been a breach of the ministerial code. He said that was not a matter for him, and he was right; it is a matter for the independent adviser on ministerial interests, who did not get the chance to investigate because the Prime Minister did not refer the matter to him.

Sir Bob Russell: Will the right hon. and learned Lady confirm that her comments so far relate only to national media and the Westminster bubble? The allegations she has made are not fair to the thousands of local journalists on local newspapers.

Ms Harman: It would be quite possible within Lord Leveson's framework for the local press to set up their own board and for another board to look at complaints against the national press. The key point is that the regulation must be overseen to guarantee its continued independence.

Chris Bryant: Will my right hon. and learned Friend please rebut the myth that the report looked only at criminal activity? The families of the 96 who died at Hillsborough could not sue for libel—there was no defamation. Certainly, untruths were told and defamatory things were said, but the families could never have sued for libel—they had no recourse in law, and it took 23 years to get to the truth. That is why self-regulation failed.

Ms Harman: My hon. Friend makes a very good point.

Mr David Davis (Haltemprice and Howden) (Con): The right hon. and learned Lady has a strong and honourable history on this matter. Earlier this year, she spoke to the Oxford convention and announced she was firmly in favour of press freedom. She said:

> "Because the press are now in the dock, it looks like special pleading from a vested interest when they make the case for press freedom. That's why it is all the more important that politicians must insist on the freedom of the press."

What has changed?

Ms Harman: Indeed, and that is why one of Lord Leveson's proposals, which we think justifies the support of the House, is for a duty on Ministers to guarantee the freedom of the press, and that that duty should be in statute.

Mr Crispin Blunt (Reigate) (Con): Will the right hon. and learned Lady please be careful about not overstating the need for statutory intervention? It is quite narrow—it is simply to verify the independent regulator, who comes forth from the press itself, and to provide the tools, so that there can be exemplary damages for those who choose not to be regulated by that new independent regulator. If she overstates the case for statute, she makes arguments against herself that are unnecessary.

Ms Harman: We should make the case for statute, but the hon. Gentleman is absolutely right that it should be as narrow as possible in scope.

Let me return to my comments and set out why self-regulation has failed. The problem with a purely self-regulatory body and nothing else is that there is a conflict of interest when those doing the judging—the press—are those being judged. I believe that Lord Justice Leveson's answer to that decades-long problem is ingenious. It has drawn on, listened to and completely understood the concerns of the press. He does not throw out self-regulation, as some expected. Instead, he nominates a body to oversee the self-regulator to ensure it is independent and stays independent.

Damian Collins (Folkestone and Hythe) (Con) *rose*—

Jacob Rees-Mogg (North East Somerset) (Con) *rose*—

Ms Harman: I will press on with my comments, because many hon. Members want to speak.

That is the core reason why Leveson concludes that statute is, to use his word, "essential". However, to follow up on the point made by the hon. Member for Reigate (Mr Blunt), all that any statute would have to do is set out criteria about what independence means and check once every three years that it is still independent—that is all. The oversight body—the one prescribed by statute—would have no role in hearing complaints, no role in deciding whether they are justified, no role in laying down penalties, and absolutely no role in deciding anything that does or does not go into a newspaper. That would be down to the independent self-regulator set up by the industry.

George Eustice (Camborne and Redruth) (Con): I am grateful to the right hon. and learned Lady for giving way. Does she agree that under Lord Leveson's proposals, the recognition body would be an independent body

that assessed whether the self-regulator was adequate, but that under the current Government proposals it would be the Secretary of State, as a single, lone politician, who is set to stand in the shoes of that recognition body and make that decision individually?

Ms Harman: That is a very good point, and I wish I had thought of it myself. *[Laughter.]* I think, in fact, it was my idea.

Let us be clear: having a statute to guarantee that is not some incidental add-on or optional extra to Lord Justice Leveson's report. It is a complete contradiction in terms for people to say, "I want to implement Leveson, but without statute." Leveson says that statute is "essential".

Let us imagine the Leveson proposals on self-regulation without statute. Although I am sure that even if any new body started off being independent, without statutory oversight there would be no guarantee it would stay that way. It is inevitable that once again it would become controlled by the press, with editors marking their own homework—that has happened again and again. Why should we believe that we can carry on in the same way and that things will somehow be different? The definition of insanity is doing the same thing over and over again and expecting a different outcome. None of the other suggestions gets anywhere near answering that fundamental point of how to guarantee continuing independence.

Let me turn to Lord Hunt and Lord Black's proffered solution. They claim that what they put forward is a truly independent system with tough sanctions. However, on closer inspection, it is a different story. They say that there would be an independent chair and board, but they could all be fired—the chair and the whole board—by the press barons just giving notice in writing. Lord Hunt and Lord Black say there would be tough sanctions, with penalties of up to £1 million, but then they say that those sanctions would be determined by the press barons. How is that independent?

Some have suggested that we do not need new statute because we could get a judge to appoint a new body, but a judge would not be able to do that without a statute. Many opponents of Lord Justice Leveson's recommendations have said that we must not have statute—that it crosses the Rubicon and would pose a fundamental threat to our democracy. I want to address each argument against statute in turn. The first is that any statute affecting the press automatically ends a free press. We have heard that a lot in recent days, but there is surely an irony and a contradiction in that, for was it not the press themselves who asked my right hon. Friend the Member for Blackburn (Mr Straw) for their inclusion in section 12 of the Human Rights Act 1998? Is that not amendable legislation? Was it not the press themselves who asked for a new defamation Act? Is that not amendable legislation? The first argument—that any law mentioning the press undermines freedom—therefore does not and cannot hold.

Secondly, it is argued that the statute that Leveson proposes amounts to regulation of the press by a ministerially appointed quango, but this is not direct regulation of the press. The statute would only guarantee the system of self-regulation. It would remain voluntary to join, on the basis of incentives. In that, it is similar to the system in Ireland, which has been in place since 2009. As the Deputy Prime Minister helpfully reminded the House last Thursday, it covers all the newspapers operating in Ireland, which volunteer to be part of the Irish Press Council, which—heavens above!—includes the Irish editions of the *Daily Mail*, the *Daily Mirror*, the *Daily Star*, *The Sun*, *The Sunday Times*, *The Mail on Sunday* and the *Sunday Mirror*. If that really posed a threat, where were the protests in Ireland? Why have those newspapers signed up? The UK editors say that any press law would end freedom of speech, so why have they not chained themselves to the house of the Taoiseach? The Foreign Secretary says that any press law in Britain would undermine freedom—and, indeed, democracy—around the world, so why has he not summoned the Irish ambassador for a dressing down? The Culture Secretary—

Maria Miller *rose—*

Ms Harman: I will let the Culture Secretary intervene in a moment. She says that she fundamentally objects to any statute—at least I think that is what she was saying—so why is she not telling our press to boycott the Irish system?

Maria Miller: I was just going to ask the right hon. and learned Lady how many cases had been brought under the Irish law. I think she will find that the answer is absolutely none.

Hon. Members: So it's working!

Ms Harman: I am not quite sure what point the right hon. Lady is trying to make—I will have to think about that one.

Thirdly, there is the argument about a press law being the thin end of the wedge. A central feature of our democracy is that it is the responsibility of elected representatives to make and change laws, and we can do that at any time. Frankly, if that is a slippery slope, so is the very existence of Parliament. The only way to address that concern is to abolish Parliament, and I do not hear that being suggested.

Fourthly, let me deal with the argument that what is proposed would inevitably mean cumbersome legislation. Following our cross-party talks on Thursday, the Government agreed to prepare a draft Bill, but the Culture Secretary then said the Government were drafting the Bill only to show why it should not be done. That is why we are preparing a Bill that will show that it can be done in a tightly defined and forensic way, as envisaged by Leveson.

Let us look at the Irish law, which contains the clauses recognising the Irish Press Council. How many clauses do hon. Members think were needed to make that happen? Listening to the Government, we might assume that it took hundreds, but the answer is not hundreds, or even tens; it is just two. It took two clauses, one paragraph in a schedule and one schedule. The legislation is not a leviathan; it did not involve a huge, cumbersome Bill. The Bill that we are drawing up will show that this is possible, and we will, I hope, be working on a cross-party basis to take it forward.

Finally, there is the civil liberties argument. I do not believe that Lord Leveson's proposals, which we support, would undermine freedom of speech. This is not about politicians alone determining what journalists do or do not write; far from it. The freedom of the press is

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essential. So, too, though, is that other freedom: the freedom of a private citizen to go about their business without harassment, intrusion or the gross invasion of their grief and trauma. I do not believe that those two freedoms are incompatible. A free press must be a responsible press. It must expose the abuse of power without abusing its own. That is what this debate is about, and that is why we should take forward Lord Justice Leveson's proposals.

Several hon. Members *rose—*

Mr Speaker: Order. In view of the large number of right hon. and hon. Members seeking to catch my eye, I have imposed a 10-minute limit on Back-Bench contributions with immediate effect.

4.31 pm

Mr John Whittingdale (Maldon) (Con): Over the past five years, the Culture, Media and Sport Select Committee, which I chair, has examined the issue of the standards and ethics of the press three times. Each time, what we have uncovered has caused us serious concern about the way in which the press operates in this country; we have revealed information that we all found truly shocking.

It is important that we remember the people who have suffered at the hands of the press, including the McCann family, the Dowler family and Christopher Jefferies. However, it is also important to note that all in those cases suffered as a result of breaches of the law. Breaches of the Data Protection Act, the Regulation of Investigatory Powers Act 2000, the contempt of court laws and the libel laws were all involved in the suffering of those people.

That is one of the reasons that I agree strongly with the earlier remarks of the Chairman of the Home Affairs Committee, the right hon. Member for Leicester East (Keith Vaz). There are still big questions to be answered about how serial breaches of the law could take place in newsrooms and how the police appeared to do absolutely nothing about it, despite having the necessary evidence for a number of years. I very much hope that we will see the establishment of part 2 of the Leveson inquiry—whether it takes place under Lord Leveson or not is not the most important point—because we need answers to those questions once the criminal prosecutions have been exhausted.

Dr Julian Lewis (New Forest East) (Con): So far as the breaches of the criminal law are concerned, will my hon. Friend confirm that, if a statutorily based supervisory body were to discover that the criminal law had been broken—through phone hacking, for example—that would become a matter for the police anyway as soon as it was discovered and that, terrible though the suffering of the Dowlers was, their case is, in a sense, really rather irrelevant to the supervisory body that we ought to have?

Mr Whittingdale: I am not sure that I would say their case is irrelevant, because it plainly provided evidence of the way in which the press seemed to feel that they was above the law, and that is a matter for a body overseeing ethics and standards. My hon. Friend is right, however, to say that that matter should have been dealt with by the police, and we still need answers as to why it was not.

Chris Bryant: The point, surely, is that the Press Complaints Commission was part of the problem. It was self-regulating, and for far too long it admitted the "one rogue reporter" line that was being touted by News International because it saw itself as a spokesperson for the industry and for the newspapers, and not as an independent body.

Mr Whittingdale: It may surprise the hon. Gentleman to know that I agree with him. There is no question but that all of us in this Chamber are of one mind that the system of self-regulation administered by the Press Complaints Commission has failed. The commission produced a report saying that there was no evidence that anyone other than the one rogue reporter was involved, at the same time as my Select Committee produced a report saying that there was ample evidence and that we found it inconceivable that the rogue reporter defence was true. We are all agreed that we cannot continue with a system of self-regulation. The idea of the press marking its own homework, as Lord Leveson rightly put it, does not work and cannot continue—but that is not what is in prospect today.

David Simpson (Upper Bann) (DUP): Victims have been mentioned many times today. Does the hon. Gentleman agree with me that it is sad that, because they fear that the Government will let them down, the victims have started a campaign themselves. Is that not a sad reflection on what is happening?

Mr Whittingdale: It is our job in this House to persuade the victims that what is now in prospect is a different regime that would have the necessary teeth to prevent the kind of abuses they suffered. I believe that that is the case, and that we have a duty to get that message across to them.

Let me take us back to the report our Select Committee produced in 2010. We clearly said that we needed a new body, which needed to have

"the ability to impose a financial penalty"

when the press had failed, and to have a responsibility

"for upholding press standards generally"—

things that the Press Complaints Commission was never equipped to do. We went on to say in that unanimous report of the Select Committee two years ago:

"We do not accept the argument that this would require statutory backing, if the industry is sincere about effective self-regulation it can establish the necessary regime independently."

Earlier this year, I chaired another Committee, a Joint Committee of both Houses on privacy and injunctions. Again, we looked at these matters in some detail. That body, too, reached a conclusion that

"the current system of self-regulation is broken and needs fixing."

Again, that Committee recommended a new independent body with stronger powers. The report went on to say —this was supported by Labour members of the Committee —that

"should the industry fail to establish an independent regulator which commands public confidence, the Government should seriously consider establishing some form of statutory oversight",

but it went on:

"At this stage we do not recommend statutory backing for the new regulator."

George Eustice: Will my hon. Friend give way?

Mr Whittingdale: My hon. Friend was a member of the Committee who I know did not agree with that particular conclusion, but I will give way.

George Eustice: On precisely that point, a number of us here who sat on the Committee did indeed disagree with that and feel that there needed to be some statutory underpinning. Will my hon. Friend inform us how narrow the margin was when it came to endorsing this report at all?

Mr Whittingdale: I think I have the figures. My hon. Friend is absolutely right: the Committee divided at the end—10 in favour, and 7 against. I would point out, however, that among the seven were Lord Black of Brentwood and my hon. Friend the Member for Shipley (Philip Davies), who I think my hon. Friend will find are not necessarily totally in agreement with his particular viewpoint.

The Hunt-Black proposals are no longer on the table. I agree with Lord Leveson that they were not sufficiently independent. It is clear that the new body has to be completely independent of the press, and it has to have a board that does not have serving editors on it. There are elements where a new body could have some kind of statutory support. Some hon. Members may have seen the comments of Shami Chakrabarti, who talked about how a body could have statutory recognition. I would draw the House's attention to the submission made to the Leveson inquiry by Lord Hunt, in which he pointed out that the Irish Defamation Act 2009 contains a provision that recognises the activity of the Irish Press Council and allows the courts to take account of

"the extent to which the person adhered to the code of standards of the Press Council and abided by the determinations of the Press Ombudsman and determinations of the Press Council."

That seems to me entirely sensible. It is a way of giving the press incentives to join such a body. However, Lord Hunt went on to say:

"I do not believe this in any way crosses a 'red line' for those of us who have serious qualms about a statutory regulator: the Press Council in the Republic of Ireland may be recognised in a statute, but it is not created by it."

That, essentially, is the difference in this matter. It is a question of whether we trust the press to establish a truly independent body with real powers that will be able to punish breaches of the code, and that the press will abide by it, or whether we believe that the press will not go along with that, and that therefore there must be statutory support. It is not a question of powers; there is no difference between what is on the table in terms of the powers available to the body and what Leveson recommends. It is merely a question of whether we trust the body, and the press, to go along with it. If we do not, we support the idea of statutory regulation. However, we must be clear about the fact that starting to legislate over the press would be is a huge step for us to take.

Kate Hoey (Vauxhall) (Lab): Does the hon. Gentleman agree that protecting journalists' sources is a fundamental principle of investigative journalism? Leveson seems to want to throw that out of the window if the information has been "stolen". Does he realise that under such a system none of the expenses scandal involving the House of Commons would have emerged, and is that not very worrying indeed?

Mr Whittingdale: I agree. I think that there are serious practical problems with some of Lord Leveson's recommendations, and the hon. Lady has highlighted one of them. The whole area of data protection raises some very big questions. There is also the question of whether Ofcom should have any involvement in press regulation. I think that Ofcom itself would have severe misgivings about that, because it is not what it was set up to do. It was set up to do an entirely different job. It is a Government-appointed regulatory body, and even if it acts as a backstop regulator, that will be giving a Government-appointed body, the chairman of which is appointed by the Secretary of State, a role in the regulation of the press.

Bill Esterson (Sefton Central) (Lab): Is it not more important for us to establish total public confidence, which has been shattered over many years? My hon. Friend the Member for Rhondda (Chris Bryant) mentioned the Hillsborough families, one of whom wrote to remind me of the 23 years that it took to deal with the injustices, which were caused in large part by newspaper reporting, not least by *The Sun*. Is it not important for us to do that, on behalf of the victims and the public at large?

Mr Whittingdale: Of course it is important for us to establish public confidence. What we need to do is persuade the public that things will never be the same again: that the new regime on offer is completely different, that it is independent, and that it has real powers. However, as I think Shami Chakrabarti said at the weekend, the question of whether it requires statutory underpinning is about processes, not outcomes. We need to focus on the outcomes of this.

Frank Dobson (Holborn and St Pancras) (Lab): Is it not the case that the proposed legal and financial incentives to be offered to the press would require legislation by the House to give the press privileges that are not available to other citizens?

Mr Whittingdale: I think I have already dealt with that, but the right hon. Gentleman is right. Lord Hunt himself suggested that there should be some statutory recognition of the body in the context of, for instance, defamation cases, so that it can be taken into account when damages are awarded. However, that is not the same as setting up a body by statute, or statutory underpinning. It is all very well for the right hon. Gentleman to laugh, but there is a massive difference between the law recognising the existence of a body and the law somehow having power over that body.

Sir Edward Garnier (Harborough) (Con): Does my hon. Friend agree that the hon. Member for Vauxhall (Kate Hoey) may have slightly misquoted Lord Justice Leveson—wholly unwittingly, I am sure? Lord Leveson identified the *Daily Telegraph* investigation of parliamentary expenses as an example of investigative journalism coming to the point, but surely the central fact is that there are

[Sir Edward Garnier]

aspects of privacy law that protect and enhance freedom of expression—for example, the right of journalists to protect their sources.

Mr Whittingdale: I have very little time left. I could probably spend another hour discussing the whole issue of privacy law, but I shall merely tell my hon. and learned Friend that I hear what he says.

I am absolutely at one with those in the Chamber who believe that we need to establish—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order.

Mr Whittingdale: — an independent regulatory body—

Mr Deputy Speaker: Order. The hon. Gentleman must not test the patience of the Chair. A great many other Members wish to speak.

4.44 pm

Mr Jack Straw (Blackburn) (Lab): When Sir David Calcutt produced his second report in 1992, he was damning in his criticism of the lack of serious progress made by the Press Complaints Commission in the previous two years. We in Parliament as well as the press are now reaping the whirlwind of that collective failure. In the intervening years, the Conservatives and then Labour failed to grasp the nettle of press standards. As Lord Justice Leveson makes clear, standards have fallen, not risen, in many, although by no means all, sections of the press. What the McCanns, the Dowler parents, J. K. Rowling and thousands of others have been subjected to should never happen in a society that prides itself on its freedoms, for all these victims have been deprived of the most basic rights of family life and justice to which we are all entitled.

I say to the hon. Member for Maldon (Mr Whittingdale) and the right hon. Member for Hitchin and Harpenden (Mr Lilley) that it is not the case that the problems we are dealing with are simply breaches of the criminal law which have not been investigated. Sir Brian Leveson states in his report:

"There have been too many times when, chasing the story, parts of the press have acted as if its own code, which it wrote, simply did not exist."

The Prime Minister established the Leveson inquiry at the behest of my right hon. Friend the Leader of the Opposition because he knew there had to be major changes to end the intrusion and abuse the PCC and the many previous attempts at self-regulation had failed to end. If the Prime Minister deserves credit for setting up Leveson—and indeed he does—he has, I am afraid, undermined that by his extraordinary and impetuous decision to rubbish, within 24 hours of receipt of the report, Leveson's key recommendation that there must be some statutory underpinning of a much-enhanced system of independent self-regulation.

I am sure that the Chairman of the Culture, Media and Sport Committee, the hon. Member for Maldon, has looked in detail at the fourth volume of the Leveson report, so he will have seen that what is proposed there by way of statutory underpinning includes providing incentives, such as in respect of costs, for the members of the press board—membership of which would be entirely voluntary.

Instead of a serious study of the Leveson report, the British press have produced some of the most extravagant comment I have witnessed from them. That includes Mr Trevor Kavanagh of *The Sun*, who claimed that Members of Parliament would risk

"looking like Putin or Beijing"

if we had a new press law.

We are all against any semblance of state control of the press. Sir Brian Leveson could not have been more emphatic about that. He says, in terms, that his proposed press board

"should not have the power to prevent publication of any material"

by the press. Instead he proposes a light-touch regulation system.

Dr Thérèse Coffey (Suffolk Coastal) (Con): Mr Kavanagh might have had in mind the proposal on page 1780 of the report, which Sir Brian Leveson considers laudable and admirable:

"Interference with the activities of the media shall be lawful only insofar as it is for a legitimate purpose and is necessary in a democratic society, having full regard to the importance of media freedom in a democracy".

One could imagine that being said in the Congress of China or Russia.

Mr Straw: I hope the hon. Lady makes better points than that if she is called to make a speech in this debate.

Turning to the objections that have been expressed about a light-touch regulatory system, I endorse the remarks of my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman). First, there is the objection the Prime Minister uttered, which is that

"for the first time, we would have crossed the Rubicon of writing elements of press regulation into the law of the land."—[*Official Report*, 29 November 2012; Vol. 554, c. 449.]

As I pointed out to the House last Thursday, and as my right hon. and learned Friend pointed out again today, the Prime Minister's claim is simply incorrect. The Press Complaints Commission came to me when I was Home Secretary to ask for protection to be written into the Human Rights Act 1998, particularly in respect of the apparent ease with which it felt complainants could otherwise get interlocutory injunctions to stop publication of material, for example, where it was likely to intrude into the privacy of individuals. I listened to the PCC and there were negotiations, the result of which is to be found in section 12 of the 1998 Act, subsection (4) of which says that when the courts are deciding whether or not to grant an ex parte injunction, they take into account, among other things, "any relevant privacy code"—the PCC code. In other words, it was the press themselves who wanted statutory force—legal force—to be behind their code, because they wanted protection. That was the crossing of the Rubicon, not anything in Leveson.

The second issue concerns the Irish Defamation Act 2009, to which my right hon. and learned Friend the Member for Camberwell and Peckham made such important reference. The Prime Minister said that we should look at that Act, because it

"runs to many, many pages, setting out many, many powers of the Irish Press Council."

He added:

"It is worth Members of the House studying the Irish situation"—[*Official Report*, 29 November 2012; Vol. 554, c. 456.]

I have taken the Prime Minister's advice, but it is a great pity that he failed to study that Act rather more closely. As my right hon. and learned Friend pointed out, although it runs to 35 pages, the provisions relating to the Press Council consist of one section—section 44—one schedule, which is two and a half pages long, and linking provisions such as those linking back to section 27, which provides a public interest defence for media firms that have signed up to the Press Council and have adhered to its code. I hope that the Secretary of State, or whichever Minister responds to the debate, will answer the question that has been put time and again from the Labour Benches and, to a degree, from her own: if the Irish Defamation Act is good enough for the Irish press, and has worked for them and for the British media with titles in Ireland, why would such a short set of provisions not be good enough for this House and the British press?

Mr Whittingdale: Will the right hon. Gentleman acknowledge that Lord Hunt asked for a similar provision to that in the Irish Defamation Act, and that that is not a problem? None of us objects to that; it is the statutory underpinning, which is a completely different prospect, that people find objectionable.

Mr Straw: The hon. Gentleman and I must be reading two different Acts, because section 44 of that Act contains statutory underpinning. It gives the Dail, the Irish Parliament, more direct power over the Press Council of Ireland than ever is proposed by Lord Justice Leveson for the press board in the United Kingdom.

Ian Paisley: In 2007, I was confronted by a journalist whose newspaper is subject to those regulations. I was handed my text messages and told that they were going to be printed. I threatened that Council on that journalist, and those texts never appeared—that Council does have teeth.

Mr Straw: It does indeed have teeth. I am afraid that the Secretary of State scored an own goal when she implied that because there had been no references made to the overseeing body it had somehow failed. If she read the Leveson report, she would have seen, on page 1715, that there have been

"between 340-350 complaints per year"

to the Irish press ombudsman, which was set up by this underpinning legislation. However, as people are satisfied with how this independent self-regulation, overseen by statute, works in Ireland, there have been no complaints to the higher body, and neither would there be here.

Extravagant complaints and comments have been made by journalists such as Mr Trevor Kavanagh, who is arguing with a report that does not exist, but quite a number of senior journalists have been altogether more thoughtful. Mr Paul Dacre of the *Daily Mail* told a seminar preceding the inquiry that

"there's one area where Parliament can help the press. Some way must be found to compel all newspaper owners to fund and participate in self-regulation."

Compulsion is the newspapers' word, not mine, and their system of compulsion is the rolling contract proposal, but Sir Brian Leveson sets out in forensic detail why such a proposal cannot work.

The editors of *The Guardian* and *The Times* have both written thoughtful pieces. The editor of *The Guardian* spoke of the need for an arbitral arm that incentivised the regulated to pursue high standards and penalised anyone who walked away. Mr James Harding, editor of *The Times,* went further in a lengthy and very considered signed article. He said that the industry must have an "independent, muscular regulator", and crucially he added that

"the Lord Chief Justice should appoint someone, probably an experienced lawyer, and a panel of two others to oversee this regulator…to prevent backsliding"

and to

"be a guarantor of the regulator's independence and effectiveness."

I agree with all of that. The issue for Mr Harding, Mr Rusbridger, Mr Dacre and most other thoughtful editors is how to achieve that end without the underpinning legislation that has been accepted in Ireland. The truth is that they cannot. In legal theory, if the Lord Chief Justice was willing, he could be asked to appoint a couple of retired lord justices of appeal to act as an arbitral body overseeing the regulator, but what would be their terms of reference or the criteria for their appointment? How would they operate? Any sensible Lord Chief Justice would say, "Thank you very much, but I am not getting into that unless I have statutory authority." That is the fundamental flaw: the idea we can do all that while backing away from doing what was done in Ireland.

I want to make a final point about the internet. The editor of Mail Online, Martin Clarke, was quoted in last Saturday's *Financial Times* saying in a rather triumphant tone that the internet had

"destroyed the ability of governments, companies and individuals to control the flow of information to the public".

This chap, Mr Clarke, is tilting at windmills. It is never our objective or that of anyone else for the state in a free society to control the flow of information to the public. The issue is ensuring that members of the public are not defamed and that their privacy is not unfairly intruded on. It cannot follow that because we cannot do everything we should do nothing.

Seventy years, seven reports. This is where 70 and seven equals nine: the press have had their nine lives. It is time for the Government to recognise that and to agree to implement this magisterial report.

4.57 pm

Sir Edward Garnier (Harborough) (Con): May I begin by declaring an interest as a practising member of the defamation and media law Bar? I speak here, however, as a Member of the House and not as a barrister representing any particular client, claimant or defendant. The fact that I am currently acting for a well-known claimant whose reputation has been grievously damaged in the recent past has no bearing on what I want to say—

Dr Thérèse Coffey: By TV.

Sir Edward Garnier: As it happens, I have over the past 35—*[Interruption.]* Does my hon. Friend the Member for Suffolk Coastal (Dr Coffey) wish to intervene?

Dr Coffey: Yes. I would just like to point out that in the case of the person for whom my hon. and learned Friend is rightly working, it was television making references to that allegation, not the press.

Sir Edward Garnier: I think I might be permitted to know a little more about that case than my hon. Friend does. As it happens, I have over the past 35 years or so—*[Interruption.]* Would she stop mumbling?

Over the past 35 years or so, I have acted for and advised both claimants and defendants in more or less equal measure. Unsurprisingly, many of the defendants were newspaper publishers, editors and journalists and their broadcast media equivalents.

The House and the public as a whole owe a huge debt of gratitude to Lord Justice Leveson. His report is long but comprehensive. It is thorough and analytical. It contains opinion and recommendations, but they are based on fact, founded on the evidence he heard and read. Neither he nor his report can be described as "bonkers" and the report does not resort to hyperbole, make hysterical criticisms of the media or demand state control of the press. It is, in my view, a fair and balanced report that has exposed and tackled some difficult, if not entirely novel, questions.

I say that the questions were not entirely novel, because in this House in January 1960, a Mr Leslie Hale, who was then the Member for Oldham West, moved to repeal the Justices of the Peace Act 1361, among whose provisions was one to outlaw eavesdropping. A predecessor of mine as Solicitor-General, Mr Peter Rawlinson, then the Member for Epsom, said:

"Translated into ordinary terms, the Bill which the hon. Member seeks to introduce, dressed up like a radical bird of paradise, is nothing less than a modest charter for peeping Toms and eavesdroppers…It is also a charter for other strange people who pester law-abiding citizens and persons of that kind."

He went on to say:

"The modern use of the Bill is mainly to prevent the ordinary citizen from being pestered by those unbalanced eccentrics who, with an imagined grudge, patrol the outskirts of houses, terrifying families by constant use of the telephone, or by those people who are unbalanced and usually malevolent but who do not break the law by means of assault or trespass. Therefore, there is no weapon which the law-abiding citizen has against them except the use of these powers which may be the only effective one which rests in the hands of such citizens."—[*Official Report*, 26 January 1960; Vol. 616, c. 54.]

So over a period of about 600 years the issue of intrusion into the private lives of others by use of illegal listening devices, be it the human ear or electric surveillance machinery, has been current. This is one of the reasons why the inquiry by Lord Justice Leveson was initiated.

At heart, it seems to me that we are discussing the age-old problem now described as the tension between articles 8 and 10 of the European convention on human rights. Very often, people seem to remember the rights, but they do not seem to remember the exceptions to those rights. Article 8 says:

"Everyone has the right to respect for his private and family life, his home and his correspondence",

but it goes on to say:

"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others",

so it is very much a qualified right, as is article 10, which provides the right to freedom of expression. It states:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

But paragraph 2 says:

"The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

There are the tensions between articles 8 and 10, and there also are the exceptions to those two great rights which nobody in the House or elsewhere would find in the least bit controversial.

The issue that we are confronting—my hon. Friend the Member for Maldon (Mr Whittingdale), the Chairman of the Select Committee, drew this out, as have other Members this afternoon—is not whether we should have state regulation of the press. We are not talking about state regulation of the press in the sense that Mugabe, Putin or the Chinese politburo control the press. What we are talking about is whether the press needs to have a self-regulated body which is recognised by the state as being a competent authority to regulate the press's activities.

The distinction is important. Much of the argument that one has seen in the press and elsewhere, and to some extent in discussions in and around the House, has been utterly off the point. It is to traduce the work of Lord Justice Leveson to suggest that he wants state control of the press. He has said on any number of occasions—I shall quote one or two examples—that the ideal that he is looking for is that

"the industry should come together to create, and adequately fund, an independent regulatory body, headed by an independent Board, that would: set standards, both by way of a code and covering governance and compliance; hear individual complaints against its members about breach of its standards and order appropriate redress; take an active role in promoting high standards, including having the power to investigate serious or systemic breaches and impose appropriate sanctions; and provide a fair, quick and inexpensive arbitration service to deal with any civil complaints about its members' publications."

As a member of the Bar, I would of course like people to litigate—that is how I pay my mortgage—but the short point is that if a system can be devised that has the approval of Parliament and which carries with it public approval and confidence, it seems to me that that mechanism, just as the Financial Services Authority is a body given permission by statute, could allow the press to inhabit a world of free expression, subject to articles 8 and 10, that would not interfere with its rights but would also adequately protect, by self-regulation,

the rights of the victims of press intrusion and other forms of activity that are subject to the criminal or civil law. Of course many of the activities that led the Government to set up the Leveson inquiry were already against the criminal law, as my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) correctly spotted. It is illegal to hack, blag and interfere with other people's telecommunications under various statutes going right back to the 1361 Act that outlawed eavesdropping.

Sir Gerald Howarth: Did not Lord Justice Leveson say that criminality on an industrial scale was itself part of a persistent culture of abusing private individuals, in particular, who have no recourse unless through my hon. and learned Friend, notwithstanding his modest costs? We in this House at least have a forum, but they have none at all, and that is why the report is so important. It revealed that there was a culture, and the press must deal with that, not just the criminality.

Sir Edward Garnier *rose—*

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Shorter interventions would be helpful. I know that two knights want to exchange views, but I worry about the costs that might be charged.

Sir Edward Garnier: I agree with the premise of my hon. Friend's point but think that we perhaps draw different conclusions from it. Lord Justice Leveson has stated, as did our right hon. Friend the Secretary of State at the beginning of this debate, that the status quo is not an option, so if we learn nothing else from Leveson, we should learn that what went before cannot go on. It seems to me to be uncontroversial that the PCC is dead, for example. We need some other form of disciplinary body or regulatory system that matches public concern but also has parliamentary approval. We could approve through parliamentary procedure a body that is not statutory, but we could also approve a regulatory body that is not the creature of Parliament but that would be recognised and saluted by statute. There are plenty of other bodies that discipline the professions or other public bodies but that are not controlled by the Government.

Mr Dominic Raab (Esher and Walton) (Con): Lord Justice Leveson's approach is to argue that regulation must be independent not only of the press, but of Parliament, but he then calls for a statute, drafted by Parliament, detailing the criteria for recognition of the regulations, and that covers everything, from membership of the regulator to the content of the new rules and its powers. How does my hon. and learned Friend reconcile what strikes me as a fatal paradox in that approach?

Sir Edward Garnier: I do not have to reconcile it, because I find the answer on page 1,780 in part K of the report. I will not read it out because I do not have enough time, but I suggest to my hon. Friend that it repays reading. He should look at paragraphs 6.38 and 6.39. If I was a member of an appellate court, I would simply ask the shorthand writer to transcribe it into my judgment, but I cannot—I say to the *Hansard* reporter, have a go. Essentially, my hon. Friend's point is one that is often made. If I may say so, with a little thought and study of the report, he will find that it is not strictly necessary to have the concerns, genuine though they are, that he displays and that they are dealt with by Lord Justice Leveson.

Time is running short and I have galloped through the points I wanted to make, no doubt inadequately and in a somewhat garbled fashion. There is plenty in the report that touches on the police, the conduct of the press and the appalling treatment meted out to victims, such as the Dowler family and others. That is all a given. It is also a given that the status quo ante must finish.

The debate that we are having, in this House and outside, is about what we mean by statutory regulation. To me, statutory regulation means no more and no less than what Lord Justice Leveson says: that a statute will recognise as an effective way of dealing with press conduct—and wider media conduct, including the internet—the disciplinary system to which the press must adhere. Clearly, we need buy-in from the widest possible section of the media, including the ordinary traditional press—the newspaper groups—and television and broadcast media through to the local press and others. I recognise that there will be difficulties over individual bloggers and so forth.

If we concentrate on what this report is not about, we miss a trick. Let us concentrate on what it is about, which is the democratic and constitutionally proper regulation of a disciplinary system.

5.10 pm

Sir Gerald Kaufman (Manchester, Gorton) (Lab): I was a staff journalist for 10 years. For nine of those years, I worked for the *Daily Mirror*, which at its zenith sold 5 million copies a day. I reported directly to the editorial director, Hugh Cudlipp, this country's greatest ever popular journalist. Cudlipp was obsessive about factual accuracy and fair reporting. The excesses that led to the Leveson inquiry could never have happened in Cudlipp's bailiwick. I was proud to be a journalist and remain a member of the National Union of Journalists to this day.

It would be difficult to retain that pride if I were a working journalist in the newspaper industry today. Respect for fact has almost vanished. When I was Chairman of the Culture, Media and Sport Committee, a newspaper printed a big story about our Committee going to Los Angeles. I rang up the journalist who wrote the story and said, "It isn't Los Angeles—it's Scarborough." The journalist replied, "Oh, it's all the same thing." Fair reporting: tell me another joke! The dictum in 1926 of C. P. Scott, the editor of *The Manchester Guardian*, is dead and buried. He said of the newspaper:

> "Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free, but facts are sacred."

Twenty years ago, the National Heritage Committee, of which I was Chairman, conducted an inquiry into privacy and media intrusion. What it said in its report, published in March 1993, might just as well have been written today:

> "There cannot be a free society without a free press…a free society requires the freedom to say or print things that are inconvenient to those in authority…While continual antagonism

[Sir Gerald Kaufman]

between the press and persons in authority is unnecessary, critical tension between them is an essential ingredient of a democratic society and far preferable to collusion between the press and public figures…At the same time, in a democratic society there must be a right to privacy as well…it must not be ignored by those who claim that everything that everybody does is fair game, so long as it provides a saucy story to be published in the diary column of a broadsheet newspaper or across the front page of a tabloid…The Committee's concern, in conducting this inquiry, has been mainly with the ordinary citizen who in the normal course of his or her life will never come into contact with the broadcast or written media except as a viewer, listener or reader; but who suddenly becomes of interest to the media, due often to circumstances beyond his or her control, such as becoming a crime victim or being related to the victim of a crime or terrorist act. Such people, as a result of injudicious, thoughtless or malicious reporting, can suffer additional distress at what is already a time of trauma and shock. Their family relationships, their jobs, their businesses and their careers can all be seriously damaged. The Committee does not believe that anyone has the right to inflict such harm on innocent persons."

The Committee went on to say:

"A balance is needed between the right of free speech and the right to privacy. The Committee's view is that at present that necessary balance does not exist, and in this Report it recommends action to achieve it. The Committee does not believe that this balance can or should be achieved by legislation which imprisons the press in a cage of legal restraint…The Committee would be deeply reluctant to see the creation of any system of legal restraints aimed solely and specifically at the press or the broadcast media. It believes that self-restraint or, as the Committee prefers to call it, voluntary restraint, is by far the better way."

It recommended the enhancement of

"voluntary regulation by the press through the strengthening of the Press Commission (which the Committee recommends should succeed the Press Complaints Commission) and its Code, and expansion of the Commission's scope",

and the

"creation of a statutory Press Ombudsman, as a back-up to the Commission's role."

Jim Dowd: Do not my right hon. Friend's experience and knowledge and the facts he has just regaled demonstrate how circular this argument has become and that we really ought to do something different, rather than simply repeat the inactivity and mistakes of the past?

Sir Gerald Kaufman: My hon. Friend intervened just as I was about to go on to that very point. Twenty years ago, the National Heritage Committee made those recommendations. We analysed the disease and proposed a remedy. During the four remaining years of the then Conservative Government, nothing whatever was done. I am sorry to say that, during the 13 years of the Labour Government who followed, nothing at all was done either. We have known about this disease for very many years. The Leveson inquiry was founded because of new and horrific revelations about what the press did. What the press was doing 20 years ago should have been remedied then, but neither party did so. We face the same problems with the press that we faced in 1993, except that we now know far more about the malpractices of the press than we did then.

We can wait no longer. Even before our 1993 report, in 1989 David Mellor warned the press that they were drinking in the last-chance saloon. In the 23 years since then, the press have been on a prolonged pub crawl. Now this House must say, "Time gentlemen, please."

I am as firmly opposed to statutory control of the press as I have ever been. That is the ethic of a free press in any country. We went to the United States and saw the way in which it could regulate the excesses of the press through privacy Acts protected by the fifth amendment. We could have had the same thing here. We could have had a privacy Act that applied not only to the press and that was protected by a public interest defence. It would have been valid, because when Clive Ponting was prosecuted under the Official Secrets Act for revelations about the sinking of the Belgrano, he pleaded the public interest and the jury acquitted him. We therefore had a functioning system for protection, but what happened then is that my good old friend, Douglas Hurd, brought a Bill before Parliament to abolish the public interest defence under the Official Secrets Act.

As I have said, I am as opposed to statutory control of the press as I have ever been, but the press cannot go on pretending to regulate itself while not doing so. Although the Leveson report's recommendations are not perfect—the gaps in the way in which the body is to operate are clear to anybody who reads the report and will cause problems in implementation—they are incomparably better than what exists now and the alleged improvements proposed by the press.

As someone who would be exceptionally reluctant to vote in this House for statutory backing of a voluntary press regime, I say firmly to the press proprietors, "Either you establish the Leveson regulation regime on a voluntary basis fast, without dragging your feet, and ensure that all proprietors, including Richard Desmond, participate, or you will be responsible for statute entering into press regulation." It is up to the press. There is a short time for them to make that decision. They will be responsible if statute enters into press regulation. It is important for them to bear that in mind in the short period that remains before decisions are made.

5.21 pm

Mr Peter Lilley (Hitchin and Harpenden) (Con): Two questions must be asked of any and every proposal for legislation. The first is what problems it will solve and the second is what problems it will create.

First, the problems that gave rise to the Leveson inquiry were phone hacking, bribing and outrageous criminal libel. Those are already against the law or legal redress exists for them. The problem was a failure to enforce the law. Leveson boldly dismisses those issues in asserting, without adducing any evidence, that

"More rigorous application of the criminal law…does not and will not provide the solution."

Of course it will. It is now, belatedly, doing so. Scores of people have been arrested and face serious charges. That is a powerful deterrent against any repetition.

The apparatus of independent regulation backed by statute, which Leveson proposes, would have no powers to address the very problems that he was supposed to be dealing with. Indeed, it could not do so, because they are matters for the police and the judiciary. His solution would not have prevented or provided punishment for the hacking of Milly Dowler's phone, the payments to police by the *News of the World* or the vile libel by the *Sunday Express* of the McCanns. Indeed, Leveson states in his recommendations that

"The Board should not have the power to prevent publication of any material, by anyone, at any time".

The board could not, therefore, have stopped that libel.

If Leveson had acknowledged that, it would have truncated his report, so he went ahead and proposed a regulatory structure that, amazingly, does not specify the problems with which it is supposed to deal. It is a solution looking for a problem. That, in my experience, is a dangerous thing to create. It would have powers to draw up a code of practice, but Leveson does not spell out what the contents of the code should be. The independent regulator, with the approval of its statutory minder, but not of this House, would be able to select the problems that it tackled.

The second question is what problems the proposal might create. Leveson was goaded into making complex proposals by the two most dangerous phrases in the political lexicon: "Something must be done" and "The status quo is not an option." That is the mantra of those in the commentariat who have no idea what should be done, but who want to sound positive. I have little sympathy for the newspapers that invariably demand unspecified Government interference to solve any problem and now find themselves hoist by their own petard. The status quo, however unsatisfactory, is sometimes less bad than all the alternatives. Churchill said that democracy is the worst kind of government except for all the alternatives, and I believe that a free and unregulated press, with all its failings, is the worst kind of media except for all the alternatives, which, by necessity, involve state regulation.

I do not have a rosy view of the press and I suffered from them repeatedly over 20 years. I remember the "back to basics" initiative, when John Major's use of that phrase was taken by the media as advocating family values, even though he made no reference to that. The press claimed it was their duty to investigate the private life of every Cabinet Minister. They called on all my neighbours, offering them money if they had "any filth about Lilley." They offered rewards in the local pub opposite my house for people who knew anything about me or could see any "goings on" in our bedroom. Worst of all, the *Daily Mirror* made its front-page splash a story about me visiting my nephew who was dying of AIDS. It was intended to smear me in some vile way, but it simply caused immense distress to my sister. It was a vile time so I know how horrible a free press can be.

Had the strong, independent regulator underpinned by statute that we are considering existed, would—and should—it have called off the press hounds during "back to basics"? There were no calls from the Opposition Benches for the then regulator to do so. I do not believe that a regulator should have the power to do so, but if it did have such a power, the decision would be intensely political. We would be handing over to the regulatory body a political power of which we need to be aware.

Sir Gerald Howarth: Those of us who have sympathy with Leveson's case are not seeking to hand over powers. We are seeking to establish—I think there is common ground across the House on this—whether the press should set up a robust self-regulatory body. There is nothing from our experience of the past 70 years that offers any confidence that it is capable of doing that, which is why some of us believe—as Lord Justice Leveson said—that there should be some statutory validation of that self-regulatory body.

Mr Lilley: I am in favour of the press having better standards but the best form of regulation is what we saw—*The Guardian* exposing the failures of the *News of the World*; "Panorama" exposing the failures of "Newsnight" —not a regulatory body, whether or not underpinned by the state. My hon. Friend is uncharacteristic. Those who jump to the conclusion that we need state-backed regulation assume that that is always an improvement on voluntary actions and arrangements. Such faith is a triumph of hope over experience and people forget the law of unforeseen consequences. Regulation invariably has unforeseen—but not necessarily unforeseeable— consequences.

Jim Dowd: Will the right hon. Gentleman give way?

Mr Lilley: I will not at the moment. Lord Leveson proposes giving a state regulator the power and duty every two or three years to review and approve—or disapprove—the code and how it is implemented and enforced by the regulator. That is either a substantial power with important consequences or a trivial power with negligible consequences. The latter is unimportant so why insist on it? If the power is significant and will have substantial ramifications and consequences for the way the regulator behaves, the content of the code and the way it is enforced, we should look at it very carefully.

I know from many years of studying regulation that one consequence of regulators being given the power to review and prescribe detail is that the regulator—the state supervisor—will at every biennial or triennial review demand not less but more and stricter regulation. Has my hon. Friend the Member for Aldershot (Sir Gerald Howarth) ever known a regulator demand less regulation rather than more? It is a recipe for regulatory creep and increasingly detailed specification by the state supervisor of what the so-called independent regulator must do.

The other consequence that some fear from a regulatory system that is overseen and supervised by a statutory regulator is that the regulator will nudge the code and its enforcement in line with the prejudices of the Government of the day. I doubt that that would be the immediate consequence, although it could be the consequence in the long term, but the statutory body that oversees how the regulatory apparatus works would follow either the Government's prejudices or its own. We want to beware of that. If the statutory body is like the regulatory structures we normally set up, we will have a pretty clear idea how it will behave, but by definition it will be outside the direct control of the House, so hon. Members will have no say in it.

Mr Raab: I have an objection in principle to a statutory body or a body underpinned by statute both making and enforcing the rules. Does my right hon. Friend recognise that such a blurring of powers in the new body risks arbitrary decision making and is inimical to the rule of law?

Mr Lilley: Exactly; that is very much what I fear if the statutory body, following its own prejudices, determines the contents of the code and how it is enforced. Such a body would almost inevitably be made up of the sort of people who run and control the BBC. The BBC Trust has got into trouble for telling untruths about how it decided there should be unbalanced coverage of climate change and many other things, so we know the sort of prejudices such bodies have.

[Mr Lilley]

Lord Leveson specifies only one item of the code that the new body should contain. He says that it should "equip" the

"body with the power to intervene in cases of allegedly discriminatory reporting and in so doing reflect the spirit of equalities legislation."

The body will be a politically correct one, enforcing politically correct standards on the media and press.

The body will also have the power to establish a

"ringfenced enforcement fund, into which receipts from fines could be paid, for the purpose of funding investigations."

It will therefore have an incentive to levy fines, and in that way it will carry out investigations to increase and enhance its power and control over the so-called independent regulator.

Chris Bryant: Will the right hon. Gentleman give way?

Mr Lilley: I am afraid I will give way only if the hon. Gentleman apologises for the way in which he has traduced my right hon. Friends.

Chris Bryant *rose—*

Mr Lilley: No. I am not giving way to the hon. Gentleman.

The House should think seriously about setting up a body of statutory supervision that has detailed and substantial powers to influence how the so-called independent regulator behaves, and that has an incentive to enhance, increase and make more detailed that interference in regulation. The House will have no direct control over it, so it will therefore be an abnegation of the House's duty.

The free press is vile, but it is better to have a free press with all its failings than to have a state-controlled and regulated press. I hope we do not go down that route.

5.33 pm

Mr Elfyn Llwyd (Dwyfor Meirionnydd) (PC): As hon. Members know, the press of late have come in for some knocking—justifiably—for scandal, corruption and illegal practice, but it is also obvious from the inquiry that urgent action needs to be taken to restore the public's confidence in the media. I do not intend to dwell on the reasons for the inquiry because all hon. Members agree on them. We also agree that it is vital that freedom of the press is maintained and upheld, as it is in any strong democracy, but I was glad that the inquiry did not shy away from controversy, and that it recommended, in effect, a regulatory body whose independence is guaranteed by law. We have heard fine speeches from hon. Members on both sides of the House—there are entrenched feelings on both sides, and this debate is an important one.

Unlike wholly independent regulation, regulation by either the state or the media would clearly fail to be truly accountable. At the same time, it is vital that we do not throw out the baby with the bathwater, so protecting freedom of expression and high standards of journalism is non-negotiable. Much attention has been paid recently to the kind of model we could look at for the regulated body. Something similar to the Office for Judicial Complaints or those bodies overseeing medical practitioners, vets, barristers or lawyers, have been suggested by some. There is, of course, a crucial distinction. They are licensed and, because they are licensed, they are entitled to practice, and that is an entirely different thing altogether. Incidentally, all those bodies are creatures of statute and nobody says that they interfere politically with anybody delivering services. However, I would think that every journalist would baulk at having to be licensed, and naturally so.

We need something to replace the Press Complaints Commission, which palpably has failed over many years to deliver. It has been characterised by lack of teeth and ineffectual compromises and, in addition, it has only covered the actions of the press that have opted into the system. Some serial transgressors decided to opt out and redress against them was then limited to the libel courts, access to which was unaffordable for many people—indeed, the vast majority.

We have heard about the Irish model. Although that is not a statutory body, it is recognised in legislation—the Defamation Act 2009. It has the power to deal with complaints made against its member publications. There is also a press complaints ombudsman, and both the ombudsman and the Press Council of Ireland are funded by a levy paid by each member title, based on circulation. Member titles of the PCI become members on a voluntary basis and are subject to a code of practice. Interestingly, as has been mentioned, all UK newspapers that also publish in Ireland have joined the PCI, and that includes even those that now oppose what they think is statutory regulation in the UK. During the inquiry, oral evidence was heard from many corners. A number of individuals suggested that the PCI could be a model to be replicated in England and Wales, and that it is recognised by statute, but not set up by statute.

The PCC is UK-wide. It is confusing, however, that despite servicing all parts of the UK, the PCC, which is based in London, states on its website:

"Newspapers from all four countries circulate across borders and are often owned by the same companies. Separate PCCs…would lead to confusion…as well as considerable additional expense."

It is disheartening that the Prime Minister has hitherto hinted that he is reluctant to follow suit and implement the findings of the inquiry in total. Supporting regulation in principle is not enough. Changes must be implemented in practice for there to be a meaningful change. We have heard about 70 years and seven attempts and so on, but central to any new system must be access to restitution, and a simple and easy-to-navigate complaints process.

In his statement to the press last week, Sir Brian Leveson chose his words very carefully. He pointed to the elephant in the room: the internet and Twitter, which is another issue that we will have to look at in the not-too-distant future. I would welcome comments from Government Members on how we can tackle that anomaly.

Lord Leveson's inquiry was a careful and thoughtful process, and its recommendations have been reached by hearing a vast amount of evidence. Sir Brian has said that statutory underpinning is vital. He was at pains to say that freedom of the press was vital, and that freedom from political interference is, of course, extremely important. On statutory underpinning, he said:

"What would the legislation achieve? Three things. First, it would enshrine, for the first time, a legal duty on the Government to protect the freedom of the press. Second, it would provide an

independent process to recognise the new self-regulatory body and reassure the public that the basic requirements of independence and effectiveness were met and continue to be met; in the Report, I recommend that this is done by Ofcom. Third, by recognising the new body, it would validate its standards code and the arbitral system sufficient to justify the benefits in law that would flow to those who subscribed; these could relate to data protection and the approach of the court to various issues concerning acceptable practice, in addition to costs consequences if appropriate alternative dispute resolution is available."

He goes on to say:

"Despite what will be said about these recommendations by those who oppose them, this is not, and cannot be characterised as, statutory regulation of the press."

Eric Joyce (Falkirk) (Ind): We have heard a great deal about the great and good so far in this debate, and it has been interesting, but does the right hon. Gentleman think that sometimes Leveson might just say something—it might actually be so—but that we might take a different view?

Mr Llwyd: Having read large parts of the report—it is a carefully constructed document that has evaluated the evidence—I take Sir Brian Leveson at his word. I do not see what benefit would accrue to him if he said something he did not believe to be true, and I do not think for one minute that he would say that.

Eric Joyce: We just might disagree.

Mr Llwyd: Others may disagree, of course—that is why we are having the debate. I respect the fact that others may disagree—that is what debate is all about.

Personally, I do not quite see the merit in the current debate being about "non-statutory" or "statutory". It seems to me that there will have to be some form of legislation in any event. Some argue that because the head of Ofcom is appointed by Government, choosing Ofcom or a similar body as the underpinning regulatory body—or, say, a version of it—could lead to political interference. I had a debate on the radio on Friday with the ex-head of legal affairs at the *Telegraph*—a man I have known for many years and whose views I respect. He proposed the notion that involving Ofcom amounted to possible political interference. I asked him for examples of where Ofcom had acted politically in the past. I am yet to hear of any example of where that may be the case. Sir Brian's proposals are clearly well thought out and the exact opposite of "bonkers". The Government should adopt them in full.

Stephen Williams (Bristol West) (LD): The right hon. Gentleman has just confirmed what I was hoping he would say—that he feels that the proposals are not bonkers. We have all been written to by Christopher Jefferies on behalf of the Hacked Off campaign. He is a constituent of mine and someone I have known for over a decade. He was arrested, during which time he was traduced by the national newspapers, something he has said was the worst period of his life. He asks us to endorse Lord Leveson's proposals. Does the right hon. Gentleman agree?

Mr Llwyd: Yes, I do—that has been the theme of what I have been saying for the last seven minutes. *[Interruption.]* The hon. Gentleman has got his intervention in and that is quite important. However, I say with respect that I agree. We have all received letters from families and individuals who have suffered immensely at the hands of the press of late. I therefore welcome the proposals. We owe it to all those families and individuals to get it right, because if we in Parliament fail to grasp the nettle for the eighth time in 70 years and do not put matters right, it will be tantamount to letting them down very badly indeed and turning our backs on this historic opportunity.

David Simpson (Upper Bann) (DUP): Does the right hon. Gentleman believe that the Leveson recommendations contain sufficient protection for whistleblowers?

Mr Llwyd: Surely it is up to us as parliamentarians to ensure that we build those protections in. There are many important core things that we need to ensure. For instance, we need to ensure that people's sources are kept in the private domain, and there are many other things that we need to do. Those are the details that we shall have to go through carefully in the coming weeks.

Like the press, we Members of Parliament are now held in low esteem, because of the scandals involving some Members. Failure to deal decisively with this problem without fear or favour will plunge us into further and deeper opprobrium, and we will deserve it.

5.44 pm

Zac Goldsmith (Richmond Park) (Con): We are having today's debate because the current system of media self-regulation has not only failed, but failed spectacularly, again and again. I suspect that the majority of Members in the Chamber agree on what now needs to be achieved—in other words, the outcome. Where there are differences, they relate to the method of delivering that outcome. An editor of the "ConservativeHome" website—a vehicle that has been vociferously opposed to any kind of legislation—wrote a few days ago, just before the report came out:

"What's needed post-Leveson is a settlement that helps…ordinary victims…That's a new, non press-run complaints body with the power to fine and punish papers—which is, none the less, independent of the state."

I agree with that absolutely, and I am sure that most other Members do. The question is: can we achieve that without legislation? I do not think that we can.

I question some elements of the Leveson report, which I will come to in a moment, but I do not accept the hyperbole emanating from those media commentators who are opposed to change. Nor do I think it responsible for otherwise serious papers to imply that those MPs who advocate some form of regulation are motivated by self-interest. I think we can all agree that *The Daily Telegraph* was scraping the barrel when it accused my right hon. and learned Friend the Member for Kensington (Sir Malcolm Rifkind)—who is not in his place at the moment—of taking revenge on the media because he had been criticised for supporting the poll tax in 1990. I do not know my right hon. and learned Friend particularly well, and there are many issues on which we disagree, but it strikes me as unlikely that he would harbour a grudge for 25 years over something so routine.

We have been told that any form of legislation would irreparably damage the ability of the press to do what it does best—uncovering corruption, exposing hypocrisy, holding the elite to account—and that our democracy

[Zac Goldsmith]

would be impaired as a result. However, no serious commentator, and no MP, is advocating any measure that would weaken the scrutiny of elected representatives or hand them any control over the press. At most, some MPs are calling for statutory recognition of an independent regulator. We want something that looks like the Press Complaints Commission but that is not controlled by the very people it exists to regulate—in short, a PCC that is independent of the media and of politicians, and that has the power to impose fines and demand apologies.

None of this is inherently new. There is nothing new about fines—the *Daily Mail* and the *Daily Mirror* were both fined this year for contempt of court—and the principle that journalists and newspapers should abide by a code of practice is well established. It has been accepted by editors and proprietors for decades, since the editors' code of practice came into being. The difference is that a new code might be more than simply a fig leaf.

Some commentators argue that a new statute would provide a greater opportunity for a future authoritarian Government to gag the press. That is an illogical argument. A statute can be drafted to prevent amendment other than by fresh primary legislation, which would leave a future Government in exactly the same situation as the one we are in today. Regardless of that, however, it is a basic fact of democracy that with enough votes, any Government can pass any law they like, as the right hon. and learned Member for Camberwell and Peckham (Ms Harman) pointed out earlier. I suppose that that is one of the downsides of any democracy, as well as one of the upsides.

Jim Dowd: One of the principles of this place is, rightly or wrongly, that Parliament is sovereign, but is it not an act of the grossest deceit and vanity for any Member to claim that, magically, we are noble but that those who come after us might not be?

Zac Goldsmith: The hon. Gentleman makes a good point; I agree with him.

A new statute to make independent regulation effective would improve investigative journalism, if it included express public interest defences. It would ensure that when the ends were in the public interest, the means would be justified. The example of *The Daily Telegraph* has already been cited, but I will give it again. The information that led to the expenses scandal was illegally accessed, but it was so obviously in the public interest that no one has ever challenged the newspaper. Theoretically, it could have been challenged. We now have an opportunity to protect journalists engaged in that kind of activity.

Let us not pretend that the state does not already influence the media; it does. There are countless laws relating to the press, a number of which—defamation and contempt, for instance—bear directly on the content of newspapers. What is more, despite arguing vigorously against any form of state intervention in the media, Lord Black and Paul Dacre have both advocated the use of legislation in their own submissions to Leveson. Both advocated a tribunal that could hear defamation and privacy cases and protect newspapers from high legal costs and damages, and both acknowledged that that would require statute. It does not follow that legislation would inhibit journalism. For example, Finland, which has been No. 1 on the world press freedom index in eight of the past 10 years, has a system of independent press regulation backed by statute. In 2003, it passed a law that gave people a right of reply and gave publications a duty to correct.

Television has a far higher level of regulation than anything I—indeed, most people in the Chamber—would endorse for newspapers, but it is worth noting that, no matter what survey we choose to look at, we see that television remains the country's most trusted medium. Neither is television journalism cowed. Every Government, more or less without exception, have taken issue with the BBC, fought with the BBC and actively disliked the BBC. In addition, many of the recent high-profile exposés—for example, of Jimmy Savile, Winterborne View, of "The Secret Policeman", racism in Polish football and so on—came from television.

Those who oppose any form of legislation have genuine fears, and I absolutely do not seek to discount them or pretend they do not exist. Good regulation would, I believe, improve our newspapers without inhibiting any public interest journalism; bad legislation would do immeasurable harm. There is room here to get it very wrong.

I want to point briefly to what I believe is a mistake made by Lord Leveson. The same "ConservativeHome" editor I cited earlier made a statement that I thought risible at the time. He said:

> "Essentially, they",

meaning advocates of legislation,

> "want to create a climate of opinion in which, for example, doubt can't be expressed about whether global warming is driven by human activity."

Having read much of the Leveson report, although I admit not all of it, I have some concerns. Instead of confining himself to protecting the victims of newspaper smears and malpractice—Christopher Jeffries, Milly Dowler and so forth—I believe Lord Leveson has strayed beyond his brief. Let me quote directly from the report:

> "Overall, the evidence in relation to the representation of women and minorities suggests that there has been a significant tendency within the press which leads to the publication of prejudicial or pejorative references to race, religion, gender, sexual orientation or physical or mental illness or disability…A new regulator will need to address these issues as a matter of priority, the first steps being to amend practice and the Code to permit third party complaints."

The rumbustious, politically incorrect and sometimes irresponsible—and, in my view, occasionally, appalling—approach of the tabloids is not to everyone's taste, but in an open society, it is part of the rough and tumble of free expression. I know I am not in a minority on either side of the House when I say that we must never make it possible for lobby groups with their own political agendas to suppress free speech. Unless there is an individual victim with a legitimate grievance, the regulator has no business interfering.

Rory Stewart (Penrith and The Border) (Con): Could my hon. Friend produce an example of such a system somewhere other than Finland and Ireland? One of the problems of this debate is that it is difficult to point to a country such as the United States, France or Germany where such a regulator exists, but perhaps I have misunderstood.

Zac Goldsmith: I sense that an answer is bubbling up in the speech we will hear from the hon. Member for Rhondda (Chris Bryant). I cannot answer my hon. Friend's question, as the examples I have given are the examples I know, but it does not change the principle. In effect, we are effectively talking about taking the editor's code—a code written up by the editor—and giving it teeth. What I cannot understand is why the media commentators who so viciously oppose any kind of legislation would oppose putting into law something that they themselves have deemed okay and appropriate because they have designed it themselves. There is a break in the argument there that I am yet to understand.

I will actively support the creation of a genuinely independent regulatory body, backed up in law, that exists to even the playing field, so that newspapers can be held to account for their behaviour, so that individuals can seek fair redress and so that the code can be seen as real and not, as it is today, synthetic. I would not support a Bill that went beyond that. In common with the right hon. and learned Member for Camberwell and Peckham—I mention Peckham and the other lovely part of the constituency—I support the creation of a slim Bill that guards against slippage and creep, but which does the job.

Finally, I want to make a suggestion. When the Secretary of State meets editors tomorrow, I urge her to ask them to develop a proper plan—not the already and widely discredited Hunt and Black proposals, but a real plan—and then to present it early next year, in January or February. Parliament should then be invited to decide in a free vote—in my view, it must be a free vote—whether the plan goes far enough. If we decide that it does, that is the end of the matter. If we decide it does not, we would commit ourselves to creating a new PCC backed up by statute. As a means of avoiding division in this House, which my right hon. Friend the Secretary of State has said she wishes to avoid, over such a complex and highly sensitive issue, I can think of no better mechanism.

5.54 pm

Jim Dowd (Lewisham West and Penge) (Lab): It is a pleasure to follow the hon. Member for Richmond Park (Zac Goldsmith), who made what I thought was a cogent and clear statement of the case. Although I did not agree with the conclusions that the Secretary of State has reached—let us hope, pro tem—I strongly share her view that there is not that much between most Members about what needs to be done about the conduct of the press. I agree most strongly with the views expressed by the right hon. Member for Dwyfor Meirionnydd (Mr Llwyd) who said that if there is a conflict between the victims of the press and the owners of the press, this House must come down clearly on the side of the victims.

Members have spoken from their own personal experience—I, too, have had my private life dragged through the pages of the tabloids. As a holder of public office—I was a member of Lewisham council for 20 years before I came to this House 20 years ago—I might be regarded as fair game, but other members of my family and my friends did not stand for public office, and none of my election literature ever featured any of them. It was not because I was ashamed of them, but because I was not asking anybody to vote for them. I was asking people to vote for me, and the wise people of Lewisham repeatedly did so over the years.

I am prepared to take a bit of rough and tumble myself, but one of my daughter's friends had her school staked out by journalists from one particular tabloid, which I think is absolutely unforgiveable. People in that situation need not just our sympathy and warm words but our protection, and we need to formulate a system so they can obtain it. I disagreed in a number of ways with the right hon. Member for Hitchin and Harpenden (Mr Lilley). We do not need just a punitive system, but a preventive system—not one where people can get redress, but where they are protected in the first place from having to undergo these traumas.

Let us not forget where the origins of the Leveson report lie. Most Members will recall the famous publication by a chap called Peter Burden—"Fake Sheikhs and Royal Trappings", a story about the *News of the World.* In one part of the book, he recounts a conversational exchange with one of the journalists at the newspaper. Let me stress, however, that anybody who believes that the *News of the World* was a one-off and that the problem has now been solved is living in a dream land. This shows the way the tabloid press behaves. The conversation culminated with a Mr Greg Miskiw—currently, I believe, before the courts, awaiting trial for illegally accessing telecommunications—saying:

"that is what we do—we go out and destroy other people's lives."

That is clearly the most damning statement in the book, but it goes on. A particular reporter left the *News of the World*, it says, but

"nothing changed. Over many years the paper has set out deliberately and without compassion to destroy other people's lives in order to sell newspapers. The supreme discomfort of others is meat and drink to the paper, and the extent to which they hurt people concerns them only as far as the cost of any damages that might subsequently be claimed. Cynical judgements are made about the price of knowingly committing some actionable offence, assessing what a likely settlement would be, and balancing that against the anticipated increase in sales."

That is the morality of tabloid journalism—and it is and has been rife throughout the industry.

I will say that those excesses have been curbed to some degree in recent years—or certainly in the most recent year. Since the establishment of the Leveson inquiry, there has been a marked improvement in behaviour, but only because of what Leveson might bring forward. If they can get round this hurdle, they will go back to doing exactly the same again in the future.

Mr Tom Watson (West Bromwich East) (Lab): My good friend raised an important point when he quoted Peter Burden. Does he agree that perhaps the most extreme example is the case of the late Princess Diana? We will all welcome the news that the Duchess of Cambridge has announced that she and Prince William are expecting their first child. Do we also think that the press should observe their recent conversion, and give the couple the privacy that they deserve in the early days of the pregnancy?

Jim Dowd: I am hardly likely to disagree, am I? *[Laughter.]* Good luck to them, and so say all of us. I am taken aback by the sheer irrelevance of the question. If I may, I will get back on track, and return to the subject of the conduct of the press.

The Press Complaints Commission has never been a natural arbiter or umpire in these matters. It has always been the creature of the newspapers and their proprietors,

[Jim Dowd]

year after year, but it has not always been so staggeringly ineffective. Examples that I have heard in the recent past of the sheer ineptitude and incompetence of its leadership indicate that any future statutory body, or whatever we call it, should not include anyone who has ever been connected with it. It has betrayed the British public by pretending that it can police the excess of the press and failing dismally to do so, and by failing so dismally, it has encouraged the worst excesses of the tabloid press.

After last Thursday's statement, my good friend—although not in political terms, as he sits on the other side of the House—the hon. Member for Maldon (Mr Whittingdale), the Chair of the Culture, Media and Sport Committee, and I attended the same event in the City. We spent the best part of 20 minutes arguing animatedly about the Leveson report and our responses to it. The hon. Gentleman and I have different views, but most of those 20 minutes were occupied by an argument that is one of the features of this place and the Members in it: we were arguing over whether he agreed with me or I agreed with him. We were both seeking to achieve the same thing.

As others have said, legislation will result from Leveson, and so it should. This is the first of many debates on the subject. We need to apply ourselves, with the best of intentions, to describing exactly what that legislation should be. As others have already declared, it should be minimalist but also robust. It should give and guarantee freedom to the independent press regulator, and also enable it to do its job.

The idea that the press can be trusted is a strange one, because all the evidence has shown that they cannot. Not only do they believe that they should be left to their own devices—that they are above control and regulation—but they openly flaunt the fact that they believe that to be the case. Last week, *The Spectator*—a magazine which, I am led to believe, is much read by Members on the other side of the House, although I have to say that I have read it myself on occasion—stated:

"If the press agrees a new form of self-regulation, perhaps contractually binding this time, we will happily take part. But we would not sign up to anything enforced by government. If such a group is constituted we will not attend its meetings, pay its fines nor heed its menaces."

However—and we can all be grateful for this—

"We would still obey the (other) laws of the land."

How very generous! How very kind! How very noble! Perhaps we should ring *The Spectator* once a week and ask, "Which laws do you want to abide by this week? Which laws do you want to abide by next week? Which laws do you not care for and will have nothing to do with?"

The Spectator went on to say:

"But to join any scheme which subordinates press to parliament would be a betrayal of what this paper has stood for"

in all the 15 years

"since its inception in 1828."

I added the bit about the 15 years—it is not actually there—but, by *Spectator* standards, it is not much further forward than that.

What those people are basically saying is that they are above the law. This Parliament and the British people can say what they like, but if it does not meet their approval, they will not abide by it. That is the calibre of the people with whom we are dealing, and we cannot trust them to act in the public interest.

Eric Joyce: I suppose that what *The Spectator* and its editor meant was that they would not take part in that whole structure, and so they would then be regulated directly by Ofcom as per the recommendations of Leveson.

Jim Dowd: They cannot possibly have meant that; otherwise they would not have alluded to all the "other" laws of the land. They meant that this would be a law of the land, and that they would not obey it.

Why do we have the rule of law? What is the purpose of this place? As far as I am aware, everyone in this place is united in believing in the rule of law, but what does the rule of law do? Predominantly, it protects the weak and not the strong. If there were no law, the strong would always get their way, by force if necessary. The weak are defended by the law. It provides the only way in which they can seek any redress, and Lord Leveson's report—certainly in terms of its advocacy of a new method of dealing with the press—is empowering to those who currently cannot obtain the justice that they deserve.

Given what the rule of law does, it is no surprise that the strong—in the shape of the press barons, media moguls or whatever we wish to call them—are demanding that there should not be a law, because they know that it will curb their power. I do not mean their power to observe and comment as they see fit; no one is talking about a commissar to sanction every single item that goes into a national or a local paper. We are talking about regulating the way in which those people conduct themselves, and, more particularly, the way in which they treat the other citizens of these islands.

As I said earlier, if there is a dispute between the rich and powerful and the weak and powerless, it is the duty of this House, and certainly of those on this side of the House, to stand up for the latter.

6.7 pm

Mr John Leech (Manchester, Withington) (LD): I am grateful for the opportunity to speak about such an important issue as the future of press regulation. However, I am disappointed that following the publication of the Leveson report, the media have sought to render the debate as an attack on free speech rather than an attempt to ensure that there is proper redress for the innocent victims who have been bullied and abused throughout this whole affair. We owe it to the victims of these scandals to debate Lord Justice Leveson's proposals principally with them in mind.

In the run-up to the report's publication, the Deputy Prime Minister stated that

"assuming he"—

that is, Lord Leveson—

"comes up with proposals which are proportionate and workable, we should implement them."

I believe that these proposals are proportionate and workable. Similarly, the Prime Minister said that if the Leveson report was "not bonkers", he would implement it. I also believe that the report is not bonkers, and that it is right for the Government to implement its core principles.

Lord Justice Leveson has suggested tough, independent regulation that will maintain a raucous and vigorous press while at the same time ensuring that the innocent victims of press intrusion have access to justice. This is independent regulation, free of the press and free of the politicians. It is a careful balancing act that can ensure the freedom of the press, and also fair recourse for those who have been wronged by the press.

During the inquiry, the Deputy Prime Minister set out in his written evidence six core principles that would have to apply to a new regulatory system. They were independence from both Government and the media; better protection for journalists acting in the public interest; powers to initiate investigations rather than just complaints; meaningful penalties, whether financial or non-financial; a third-party right of complaint; and membership of all relevant organisations, given that some major news producers have chosen to operate outside the current regime. The question for me is this: do Lord Justice Leveson's proposals encapsulate those six principles? I believe that they do.

Lord Justice Leveson proposes a system of voluntary independent self-regulation overseen by an independent board. The board's membership would be appointed in a fair, open and transparent way, and would contain a majority of members who are demonstrably independent of the press, with no serving editors. In order to provide sufficient incentives for the press to join the regulator, however, we need to strike a balance between the incentives and disincentives. In order for the incentives to work, it is essential that there is law to underpin the independence of the regulator and also to allow the courts to take membership of the regulator into account when deciding what penalties are required in cases of wrongdoing.

I understand that some Members are wary of using legislation, but Lord Justice Leveson's proposals do not, and will not, result in state control of the press. Legislation will simply secure the following: continued independence of the media; routine external checks by an independent commissioner, to make sure the regulator or regulators are doing their job properly; and strong incentives for newspapers to sign up to a recognised regulator, including access to a fast, cheap and effective process to resolve disputes and enable victims of press abuse to seek redress. If any newspaper refused to sign up to an approved regulator, it would face higher costs and fewer legal protections. A similar system of statutory incentives is operating in Ireland, which the majority of newspapers—including those who have shunned the Press Complaints Commission here—have signed up to.

Does such a system attack free speech? In my view, it absolutely does not. It simply provides recourse for people who have been treated unfairly by the press. As a Liberal, I firmly believe in a free press that holds the powerful to account and is not subject to political interference, but a free press does not, and must not, mean a press that is free to bully innocent people or abuse grieving families. People who feel they have been mistreated by powerful newspapers need to know there is somebody prepared to stand up for them and investigate their complaints, independent of any interference.

There is a certain irony in the press arguing for free speech. I am one of a number of Greater Manchester MPs who are asked to write opinion columns for the Trinity Mirror-owned *Manchester Evening News* each Monday. Last week was my slot, and, given that the Leveson report was due to be published, I thought it appropriate to comment on the inquiry and give my opinion. How ironic, then, that the *Manchester Evening News* refused to print my personal views on press regulation, because it did not think my opinions were appropriate—or, rather, because they were not in line with Trinity Mirror Group's opinion. So much for the press commitment to free speech!

Richard Drax (South Dorset) (Con): In which case, should that paper be punished?

Mr Leech: I am not for one second suggesting the newspaper should be punished. I am merely suggesting that it is rather ironic for a newspaper publisher bleating about free speech not to allow an opinion to be published in its newspaper, in what is supposed to be an opinion piece by an MP from the local area.

Is the proposed system a slippery slope to state regulation? Newspapers are suggesting that a future Government could legislate further and introduce state control. That is a red herring. A future Government could start the process from scratch and introduce state control. However, setting out the independence of the regulator in law actually makes it more difficult to introduce state control, because the independence of the regulator will already be enshrined in law.

Opponents also argue that Leveson's model of regulation would not have stopped the hacking and the serious criminal behaviour. That is certainly true, but if proper independent regulation had been there in the first place, newspapers would never have built up a culture of invulnerability and an attitude that they could do whatever they wanted. While an independent regulator would not have directly stopped criminality, I believe it would have stopped the culture that resulted in that criminality.

Finally, I return to my first point about the debate being about the innocent victims. If we implement the Leveson recommendations, can we seriously look the victims in the eye? The answer is clearly yes, we can. I fear that without Leveson, we cannot.

Mr Raab: Will the hon. Gentleman give way?

Mr Leech: I will not.

Last week Leveson called time at the last chance saloon. The new bar for the press must be a free house—free of the press and free of the politicians. Leveson's recommendations would achieve that, and we need to get on and implement them.

6.15 pm

Mr David Blunkett (Sheffield, Brightside and Hillsborough) (Lab): I have a registered interest, including in respect of News International. My family are in receipt of damages from News International, and I am also a key witness in a forthcoming trial. I have been a victim, but I will not go through the details tonight, because anything I experienced was as nothing compared with what happened in the very high-profile cases involved missing children and the death of children, and it would be unthinkable to draw any comparison. In any case, I have eschewed making any remarks publicly about what happened to me in order not to rerun what happened, for the sake of the people who were involved and were closest to me.

[Mr David Blunkett]

Suffice it to say, on a slightly lighter note, that in more than 50 cases I succeeded in getting retractions, and I was able to get some limited redress. However, as Lord Leveson pointed out, that was because I could afford to go to law. In most cases, I was unable to get any redress through the Press Complaints Commission. On 20 August 2008 *The Guardian* published a diary piece which said my lawyers were the fastest in the west and mentioned Sky TV, Mirror Group and News International, all major media organisations with which I have had dealings over the last eight years, and which have had to apologise or cough up in one way or another. None of what happened was edifying, however, and I would not want anybody to go through what I went through.

In some respects, what happened was more to do with morality and decent professional standards than with regulation. As well as all the print newspapers, I had a right time with Channel 4 over More4. Ofcom was equally useless. I had a real problem with the BBC, too, which reported that guns and drugs had been found in my house—the story was not about me at all, of course—and that I had been partying with a high-profile woman all night who then attacked her husband, when in fact I had left her at 6.15 after having had a cup of tea.

All of us in public life face such situations, of course. What we are now trying to do—and what I hope we will be able to do—is achieve something very much better for people who do not have the same opportunity of redress that I had, or who have never stood for public office or put themselves on the line in that way.

I want tonight to address what happened pre-Leveson and where we should go post-Leveson, about which I have not spoken since Thursday afternoon. As has been said, pre-Leveson there was some hyberbole, and many things were said on all sides that upped the ante. The Leveson recommendations are different from what people expected, however, and so much so that as Shami Chakrabarti moves one way, I am moving the other. On hearing her this morning, I was slightly confused about quite where she was, and I was also confused tonight about quite where the Secretary of State was.

I think that those who have taken different sides on this matter are so close together that if we take a step back, we will find a way forward. The Secretary of State has indicated that if the media do not accept in full the Leveson principles in respect of the establishment of the independent regulator—the board—the Government will be prepared to act. I presume that means that the Government will take legal steps. If they are prepared to do that, and as the official Opposition and the minority coalition partner have already indicated that they would be prepared to act, we appear to have, across the coalition and the Opposition, a stated principled position that when media representatives meet the Secretary of State tomorrow, they will have to agree to the full Leveson principles in relation to the new independent regulator.

That brings us not so much to underpinning as to oversight, because not only do we have to establish some way of providing the panel that will appoint the independent regulator, which could perhaps be done through the Commissioner for Public Appointments—a key recommendation—but we then need to translate whatever that panel might be into an oversight recognition body that will actually be able to take the annual report from the independent regulator and assess whether that regulator is standing up to its own laid down code and standards.

I am against that oversight body being Ofcom, partly because it is a regulator. I was trying to work out in my head over the weekend how to ensure that we do not have a regulator of a regulator, because otherwise we will have regulation. Ofcom is a regulator, so let us try to find another mechanism as an oversight and recognition body that is so light touch that not even the most vehement opponent of what Leveson was supposedly going to say could now believe that Leveson's actual requirements and recommendations take us down the road of the statutory regulation of the press. Clearly, they do not.

There are major issues around data protection which I am sure can be negotiated, with solutions found. If we can get to a point where everyone is agreed on the principles that have been laid down for the independent regulator, which is actually independent, and on a mechanism for getting the membership of that body in place, we can then ensure that we have the oversight that is necessary and that people in this House seek. There would then be a chance that we might have cracked it.

I do not have a final answer; as the child said, "Mother, if God made us, who made God?" I have been struggling with that question ever since I was a Methodist in Sunday school, but we are going to have a find a solution to it, one way or the other. I think it is possible to do so with good will, but there has not been a lot of good will. I have been as careful as I can in what I have written and spoken about, and I am now convinced that we can avoid underpinning through that oversight. However, that will take people sitting down in the next few weeks and being prepared to bury the hatchet and put behind them what was said prior to last Thursday. If we can do that, we will have achieved a great deal, and not on our behalf and not in terms of revenge. Looking back over our shoulder and seeking revenge is not like sending an e-mail; it actually rebounds on us. That is why I have not, in any way, been bitter about what has happened to me, because we have to get on with life, rather than constantly reflect on the past.

At the moment, we live in a emotional, retro society, where we are very much looking over our shoulders to the misdemeanours and catastrophes of the past. I am therefore simply making a plea tonight that we pick up Leveson, deal with those things we can agree on and move on to the future. We will thus retain an independent, vigorous, sometimes extremely aggravating and sometimes unpleasant media, but we will do so with the kind of oversight that will protect people, by their own code and their own lights, from the kind of horrors that have been demonstrated in front of the Leveson inquiry.

6.23 pm

George Eustice (Camborne and Redruth) (Con): I, too, begin by drawing attention to my entry in the Register of Members' Financial Interests. I receive remuneration for a regular column in *PR Week*—but hon. Members will realise that that has not had any influence on my opinions on these matters.

A number of hon. Members have alluded to the long history of failure on this issue. I am conscious that I have only 10 minutes in which to speak, but I do wish to reflect on some of that history because the House has not always been very good at learning from the mistakes of the past. This story begins in 1949, with the first royal commission advocating the setting up of a royal commission and saying that Parliament should do something about the issue. Four years later nothing had happened, so the Labour MP C.J. Simmons, a former journalist, introduced a private Member's Bill, which forced the industry to say that it would now act. In withdrawing his Bill, he said:

"I give warning here and now that if it fails some of us will again have to come forward with a Measure similar to this Bill."—[*Official Report*, 8 May 1953; Vol. 515, c. 806.]

In 1962, a second royal commission told the press that it needed to toughen up self-regulation:

"We think that the Press should be given another opportunity itself voluntarily to establish an authoritative General Council…We recommend, however, that the government should specify a time limit after which legislation would be introduced."

In 1977, there was a third royal commission on the press, after more failure. It said:

"We recommend that the press should be given one final chance to prove that voluntary self-regulation can be made to work."

Let us fast-forward to 1990 and the Calcutt committee. At the time we were told:

"This is positively the last chance for the industry to establish an effective non-statutory system of regulation".—[*Official Report*, 21 June 1990; Vol. 174, c. 1126.]

In 1993, the Calcutt review said that the Press Complaints Commission was not effective and recommended a tribunal backed in statute.

Jacob Rees-Mogg: I wonder whether my hon. Friend could describe the problems that these great reviews were looking at. We now look back at what was happening in the '40s, '50s, '60s and, in particular, the '70s, when my father was editing a national newspaper, as great examples of fine newspaper work, so what were these commissions dealing with? Is it not actually unnecessary to keep on quoting from these reports, because there was not a real problem in those days?

George Eustice: Each and every one of those commissions and inquiries was sparked by the abuse of unaccountable power, and I would say that that is what we are seeing today. People sometimes say, "It was a newspaper that exposed phone hacking." They are right—one newspaper exposed phone hacking—but Lord Leveson is very clear on this: none of the other papers exposed it, and there was almost a conspiracy of silence. He says:

"There were what are now said to be rumours and jokes about the extent to which phone hacking was rife throughout the industry, but (with one sole exception) the press did nothing to investigate itself or to expose conduct which",

if it had involved anybody else,

"would have been subject to the most intense spotlight that journalists could bring to bear".

That one exception was Nick Davies from *The Guardian*, who wrote a story on 9 July 2009 saying that the huge scale of the settlements being paid to some people in respect of phone hacking suggested that a cover-up had taken place. What did the Press Complaints Commission do about it? Did it then think, "Perhaps we should take a second look at this and investigate it"? No, it did not. As Lord Leveson points out, the PCC "condemned the Guardian" for running the story, which is extraordinary. I think that the Leveson report was a good report.

Mr Lilley: My hon. Friend has criticised the press for the fact that insufficient of them exposed hacking, but can he confirm that the Leveson report—if implemented in full, as he supposes—would not have stopped this sort of hacking, and would not expose it and would not have powers to do so, as Lord Leveson makes absolutely clear? So what is the relevance of my hon. Friend's argument?

George Eustice: I do not think Lord Leveson does make that clear. The new body that he recommends would have powers of investigation, and that would deal with the culture which led to this criminality.

The central recommendation of Lord Leveson's report, which we must not lose sight of, is this:

"In order to give effect to the incentives that I have outlined, it is essential"—

not preferable or helpful but essential—

"that there should be legislation to underpin the independent self-regulatory system".

I agree with Lord Leveson on that, because throughout his inquiry one question simply would not go away: how do we make a reality of independent self-regulation without some kind of underpinning in statute? In other words, "How do you create the incentives to be part of a body that can fine you and deliver stiff penalties against you?" There was no question but that Lord Hunt and Lord Black failed to answer that test. At one point, Lord Black was suggesting that we could perhaps restrict membership of the Press Association and that people who did not sign up to this new body could be denied access to Government briefings or to accreditation for events. That would be very much a closed shop system, which Lord Leveson completely rejects.

The truth is that to make this work we will need some kind of statute, because the contract system outlined by Lord Hunt would be inherently unstable. It was suggested that the contracts should last for no more than five years, but such contracts, which require what the legal profession calls a constant supervision, are very difficult to enforce in a court. After five years, newspapers would walk away from that system and we would be in the same boat as we are in now.

If the industry has failed to come up with an answer that does not require statute after 18 months of thinking about it, what does the Secretary of State think that it will come up with in the next six weeks? I am deeply sceptical that it will come up with an answer.

Alun Cairns: My hon. Friend and other colleagues have made much about the need for a change of culture, but does he not accept that we cannot legislate for that? Culture must be dealt with by agreement from all parties.

George Eustice: I agree and I am coming on to that point. We will deal with the culture by having a credible regulator, not by saying that the police should be kicking down the doors of newsrooms as a matter of routine.

[George Eustice]

Let me tackle some of the myths. The Prime Minister said that by introducing such legislation, we would be crossing a Rubicon. As many other Members have pointed out, that argument is incorrect. We already have a Defamation Bill going through this Parliament that has cross-party support and even the support of the press. If the principle of legislation is in itself inimical to liberty and freedom, where were the freedom fighters when that Bill was going through? It was passed on Second Reading without even a Division.

Section 12 of the Human Rights Act 1998 refers to freedom of speech so, as the right hon. Member for Blackburn (Mr Straw) pointed out, such a provision has already been accepted. Some say that mentioning the idea of freedom of speech in a Bill compromises it because a future statute could take it away, but we already have it in the Human Rights Act. The US has the first amendment, which is a statute that protects freedom of speech. The Government rejected the same argument when they introduced the Bill that became the European Union Act 2011, when many Government Members said that a sovereignty clause meant losing one's sovereignty. The argument was not accepted at that time and we should not accept it now.

Some say introducing legislation would be too difficult and far too complicated. I had a look back at the original private Member's Bill introduced by C. J. Simmons, the Labour MP and journalist, and it is just six pages long. It is very simple and merely sets up a body, which is broadly what we are suggesting now. A couple of weeks ago, we had the Second Reading of the Groceries Code Adjudicator Bill, which is just 16 pages long and performs a similar function—in fact, it is a more statutory Bill than we would need in this case. I shall be on the Public Bill Committee and I am told that it will be very short. The Defamation Bill, which is very complicated, was no more than 32 pages long. I do not accept that introducing legislation is too difficult.

Some say that such questions are for the birds in the age of the internet and things are difficult because blogs can do whatever they like. I fundamentally disagree with that argument. The changes coming from the internet mean that it is vital for this House to revisit the legislation. Just as some internet news sites, such as The Huffington Post, have already opted to be part of the PCC, if we could get the incentives right under a new body, we could get online credible news organisations wanting to be part of the kitemark system because it would give them protection. By enacting legislation, we would create the incentives that would enable internet-only news sites to take part.

As Lord Leveson points out, we should not encourage a system in which the newspapers engage in a race to the bottom with blogs that have no credibility. If newspapers are to survive, they must carve out a new role for themselves—they need a niche and some additional credibility. Just as people expect of broadcasters a different standard and character of journalism from that which they expect of newspapers, we should reach a situation in which people expect a different character and standard of journalism in newspapers from that which they might get on some blog sites. I do not accept the argument about that, either.

Some say that all we really need is for the police to do their job. It is curious that those who say that the statutory underpinning about which I am talking would lead to a chilling effect on journalism go on effectively to advocate a system that requires the police to kick down the doors of newsrooms, launch dawn raids and arrest journalists almost as a matter of routine. We should not be comfortable with the fact that dozens of journalists will face trial next year. We as a House must recognise that there was a culture in the press that enabled those crimes to take place. We should not collude in the argument that it was just a few journalists and that we should just lock up a few people from *The Sun*; we must recognise that there was a failure in the culture that we must tackle.

Let me finish by recommending a way forward to those on the Government Front Bench. Lord Leveson says that the ball is now in the politicians' court. My view is that since any Bill would fundamentally be about freedom of speech, we should have a free vote. To use some of the terminology that I have read so often over the past few weeks, I think that it would be wrong for Parliament to be muzzled or gagged. We should have a free vote. I am conscious that many Members of this House have a strong ideological objection to the idea of any form of statute and they should have the right to have their say in a free vote, but Parliament should also be allowed to reach a rational and measured conclusion on the recommendations of Lord Leveson's report.

I recommend that we accommodate the Prime Minister's wish to give the industry six weeks to come up with a proposal. After that six weeks, we should have a free vote in Parliament to decide whether to introduce a Bill in the next Session. That motion should be binding and if Parliament as a whole believes we need some kind of new Bill, we should enact one in the next Session. I must stress that that would not necessarily mean taking forward everything in the Leveson report. I know that there are concerns about Ofcom, so let us see whether we can find a way around that. There are concerns about data protection, so we could exclude some of those elements. My hon. Friend the Member for Richmond Park (Zac Goldsmith) mentioned concerns about the scope for third party complaints, so perhaps we could limit that scope to systemic problems in newspapers rather than individual stories or concepts. There are ways around all the problems, but I am certain that we need statutory underpinning to make self-regulation work.

6.36 pm

Mr Ben Bradshaw (Exeter) (Lab): It gives me great pleasure to follow the hon. Member for Camborne and Redruth (George Eustice) and I commend him for his wise and courageous speech. I suspect that his views, like mine, have been influenced by the evidence he heard as a member of the Joint Committee on Privacy and Injunctions.

I shall confine my remarks to politics—it might sound like a novel idea, but we are politicians and there is a political context to this question—not least because the merits of Lord Leveson's report have been well expressed by other hon. Members on both sides of the House. In that context, I was pleased to hear the Secretary of State say in response to a question from my right hon. Friend the Member for Blackburn (Mr Straw) that the Government would legislate if she and the Government

felt that the press were dragging their feet and not implementing Leveson. That poses the question of whether that would include the underpinning—that is, whether she would be satisfied if the press were implementing Leveson even without the underpinning—and it might be helpful if the Minister who responds could clarify that as well as the time frame the Government are imagining. The hon. Member for Camborne and Redruth mentioned six weeks and that sounds to me like a very sensible time frame, but it would be helpful for all Members if the Government could provide some clarification about the speed with which they expect the press to move and, failing that, when they would expect to introduce legislation.

I think it is assumed that as a politician I carry with me a fair degree of cynicism, but I admit to having felt surprised and disappointed by the Prime Minister's response last Thursday to Lord Justice Leveson's report when the ink was hardly dry on it. I was one of many Members who applauded the Prime Minister when he established the Leveson inquiry. I felt reassured by him when he looked into the eyes of the victims and promised to implement it if it was not bonkers. Four days on from publication of the report, I have not heard any explanation from the Prime Minister or the Secretary of State of what it is about the report that they think is bonkers. That can only lead me to question why the Prime Minister set up the inquiry in the first place, only to reject its central recommendation.

Alun Cairns: That criticism surely also applies to the Leader of the Opposition, who after just three or four hours accepted the almost 2,000-page document in its entirety. Does the right hon. Gentleman not think that that was somewhat political?

Mr Bradshaw: No, what my right hon. Friend accepted was the central tenet of Lord Leveson's recommendations, which was that it was essential that whatever happened had statutory underpinning.

There are only two possible explanations for the Prime Minister's cursory dismissal of Lord Leveson's recommendations, having set up that inquiry. One is that he never thought that some sort of statutory underpinning would form part of the learned judge's recommendations. If that was the case, may I suggest that the Prime Minister was naive, ill-informed or both? It was perfectly clear to anybody following the evidence of the inquiry, particularly that of the victims and expert witnesses, and from the questions that Lord Leveson posed to the industry, that some sort of statutory underwriting, underpinning or oversight—whatever one wants to call it—of a new independent regulatory body was the very likely outcome.

The only other explanation and, I am afraid, in my view the more probable one is that the Prime Minister has been persuaded by representatives of the press—in another example of the very problem that the Leveson report also addresses—that there should be no statutory underpinning, and that the Prime Minister has taken the view that he would rather put up with a few short-lived howls of dismay from the victims and others than with the daily and unforgiving hostility of the newspapers from now until polling day. If that is the case, it is very depressing and exactly what happened after all the previous inquiries into press standards and regulation.

The press have appealed time and again for one more chance, for more time to put their own house in order. They have strung out the process. Most of the politicians and most of the public have lost interest. If this is the calculation made by the Prime Minister and Lord Leveson's opponents in the press, I believe they are profoundly wrong. First, this time the victims are not going to go away. They are not toe-sucking Ministers, but completely ordinary members of the public—yes, and some celebrities too—whose lives have been trashed. They are numerous, organised and angry, and they enjoy widespread public support.

Secondly, whatever the press do now—we all know that for the next year or so they will behave reasonably well, exactly as they have done after previous inquiries, only to revert sooner or later to their bad old ways—the issue of press standards and regulation is not going to fade from the public eye, because from next year and probably right up until the general election, some of those allegedly responsible for the most egregious abuse will be on criminal trial. Day in and day out we will be reminded by the courts of the behaviour that caused the Prime Minister to establish the inquiry in the first place, and we will be reminded of the repeated failure of the political class to do anything about it. Do the Prime Minister and the Government really want to find themselves in a position where they stand accused by the victims and others of having failed to implement the recommendations of the very inquiry they set up to address these problems?

The Prime Minister may feel that he has had a few supportive headlines and columns in the newspapers since Thursday, but the context may be very different in a year or so. He may think he has been clever now, but he may not look so clever in a year or so. I hope the Secretary of State can persuade the Prime Minister and her sceptical colleagues in the Government to rejoin the consensus. She said that she wanted political consensus, but does she not realise that it was the Prime Minister's response to Leveson on Thursday that broke the political consensus in the House in support of Leveson's recommendation of statutory underpinning? I hope she will use her powers of persuasion to bring the Prime Minister back into that political consensus so that we can implement Leveson, and soon.

Angie Bray: Is it also possible that the Prime Minister was simply saying that it is far too complicated to rush into something and say that we need to adopt it in its entirety within about two hours of having seen it? If we are to be responsible about this, it needs to be considered very carefully. Might it be possible that rather than playing politics, the Prime Minister was trying to do something statesmanlike and responsible?

Mr Bradshaw: I was in the House when the Prime Minister made his statement. He was categorical in his opposition to statutory underpinning. If he had had an open mind, or if he had felt he needed a few more days or weeks to consider the recommendations, he would not have been so categorical in his rejection of the central tenet of what Lord Leveson says will be essential for the new system to work. That is why I question the Prime Minister's motives.

As the former Prime Minister, John Major, put it in his evidence to Lord Leveson, when he was stressing the importance of all-party support for whatever Lord Leveson's inquiry recommended,

[Mr Bradshaw]

"if one party breaks off and decides it's going to seek future favour with powerful proprietors and press barons by opposing it"—

that is, Lord Leveson's report—

"then it will be very difficult for it to be carried into law . . . So I think there is an especial responsibility on the leaders of the three major parties. . . on this occasion it's the politicians who are in the last-chance saloon."

I could not have put it better myself.

6.45 pm

Kris Hopkins (Keighley) (Con): I start by paying tribute to Lord Leveson, his staff and those who facilitated the process. The report is a magnificent piece of work, professionally undertaken. I appreciate the words in the report, in which he clearly rules out any wrongdoing by my party and the Murdoch group. He draws a line and rejects the smears on the former Culture Secretary. I raise that right at the beginning, because much of this debate is about redress. Time and again, there were smears on the party of which I am a member and on the former Culture Secretary without redress, yet some days after publication, I have not heard a hint of an apology from the Opposition.

I put on record my deepest respect for the victims of much of the media wrongdoing. They have been extremely dignified. It took great courage to go into that arena, which for many of them is not a normal place of work, and speak publicly.

I am concerned about the idea of creating laws to regulate the free press in this country. I used to be a tutor in communications. The idea of a free press holding politicians to account is a cornerstone of democracy. The idea of us politicians creating a piece of legislation and then regulating ourselves in some way is extremely dangerous and undermines democracy.

I expect the leaders of all parties to attempt to find a solution. As was pointed out earlier, it is strange that having picked up a 2,000-page document—some 1.4 million words—the Leader of the Opposition wholeheartedly accepted all that in one go, within a couple of hours. That is not a considered approach. The Prime Minister did not reject the report outright. He said that he had concerns about it and that he wanted to consider it and to facilitate a debate. The idea that one party has moved out of the debate is as ridiculous as the Leader of the Opposition accepting 1.4 million words in a report that he had acquired a couple of hours before.

It is important that we create a body that holds the press to account and gives full redress to victims of its often disgraceful behaviour. I want to give an example in which I saw first hand some of the behaviour of the media. Back in 2000 I was chair of social services in Bradford. One day I received a phone call saying that the *News of the World* had been watching a house and had a story in which it had identified individuals, including a grandmother, who were prostituting the children in the house. This was on a Friday and the newspaper wanted a statement from us.

We gave a statement, and then we wanted to know where the children were. The *News of the World* refused to give us the address on the basis that the article was an exclusive, and if it gave us the address, the exclusive would be lost and other newspapers would get the story, on which it had spent a considerable amount of money and time. I rang up the deputy editor or the acting editor at the time and said, "These are children we're talking about, and you're talking about money and profit. I want the address. You don't have to give it to me—give it to a police officer or whoever, but we want this." We had some banter about that and I said, "If you don't, I will ring every newspaper up and tell them you've got an exclusive, and that effectively you are allowing the potential continuation of the rape of children just to maintain that exclusive." Within a short period of time they rang the police and we got the details, but it was an awful situation.

The right hon. Member for Sheffield, Brightside and Hillsborough (Mr Blunkett) mentioned professional behaviour. The example I have given was one of immoral and deeply unprofessional behaviour by the individuals concerned, but we cannot legislate for immoral behaviour. What we can do is address the management and challenge it. It is that failure that I think needs to be challenged. However, I do not think that those children would have been found had it not been for the newspaper's excellent investigative work. My concern is that we could create something that will somehow stifle really good investigative work of the type that helped those children out of that terrible situation. It is the same investigative attitude that addressed the issue of MPs' expenses.

A few months ago, a political correspondent for national TV collared me and asked how the Leveson inquiry was going down in my constituency. I said, "To be honest, the vast majority of people out there already thought that newspapers were corrupt." The fact that the newspapers were hacking, bribing people and following dodgy practices was nothing new to them. We might be obsessed with it, but it is not the subject of pub talk, because people already have a very low opinion of newspapers. Indeed, the only group of people they have a lower opinion of is us, so the idea that we are going to create a regulatory body to look over the people they already have a low opinion of is a little self-indulgent on our part. That will not give the public confidence. This is about addressing the unprofessional behaviour of newspapers and ensuring that an independent body is in place.

George Eustice: On the basis of my hon. Friend's analysis, does he think that the House is wrong to take action to curb corrupt practices in banks, for instance?

Kris Hopkins: As was said earlier, much legislation has been put in place to deal with that, yet banks are still engaged in corrupt practices. Legislation is already in place to address all the issues that have been raised, whether intrusion, hacking, bribery or the police being too close to journalists. What we have to do is give prosecutors the confidence to pursue those issues, because we politicians have been somewhat concerned about not upsetting the newspapers and have not been using the legislation already in place to pursue those individuals.

Mr Raab: If journalists hack phones, they should go to jail. The problem in this instance is not the law, because a two-year sentence is already available, and it can be much higher if the offence amounts to perverting the course of justice. The problem is with

securing witnesses, evidence and convictions. Is my hon. Friend disappointed that the Leveson report says so little about how to address the prosecutorial deficit?

Kris Hopkins: To be honest, I am not sure whether that was within the Leveson inquiry's remit. The party leaders have a responsibility to come together to find some solution that will make this work, and I think that there is a meeting of minds on the vast majority of this, as other Members have said. It will take maturity by the players to find a solution that will make it work.

A few Members have referred to new media. We are addressing this issue, but I think that we are focusing too narrowly on newspapers. As everyone knows, new media, digital media, the internet and other forms of communication will outstrip newspapers. My local newspaper's website has thousands of hits, possibly more than the number of newspapers it sells, so we are going to see a real change. There are exceptions, but there is very little regulation and few ways of managing or curbing from one country practices that are part of a global phenomenon. We will have to attempt to bring together many nations to address some of those issues. That is where the greater debate is, but we are slightly obsessed with the newspapers.

Finally, on "The Politics Show" yesterday Andrew Neil said that this issue raises the disturbing prospect of former spin doctors, who are known for their ability to sex up the odd document or two, becoming chairs of Ofcom and effectively being appointed by the Government. That is one of my concerns about the regulator and where this will go. The idea that the completely undermined tabloid press will now be orchestrated by Tory or Labour spin doctors who are appointed by Government will not give the public confidence. I want to see massive fines. I want it to be easier for individuals to seek redress and for the people who lie about them and put mistruths out there to be punished. I want an independent body.

Tomorrow is a big day for the newspapers. They should come to the table, because they have been offered the opportunity to make this work. If they fail, I am afraid that they will have damned themselves. Newspapers, both the broadsheets and the tabloids, play a massive part in British society. The tabloids have an important role. They are being given an opportunity to come to the table and they have a responsibility to take it. I do not want statutory legislation to be put in place. I think it would seriously undermine democracy in this country.

6.56 pm

Eric Joyce (Falkirk) (Ind): I have listened carefully to what hon. Members have said. I have no strongly formed views on what is being proposed that I cannot change in most respects. I listened carefully to my right hon. Friend the Member for Sheffield, Brightside and Hillsborough (Mr Blunkett) and believe that there is room for considerably more compromise than we have seen in the first few days since the Leveson report was published. Indeed, my right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman) pretty much summed up my approach to the whole business, which is that I would really like us to avoid statutory legislation. My instinct is that the distinction between statutory underpinning and statutory legislation is pretty much angels dancing on the head of a pin, regardless of what learned Members of this House might say.

Confining myself to a narrower matter in the report, one thing that struck me was paragraph 72 of the executive summary, in which Leveson states:

> "What would the legislation achieve? Three things. First, it would enshrine, for the first time, a legal duty on the Government to protect the freedom of the press."

Yesterday's edition of *The Observer* referred to that as being much like the first amendment to the US constitution. Of course, it is nothing like it. There is no real comparison. Any party of Government in future could readily change a law. It could scrap it or, more worryingly, tighten it up with a simple whipped majority if it was unhappy with how it stood. The first amendment is set within an entirely different constitutional structure, as changing it would require the support of 75% of the state legislatures and a two-thirds majority, so there is no possibility that a constitutional amendment could be overturned as readily as could a statute underpinning press freedom in this place. Indeed—let us be absolutely honest—there are Members who would say that if what we do now is not to our liking, when we are in government we can do something different.

Therefore, it is no more meaningful to compare such legislation to the first amendment than it is to compare it to anything else; it is simply inaccurate. I was surprised that *The Observer*, a newspaper for which I otherwise have great respect, published that yesterday, because it over-blows the proposal. I was concerned that Lord Justice Leveson hinted knowingly at the overblown idea that his proposals are like the first amendment, because that has implications for how we sell the idea of a free press to nations abroad. I have had quite a lot of contact with countries—not all of them heinous and hideous non-democracies—where the press and its relationship with government is fairly complex. Press freedom is very fragile in these places.

We have heard from learned Members of this House that statutory underpinning is very different from statutory regulation. The Leveson report said that ultimately the regulation of the regulator would be done by an organisation that is described on its own website as the office of the independent regulator. Of course this is about regulation—the clue is in the name. Whether it was arm's-length regulation or direct regulation—which Leveson allows for in the case of organisations such as *The Spectator*, which has said that it would not sign up to the voluntary option—we would have, to all intents and purposes, what people in fragile democracies abroad would see as state regulation.

If this does not sound too grand, it is worth my saying what I think about the nature of freedom and how Leveson, with great respect to him, refers to it. When papers such as *The Observer* compare his proposals to the first amendment and say that they are about protecting and enshrining the rights of a free press, they make a fundamental mistake. In the UK, we do not have a written constitution. We do not have politicised Supreme Court judges; they are appointed by political leaders because it is acknowledged up front that some judgments will be politically based. In the UK, we can do anything we like provided that it is not illegal or unlawful. If I want to go walking or climbing in Scotland, I have complete freedom, within the constraints of some aspects of criminal law and trespass, to do that. If someone said they were going to pass a piece of legislation to enshrine my right to do it, I would be somewhat

[Eric Joyce]

sceptical and look at what the imperatives were. In some people's eyes, it might be perfectly legitimate to legislate to reduce the number of deaths on the hills or to protect the environment. Whatever the circumstances, such legislation would ultimately be directed at making a compromise about my freedom and my access to the hills, because that is what we do when we legislate.

If we choose to legislate where there is no existing legislation on things that we are free to do, as the press is free at the moment, we have to accept a compromise. I believe that Leveson is proposing statutory regulation, however light touch, by Ofcom—again, the clue is in the name—or perhaps another organisation of the great and the good. We hear a great deal about the great and the good being impartial and apolitical. I have big questions about their values and the fact that they do not intervene in what they have themselves decided, but that is a different matter. Fundamentally, if we want a free press and choose to enshrine that freedom in legislation, as Lord Leveson has suggested, then we have to accept a compromise, just as we do when we make any legislation that constrains our freedom to do what we want provided that it is not illegal or unlawful.

7.3 pm

Angie Bray (Ealing Central and Acton) (Con): It is incredible that we find ourselves rising in Parliament to debate the fundamental issue of press freedom centuries after politicians gave up their role in controlling the press. Obviously, I know why we are here, but none the less it is rather depressing. I appreciate that Lord Justice Leveson is at pains to say that his report does not recommend state regulation, but I sometimes wonder what's in a name. We should remind ourselves that we are here partly because of actual lawbreaking and some outrageous behaviour by certain members of the press. Understandably, there are innocent victims who want to see changes to ensure that such breaches cannot happen again and that there is proper redress for victims in future, but are we in danger of shifting too far in our response?

Like many others as the media storm was brewing over the past few weeks, I feared that Lord Justice Leveson would recommend nothing short of full-on state regulation of one of this country's finest traditions—our free press. On first appearance, his recommendations were less draconian than I had feared, and I recognise that they were arrived at after much agonised deliberation over exactly what role, if any, the state should play in regulating the press. Finally, in unveiling his proposals, Lord Justice Leveson placed heavy emphasis on the need for an independent regime and stressed the need to make any new body voluntary but, crucially, with sufficient incentives so that all publications would sign up—so perhaps only technically voluntary.

So far, so good. Let us delve a little deeper into the 1,987 pages, however, and the waters get murkier. For instance, I am still not at all clear about what happens to publications that choose not to sign up to the new body. What would the future hold for them under the proposed new regime? It would be pretty chilling if, despite obeying the laws of the land—and working perfectly acceptably—they were to be bullied and penalised, perhaps to the point of having to close down. It is a very important question, because as much as people talk about the desirability of a new press code and regulatory system backed by statute, I am not sure that we have thought through all the consequences. Obviously, the goal must be to get everyone signed up, but the "What if?" question still remains.

Richard Drax: My hon. Friend is making an excellent speech. Does she, like me, fear that if we go down this road, at some time in the future one party, for one reason or another, will introduce more legislation because it suits it at the time?

Angie Bray: I agree that that must be the fear, although I certainly hope that such a proposal would not come from our party.

Then there is the question of who regulates the new regulatory body and who does the appointing. This is where I really depart from the opinion of Lord Justice Leveson. In my view, it would be ridiculous to make a virtue of keeping politicians away from the controls only to put Ofcom in charge. As the Prime Minister said in his initial response to the report last Thursday, the most senior positions at Ofcom are filled by Government appointment, and it is perhaps worth reminding ourselves that the current chief executive is a well-known former Labour party apparatchik. Lord Justice Leveson is rather vague about who appoints to the appointments board. He suggests the possibility of cross-political-party appointments. Surely, again, this would be putting political influence far too close to the centre. My overriding impression is that all roads seem to lead to some kind of political involvement; that is the only logical conclusion that we have been presented with.

John Hemming (Birmingham, Yardley) (LD): Does my hon. Friend share my concern that Lord Justice Leveson does not understand that primary legislation can be changed through statutory instrument and believes that it can be changed only through more primary legislation? On the basis of those concerns, I welcome the Prime Minister's determination not to take this route.

Angie Bray: It would seem that that Lord Leveson has not fully understood that or has not, with the wealth of stuff that he has been dealing with, given it enough thought.

Damian Collins (Folkestone and Hythe) (Con): Does my hon. Friend agree that what Lord Leveson does seem to entertain, though, is the point that the editors code may have to be routinely changed as a result of passing legislation in this House?

Angie Bray: Indeed. The validating process would happen every two years, which means that there could be opportunities to tweak the code at every stage.

Let me turn to the competition that is facing our newspaper industry—the digital media. Last week, my question to the Prime Minister was about a level playing field. Should we not be giving more thought to this as increasing numbers of people get their news from all kinds of social media that are well beyond a regulated code of practice of any sort? It is like the wild west out there. This competition is doing serious damage to our

newspaper industry, and readership is falling year on year. Most young people carry their news on their phones and do not feel even the slightest need to stop and buy a newspaper.

Andrew Griffiths (Burton) (Con): My hon. Friend mentions the wild west of the internet and the wrongdoing by many of the national newspapers. She will be aware that in his report Lord Leveson says that regional newspapers are a force for good and blame-free in this whole process. Does she agree that we must be careful not to do anything that is too onerous for regional newspapers, because they are already struggling to survive, and it would be dangerous if we added to that problem?

Angie Bray: I certainly agree that local newspapers play an incredibly important part in all our communities, and we do not want to see anything that undermines them at a time when they are struggling to survive. I have to say, however, that that argument equally goes for our national newspapers, because in 10 years' time there could be hardly any left.

It is extraordinary that Lord Justice Leveson has devoted a mere 12 pages of his enormous report to the impact of the internet on how we get our news. What planet is he living on, dare I ask? As Hugo Rifkind put it in an excellent article in *The Times* last Friday:

"What matters today is content,"

not who delivers it. Lord Justice Leveson's recommendations might have worked 20 years ago, but we face an altogether different challenge in today's world.

There must also be concern about the report's recommendations on journalists and data protection. If we start down a road of restricting journalistic investigations, requiring them to acquire only data that will actually be used in their eventual report and to provide a detailed account of what they expect to find before they even start, many investigations simply will not happen. Equally, we should be wary of removing the protection that journalists currently offer to their sources. This needs far more consideration.

The Prime Minister is right to be cautious before rushing to judgment. Frankly, I am amazed that the leader of the Labour party was so quick to demand that this report be accepted, in his own words, "in its entirety". The leader of the Liberal Democrats was scarcely more credible. I simply cannot believe that they would have been able to absorb the entire report by the time they spoke in the Chamber last week and master fully not only the specifics, but the likely consequences of the proposals. In my view they both demonstrated an irresponsible, knee-jerk reaction and poor political leadership.

This is a massively complicated report and it requires proper, detailed consideration. Too much haste and getting the response wrong could jeopardise the very underpinning of our democratic freedoms. Those innocent victims of illegal activities by journalists deserve to see change for the better, but we would all be victims if our essential press freedoms were undermined.

7.11 pm

Mrs Madeleine Moon (Bridgend) (Lab): There has been a great deal of debate this evening about the rule of law and how it could have held national newspapers to account. I want to talk about what happens when the culture, ethics and standards of the media are used against a community that cannot fight back, which is what happened in Bridgend.

The ethics of the press at their worst impacted on the county borough in which I live. There was intrusion into people's lives at the most painful and difficult of times. There was a link built between the community of the county borough of Bridgend and suicide, which meant that anyone who lived there was tainted by a threat and a risk of living with suicide. Virtually the first question that young people who went for university or job interviews were asked was, "Are you all right? Are you going to commit suicide if you move away from Bridgend?" People who were considering moving their factories to the county borough said, "I don't know—our people aren't very happy about moving to Bridgend. It's not a very safe place to live."

The dead were maligned in the most awful way and families who were trying to cope with the sudden grief caused by the death of someone they loved and whom they had no idea was struggling with life suddenly found that person traduced in the most painful and awful way.

The intrusion into people's lives was such that friends, neighbours and family could not go to talk to those who had lost someone, because there was a mass of press outside their front door. I am sorry that the hon. Member for Ealing Central and Acton (Angie Bray) finds it funny, but children who were on their way to school were being stopped and offered sweets for quotes about those who had died.

There was inaccurate reporting—a "suicide death cult" was supposed to have gripped Bridgend. I said to one of the editors who sat on the Press Complaints Commission, "You know that's a lie. Why are you running with this story?" He replied, "That's your fault. You didn't come up with a better line for us and we needed a line to sell the story and the papers." They knew it was a lie, but they still carried the story.

It was well known that the grief and the trauma caused by that reporting had the potential to have an impact on those involved in the deaths. There was a risk of social contagion and I believe that we saw that effect in Bridgend. The excessive coverage of the methods used by those who died impacted tremendously on my community.

There has been a lot of talk today about the Press Complaints Commission and how weak and ineffective it has been, but, within the bounds of its capability, it served my community well, and I will always say that. It came to Bridgend and met the people. I think it was fairly shocked at the level of anger and at the fact that nobody had even heard of the PCC and did not know that it was an option to go to it. It was shocked at how frustrated the community was that an honest and decent story about the losses they were facing was not being told. What the PCC did—I know that those people affected across Bridgend will be eternally grateful for this—was introduce desist notices, whereby people were able to say, "We do not wish to be contacted."

A family who had lost a child were among the first people who came to my office. Their child had died some years earlier—not during the time of the so-called cluster in Bridgend—and they told me how, even then, they feared answering telephone calls late at night, because it might be one of the magazines offering them

[Mrs Madeleine Moon]

£250 for the story of the death of their child and how it had impacted on their lives. Such intrusion went on and on, but the desist notices stopped it. They would not have had that from Ofcom, because it cannot interfere until after a programme has been broadcast. My community has been devastated by letters from broadcast media that want to tell the story. They have thrown families back to 2007 and 2008 and left them deeply traumatised and fearful of those stories being aired again.

Another area of the PCC that I must commend and that we must not lose is its educational role. It has taken on a huge responsibility by going to schools of journalism and news rooms and talking about the impact of suicide reporting. Whatever regulation comes in, I would not want to lose that educational role.

With the help of the PCC, I, along with eminent professors of suicide studies, met editors to explain to them the impact of their reporting. They admitted that, often, what drove the most excessive reporting was the fact that, to sell their papers, they had to keep hyping the story and making it bigger and more dramatic. The culture, ethics and standards fall apart as a result of that desperate desire to get the extra sale and new story that will make people buy one paper and not another. We have to do something about that, so that honesty and decency return to reporting.

I am concerned about the failure to look at social networking issues. Many of the families saw photographs that they had never seen before of the people they had lost—their family members—when they went out to buy a pint of milk or a loaf of bread. There, on the front page of a national newspaper, was a photograph of their child that had been taken off Facebook. One of the most horrific stories was about the content of one person's Facebook page. That person was maligned in the most awful way because of fantasy stuff that had been written on their Facebook page. We must do something about the ownership of the contents of Facebook pages, including photographs, so that they cannot be taken and possessed by national newspapers and reproduced.

Websites must be looked at and must be contained. The website of one national newspaper had a section that said, "Click here for slideshow of the dead". When one clicked on it, the photographs of everyone who had died were shown on a loop. In fairness to the editor, he was horrified when I told him about it and he immediately had it taken down. He had not known about it, as there is often a split between the print editor and whoever edits the online version, and we must ensure that responsibility runs across those areas. Finally, I appreciate that Leveson did not look at YouTube, but there have been some horrific statements and stories in newspapers that have come from it.

I agree with Leveson about the conscience clause. A number of newspaper reporters contacted me privately to tell me that they were appalled at the stories that they were being pressured to write. It was a case of, "Write the story and keep your job." They wanted an opportunity to opt out of writing those stories.

The Secretary of State, who has left the Chamber, was educated in Bridgend. I hope that when looking at this matter, she remembers the people she grew up with and what they have suffered from unregulated media.

7.22 pm

Damian Collins (Folkestone and Hythe) (Con): It is a pleasure to follow the hon. Member for Bridgend (Mrs Moon), who has told harrowing tales from her constituency.

There is agreement across the House that the Press Complaints Commission has failed and that there has to be something better. The dispute is not about whether things should carry on as they are, but about how things should change. Many Members have referred to the failure of the self-regulatory model for the press, but I question that. I do not think that we have a self-regulatory model. The PCC is not a regulator. Lord Leveson addresses that point in the summary of his findings:

> "The fundamental problem is that the PCC, despite having held itself out as a regulator, and thereby raising expectations, is not actually a regulator at all. In reality it is a complaints handling body."

That means that there is still an opportunity to look seriously at what real independent self-regulation would mean. The industry has a window of opportunity to do that and to present it to the House in a credible way.

There is no requirement that all newspapers, even national newspapers, are members of the PCC; it does not have the power to fine people for breaches of its code; and, crucially, as other Members have said, it has no powers of investigation. I believe that that is at the heart of the series of crises that have affected the newspaper industry for far too long. We saw that particularly strongly in the investigation by the Investigation Commissioner, Operation Motorman, which looked at the practices of the press in illegally accessing personal and confidential information, including through phone hacking. That information was published in 2006, with an update report in 2007. It suggested that 305 journalists, from a variety of national newspapers, had been in receipt of information that had been obtained illegally. Nothing was done about that.

Mr Jim Cunningham (Coventry South) (Lab): I know that the hon. Gentleman takes a deep interest in this subject. Why does he think that no action was taken in relation to the Information Commissioner's report? That has always puzzled me.

Damian Collins: That is a very good point which Lord Leveson tries to address in his report. It ends up being a game of no one being responsible. The PCC is not an investigative body, so it stood back and said, "Where's the beef? Where's the evidence to prove your allegations?" The Information Commissioner does not have the right to launch any further investigations or prosecutions, so no one was held responsible. That is why the new body has to have the power to seize such a report, go into the relevant organisations and investigate the matter.

There was no lack of information about criminality or information being obtained illegally; the failure was that no one acted on that information. The Information Commissioner's report was largely ignored, as was the 2010 report by the Culture, Media and Sport Committee, which also suggested that there was widespread knowledge of illegal practices within the media.

The police knew in 2002 that the *News of the World* had hacked Milly Dowler's phone. We know from information that was produced for the Culture, Media

and Sport Committee in this Parliament that Surrey police discussed that with executives at the *News of the World* at the time. It was illegal, so why did the police not prosecute them or take action against them? Nothing was done about it. Evidence produced by the Select Committee's inquiry demonstrates that senior executives and legal managers within News International understood that phone hacking was widespread and not related to a single reporter. Again, nothing was done about it.

The questions that were asked in that case are similar to those asked in the debate between the PCC and the Information Commissioner: "Where is the real evidence? What should we do?" There was no incentive or reason to do anything and there was no external pressure to push for a conclusion. That is why it is crucial to have an independent body with powers of investigation in the media and the power to fine.

I believe that the police got off lightly in the Leveson report. Lord Leveson skirts over the issue in the summary. One part reads a bit like the "Yes Minister" irregular verb game: "I give off-the-record briefings; you leak; he has been prosecuted under the Data Protection Act 1998." Lord Leveson suggests helpfully that off-the-record briefings should be redefined as "non-reportable" briefings to clear up the distinction. On leaks, he suggests that police officers should perhaps have less access to the police's computer system. That is woefully inadequate. A number of people raised the concern that if one called the police in certain situations, the *News of the World* turned up before the police. There was a ready trade in information between them. Lord Leveson does not go into that in anywhere near enough detail.

Mr Watson: The hon. Gentleman raises an important point. May I draw his attention to a very late submission to the Leveson inquiry from Detective Chief Superintendent Surtees, which appeared on the website this week? He states that in July 2009, he argued internally that there was enough intelligence to warrant reopening the investigation into phone hacking. The hon. Gentleman will know that at no point was that raised with the Culture, Media and Sport Committee during its inquiry. That might be something that he and the Committee want to look at.

Damian Collins: I will certainly take a close look at that. The hon. Gentleman raises an important point.

There are dangers in the statutory underpinning of regulation. I agree with what the Prime Minister said last week. I have concerns about elements of the Leveson report and would like to see how the media can bring forward plans for a robust system of investigation.

If there is a system of regulation underpinned by Ofcom, the ultimate sanction will be what it always is with Ofcom: the withdrawing of a licence. That is the ultimate sanction that Ofcom has in the broadcast industry, and it has withdrawn the licence of a broadcaster. I think that we would find it difficult to see the chairman of Ofcom, who is appointed by a Secretary of State, or its chief executive being given the power to withdraw the printing rights of a national newspaper. It may be difficult to envisage the circumstances where that might happen, but the idea makes me slightly uncomfortable.

Like the Secretary of State, my professional experience is in the advertising industry, which has what it calls self-regulation through the Advertising Standards Authority. That model is seen as very successful, but it is underpinned by statute. That has not prevented many lobbying organisations from routinely pressing for changes to the advertising code and the practices of the advertising industry. It has not prevented Parliament from deciding to ban certain types of advertising, such as adverts for smoking, because it thinks that the standards being practised by the industry are not sufficient to protect the public. There are lobbying groups that are concerned about the advertising of fast food and about the portrayal of women in advertising. I do not want to get into whether those debates are serious and should be considered, but they are matters on which Parliament may seek to intervene to change the advertising code and the industry's practices. Lord Leveson raises some concerns about whether, as a result of legislation, there may be similar pressure from Parliament for changes to occur.

In his summary to the report Leveson states that

"consideration should also be given to Code amendments which, while fully protecting freedom of speech and the freedom of the press, would equip that body—"

the new regulator—

"with the power to intervene in cases of allegedly discriminatory reporting, and in so doing reflect the spirit of equalities legislation."

That could mean that for future or existing legislation there could be a requirement on the regulator to reinterpret the editorial code. As a result of that underpinning by statute we could have a creep of changes to the editorial code and practices—whether it was delivered by Ofcom or a new body—which would put pressures and new obligations on the independent body that currently do not exist.

It is not clear that Lord Leveson understands how far that could go and he gives an example in his report:

"Those representing women's and minority groups—"

it could apply to a number of groups—

"would be entitled to retort that if the Code as currently worded creates the kind of legalistic difficulties which have just been outlined, then the solution is a straightforward one: simply amend the Code. The force of this point is noted, but it should be considered in depth by any future regulator, rather than by this inquiry."

That is not desperately helpful; it suggests that although he is creating something, he does not understand the full extent of where it might go or the full consequences of the changes that might be introduced. We should pause to reflect on that as there is some cause for concern about what direction it may ultimately take.

I believe that we should consider the advertising model and its consequences as an example of something that is independent yet underpinned by statute, and the changes that could come from that. Lord Leveson set out in his report some of the concerns about the potential impact of the legislation. The challenge remains for the newspaper industry to come up with a robust model of non-statutory regulation through which it can put its own house in order and demonstrate that it has robustness, the ability to inquire and investigate, and to fine people who fall foul of its code of practice. If it refuses to do that, of course Parliament will have the right to consider what further action should be taken. I am, however, concerned about that being underpinned by Ofcom or any regulator, and its being forced on the industry at that point.

7.32 pm

Chris Bryant (Rhondda) (Lab): I draw the attention of Members to my declaration of interests, which includes writing a column for *The Independent* every Saturday, and having received a settlement from the *News of the World* for the hacking of my phone.

It is perhaps an irony that most members of the public are quite sceptical about everything they read in a newspaper and equally sceptical about anything they hear Members of Parliament saying, so our talking about what has been written in newspapers will probably induce the height of scepticism among ordinary members of the public.

I want to follow on briefly from comments made by the hon. Member for Folkestone and Hythe (Damian Collins). He made some good points, and I entirely agree with his remarks about Lord Justice Leveson's comments on the police, in which I think he showed himself to be painfully naive. I believe that the paying of police officers for information is routine not only in the Metropolitan police but in many other parts of the country. One only has to look at the number of stories of where the press have turned up before anybody else to see that that can only be because of some tip-off from the police which, I am almost certain, is done not for the public interest but for financial gain.

I also think that Lord Justice Leveson has no power, because of the 1689 provisions, to decide whether anybody had lied to Parliament. I still believe that Mr Yates lied to Parliament in the evidence he gave to two Select Committees, and that when Lord Justice Leveson one day comes to the second part of his inquiry, he will have to address those issues.

I thought the hon. Member for Folkestone and Hythe was confused when he seemed to be saying that the Advertising Standards Authority, which has self-regulation that is backed up by statute, was a rather good model. He then seemed to say that he had doubts. It was almost as if he was trying to persuade himself to have doubts about something and, if I am honest, that was rather the feeling I got from the Secretary of State.

Damian Collins *rose—*

Mark Reckless (Rochester and Strood) (Con) *rose—*

Chris Bryant: I will give way to the hon. Member for Folkestone and Hythe, but I will not be able to give way to the hon. Member for Rochester and Strood (Mark Reckless).

Damian Collins: My point is that I have concerns about how the ASA model works, because we can see how through self-regulation, underpinned by Ofcom, there is still an ability to influence and change the advertising code through external pressure, rather than through decisions made purely by the industry.

Chris Bryant: External pressure comes from the public; it is not that politicians are desperate to write elements of any code of conduct for the press. Anybody who wants to characterise any argument in this House as being in favour of politicians wanting to tell newspapers what they can or cannot write does a disservice to the argument. To be fair, the hon. Gentleman was not doing that, but like the Secretary of State he was trying desperately to find an argument for supporting the Prime Minister. I gently suggest to the hon. Gentleman that on this point it might be better to leave that alone.

In truth, we have been here before. We could replace all those in this Chamber with those who were here in 1947 for the royal commission, or in 1962—*[Interruption.]* I am sure my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) was not here in 1947, although I think she was here last time around. In 1973 there was Sir Kenneth Younger's committee on privacy, and 1974 saw the royal commission set up under Professor Oliver McGregor, who went on to chair the organisation that was set up. There were two Calcutt reports.

Fascinatingly, in our last round of discussions on 21 June 1990, David Waddington rose from the Government Benches and said:

> "It is now up to the press to take up the challenge…presented to it. I am confident that the response will be a positive one."—[*Official Report*, 21 June 1990; Vol. 174, c. 1126.]

And here we are all over again. If anything, it is slightly worse, because changes in the digital economy have made it possible for the media to do things that they could not possibly have done back in 1990 although they would doubtless have loved to.

Victims of crime have once again had their lives turned into a commodity. That is the real immorality here. Abigail Witchalls was a victim of crime. In April 2005 she was attacked, rendered paralysed from the neck downwards, and month after month the press decided to invade her privacy. Sometimes, there was perhaps a contravention of the law, such as when 20 journalists were camped out in her garden and refused to leave. Perhaps it was an invasion of privacy to take aerial photographs of the building being built in her parents' garden to accommodate her. Perhaps she could have gone to the law, but why should someone have to go to law, which is a very expensive process, simply to have degree of privacy after having been a victim of crime?

My personal interest in this issue started because of what happened at Soham. Someone with whom I was at theological college, Tim Alban Jones, was the vicar of Soham, and his experience during that time was that the press would not leave the victims of crime alone. It is not just that the families of the two girls who were murdered had their phones hacked; every person in the village had their door knocked. People were turned into a commodity, and that is the problem.

Whole communities have been traduced. I referred earlier to Hillsborough. The families of 96 people who had lies written about them in *The Sun* did not have the opportunity to go to the law to find redress. It is not that criminality was involved; the information had not been secured illegally and there was no opportunity to seek claims for libel because the class of people was too large to be specific. No individuals had been named. Those who argue that everything dealt with in Leveson has been criminal activity that should have been better policed are missing the point.

We must bear in mind that the part of the Leveson inquiry published so far is just the dodgy stuff, not the criminal stuff. Lord Justice Leveson has had to circumvent the criminal stuff to ensure that prosecutions can go

ahead unprejudiced and unhindered, including those on phone hacking, the suborning of police officers, conspiracy, cover-up and all the rest. Some worrying developments are still going on.

Mark Reckless: Will the hon. Gentleman give way?

Chris Bryant: I will not give way, if the hon. Gentleman does not mind.

The first worrying development is the lack of News International management standards committee co-operation with the Metropolitan police since May this year, which smacks of the Plimsoll strategy. As soon as the water starts lapping a little bit higher, senior News International and News Corporation management chuck somebody else overboard—a newspaper and an editor. The companies provided material on some of their journalists as long as they could ensure that the ship floated and the proprietor's feet did not get wet. Given what Lord Leveson has said about management at News Corporation, I suspect that charges will be brought against senior directors, possibly including James and Rupert Murdoch as parts of the body corporate.

However, there is a mystery I do not understand. I understand—from two well placed people inside News International—that in 2005, *The Sun* and the *New York Post*, which are both News Corporation newspapers, paid a substantial sum to a serving member of the US armed forces in the US for a photograph of Saddam Hussein. A much larger amount was then paid via a specially set up account in the UK to that same member of the US armed forces. It is difficult to see how those who wrote the story in the UK and US, and the editors of the American newspaper and the British newspaper, could possibly pretend that they did not know how that material was obtained and that criminality was involved in the process of securing the photo. For that matter, they could not possibly pretend not to know that the laptop on which the information and the photograph were kept was destroyed; I believe it was destroyed so as to destroy the evidence of the criminality.

I therefore urge the management standards committee to provide all e-mails that relate to this matter—and particularly to the photograph of Saddam Hussein—from Rupert Murdoch to News International staff as a matter of urgency. Otherwise, people in this country will conclude that News International still does not get it, and that it is still refusing co-operate fully with the police.

Mr Watson: I draw the House's attention to my entry in the register—I have written a book on corruption at News International.

Is my hon. Friend aware of allegations that the chief executive of News International has given assurances to journalists facing arrest that, if they go to jail, they will be given their jobs back? If that is the case, does he agree that the company has learned nothing about corporate social responsibility?

Chris Bryant: My hon. Friend is absolutely right. Broadly, one point that Lord Justice Leveson hints at in his report is that corporate governance at News International is sadly lacking. It would only be logical for journalists who currently work at News International to believe that what my hon. Friend says will happen will happen because that is what happened before; people were given very large payouts on the understanding that they would plead guilty and have a tidy life when they came out of prison.

I want just a few things out of the inquiry. Of course, we have a press that will sometimes be raucous and wild, and do naughty things, but it should be one that informs, educates and entertains. We do not need snobbery about vulgarity, because we need many different kinds of press. However, I also want redress and reparation not just for defamation or invasion of privacy, but in respect of material that is fundamentally inaccurate. Lord Justice Leveson points to hundreds of cases in which the story was based on no fact whatever—it was quite simply untrue. Individuals should have the opportunity to seek redress.

Glyn Davies (Montgomeryshire) (Con) *rose—*

Chris Bryant: I will give way to the hon. Gentleman, but I have very little time remaining and I am not sure for how much of the debate he has been in the Chamber.

Glyn Davies: I am grateful to the hon. Gentleman; I have been in the Chamber for only an hour, but I am getting a feel for it.

All hon. Members agree with everything the hon. Gentleman says. I just cannot see why we need a statutory background to deliver what he wants. The organisation that Leveson has recommended seems to do that.

Chris Bryant: One problem is that the self-regulation we have had for years was part of the problem. The PCC ended up having to pay damages to a journalist because the chairman said they were selling lies about the nature of what happened at the *News of the World*. The problem with the PCC was that it had no power to investigate or to enforce redress. It could never ensure that a correction was made the same size and given the same prominence as the original publication. Those are precisely the powers that everybody accepts the new body needs. I do not see how it can enjoy those powers unless they are granted to it in statute.

Many myths have been perpetrated, including that no legislation has affected the press since 1695. Loads of legislation affects the press; legislation passed in the past 15 years includes reference to the press. The Secretary of State state's argument was that, if the industry does not act, there should be law. That suggested to me that this is not a matter of principle for her. She has accepted that she may have to enact in order to act, in which case the Government should get on with it. Otherwise, people will conclude that the only point of principle for the Secretary of State is that she wants political support from newspapers come the next general election.

7.45 pm

Dr Thérèse Coffey (Suffolk Coastal) (Con): It is a privilege to speak in this debate on this important topic.

Why does the inquiry matter so much when, as Ofcom suggests, papers and magazines account for only 11% of news and current affairs consumption, and when the news cycle is such that the fact that Her Royal Highness the Duchess of Cambridge is pregnant got out on Twitter much quicker than it could have got out in a newspaper? The point is that the news cycle of investigative

[Dr Thérèse Coffey]

journalism and in-depth analysis means that the press is at the forefront of holding politicians, Executives and the establishment to account, which is why such journalism deserves a special place in the media spectrum.

I agree with Lord Justice Leveson's overriding principle that the freedom of the press should be maintained. I do not agree that we need to legislate for the Secretary of State to have such a duty, as the hon. Member for Falkirk (Eric Joyce) suggested. I agree with the self-regulation principle. I share the sympathies of hon. Members on both sides of the House who agree to some extent with the Prime Minister that we need to think very carefully about crossing that Rubicon, as he described it last week.

Sir Brian Leveson says in part K, chapter 5.47 that the threat to legislate must be credible. It has not been credible before. He suggests that that is the only reason why the proposals of Lord Black of Brentwood have progressed as far as they have. I would put it a different way. I would say that the threat of legislation has been made several times, which has led to the evolution of press self-regulation since it began in the late '40s.

I referred earlier to a simple, three-clause Bill that refers to article 10 of the European convention on human rights but which leaves out the criteria of independence on the basis of not interfering in the operation of the media. However, Sir Brian Leveson says that Parliament must legislate for the criteria of independence. That Bill, which might have been simple at first, is already starting to grow.

Lord Justice Leveson also declines to give a definition of public interest, but the phrase is used extensively in the report. If Parliament is pressed down the statutory route, Parliament would have to consider that definition as part of the criteria for independence when setting up the body.

The report gets into the balance of ethics and privacy—it deals with balancing the public interest in the freedom of speech with the public interest in the rights of privacy. Sir Brian says that that is one of the key points, but that is an understatement. I am concerned that members of the public, including victims—including people affected by the Hillsborough disaster—believe that statutory underpinning is the answer to all previous problems. I do not think that statutory underpinning would necessarily solve the problems that people have experienced, as my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) said.

Sir Brian Leveson refers to extant changes in the code. One of his first recommendations for the regulatory body is that it should undertake a thorough review of the code. I tried to intervene on the right hon. and learned Member for Camberwell and Peckham (Ms Harman)—she is unfortunately no longer in the Chamber. In evidence to the Leveson inquiry, she suggested that the code is fine and does not need changing. Are we adopting the entire principles and thoughts behind the Leveson inquiry, or are we, on a more careful reading—I have not got through all the report yet and have read only certain sections—beginning to see problems that we need to discuss in more detail, such as the report's interpretation of how the press and legislation will work? Sir Brian Leveson says that the incentive to join the regime would be the existence of the tribunal route. I understand why that would be an incentive, but one wonders whether the Defamation Bill, which is currently before Parliament, could provide a route towards securing the same ends.

What if we cannot agree? What if not all the press sign up to a new body? Sir Brian refers to needing all national publishers to agree, and that if they do not, then Ofcom should become the regulator. Potentially, we have the same situation we had when Northern and Shell walked away from the Press Complaints Commission. If Northern and Shell or any other publisher walked away, the default recommendation in the Leveson report is for Ofcom to regulate the press. That would be a huge step backwards, and part of the slippery slope which many hon. Members are concerned about venturing on to.

There is an appropriate concern about access to justice. I do not agree with Sir Brian Leveson's recommendations for excessive costs and penalty damages for publishers who do not subscribe to the code. In fact, he is trying to implement Sir Rupert Jackson's comments on the qualified one-way costs shifting system. That is something we need to think about and more proposals need to come forward. If somebody went to the potential new body, which was not subscribed to by a particular publisher, one could imagine a situation where the regulator said, "Actually, you are absolutely right, that would have failed our tests and we will help you take on the publisher in court." I can see something like that happening to ensure that people have access to justice.

I have other concerns. The issue relating to the Data Protection Act is a problem for people protecting their sources or for public interest use. Sir Brian Leveson suggests that the names of people should not be disclosed, or that we should not try to identify potential criminals. Frankly, if that was the case for TV, we would shut down the "Crimewatch" programme overnight. The press work with the police to flush out criminals and potential suspects, and to help get the public involved in the search on crime, and the report puts that at risk.

There have been two references to the potential extent of third-party complaints. I am concerned about one particular part of the report, which suggests that the code be amended to have a duty to ensure compliance with Government legislation on the wording of stories. Again, that strays from where we need to be.

A member of the House of Lords would apparently be able serve on the independent board, but an MP or a member of the Government would not.

Chris Bryant: Is it not therefore slightly odd that everybody is now saying that the PCC is independent, despite the fact that it is chaired by Lord Hunt, who takes the Conservative Whip in the House of Lords?

Dr Coffey: My next point is that Sir Brian insists that there will be no involvement of political parties. My concern is that that reinforces the prejudice that to have ever been involved in politics is somehow to be not interested in public service. I know I am taking a different view to a lot of other people. I am not suggesting that a serving MP or a serving Lord should be on any regulatory body, but I am concerned that politics is again being traduced in an unsatisfactory way. That is just an example of some of the minor things to which my hon. Friend the Member for Folkestone and Hythe (Damian Collins) referred—about trying to change the

name of briefings and what they could be called. Frankly, that section of the report did not deserve the ink that was wasted on it.

On the problems the report will solve and the problems it will create, we have recently debated, and debated several times, the terrible incident of Hillsborough. There were two other incidents in the late '80s that forced a change so that we moved away from the Press Council to the creation of the Press Complaints Commission. Not many people will recall that on 9 May 1989, a report from the ombudsman was printed on page 2 of *The Sun*. Of course, that was not enough. Today, the PCC rules would enable something of equal prominence to be printed, and the ombudsman adjudication at the time indicated that the headline should not have appeared. One concern is that we may start to give false hope to people who have been maligned by the press.

Alun Cairns: How does my hon. Friend reconcile the want of victims for solutions with the inconsistencies of the report, which does not extend to digital media?

Dr Coffey: My hon. Friend makes a useful point about digital media. I think somebody suggested that we should begin to look at how we regulate the internet. That is a challenge, even if we think only of closing down access to sites.

Returning to the Hillsborough incident, I do not want people to get false hope that all of a sudden journalists will not produce stories that they do not like. The same could be true of the situation in Bridgend. The PCC did good work on that, and the Government at the time said, "Yes, there was some good stuff." We should have learned a bit more.

Damian Collins: Does my hon. Friend agree that the biggest steps forward in monitoring what is reasonable in, say, social media have been taken by the courts, not by any regulatory process?

Dr Coffey: That is a fair point. Of course, we all accept that the status quo is not good enough, but there is a great nervousness about the effect of statutory underpinning and the slippery slope. It seems that statutory underpinning is what the overwhelming majority of MPs want, and I hope we will persuade people that it is not right. If the statute is introduced and in a few years' time it is not working, the argument will be that we need more regulations or that they need tightening up. I wonder where it will stop. It seems to me that what the victims really want is a more robust law on privacy and for a code of ethics to be enforced. Perhaps that is the question that should be consuming us.

This has been a good debate, but there are not enough hours to interrogate the report in the depth that it requires.

Mr Deputy Speaker (Mr Nigel Evans): To accommodate more Members, the time limit is being reduced to eight minutes.

7.57 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): It is a pleasure to follow some of the speeches. I agree wholeheartedly that we have some of the best media in the world. They can be funny, incisive and often illuminating—that has never been in doubt. However, the circumstances that led to the Leveson inquiry being set up involved some absolutely appalling things happening to innocent people, including people who had never sought to be in the public eye—that, also, has never been in doubt.

What Lord Justice Leveson proposes is reasonable and proportionate. It is self-regulation that means self-regulation, rather than what we have now, which is self-regulation that effectively means no regulation. It builds on practice that exists elsewhere, such as the Irish system, and, with reference to the proposal to offer incentives to encourage papers to sign up by adjusting the damages awarded should a dispute end up in litigation, it uses the same formula found in this country's civil procedure rules that govern all civil litigation in England and Wales.

Supporting Leveson is not about being anti-journalist or anti-media; I reject that assertion entirely. Some of my favourite media sources are those that feature very different politics to mine. I like reading *The Spectator* and Guido Fawkes's blog. I find them entertaining because they are witty and well written, and they do not simply mirror my own politics back at me. We want a lively press. The idea that stories on MPs' expenses or other official wrongdoing would not have been featured because of a Leveson-style system of regulation has to be utterly false. We want a press that investigates abuses of power, but does so without abusing their own power in the process.

The Leveson report is about acknowledging that we have a serious problem with media accountability in the UK; that we have known about these problems for decades and never dealt with them; and that now we have a chance to do the right thing for the benefit of everyone. Why does self-regulation need to be guaranteed by statute? Because for more than 70 years, as we have heard, despite seven different attempts, the old system has failed. Without the necessary robustness provided by statute to the new system, it will simply fall back under the control of vested interests and give us the miserable failure we have at the moment. As Michael Portillo said last week, the moment we take away the proposal to underpin self-regulation with statute, we make sure self-regulation will never properly happen. One of the clearest things we can deduce from the evidence given to Leveson is that this was never about one or two rogue reporters; the report talks about widespread abuse of power.

The report is not about everyone; there are some commendable journalists and newspapers—it is particularly gratifying that regional and local press have been mentioned in this debate. However, as the report says, this is about

"Too many stories in too many newspapers"

that

"were the subject of complaints from too many people, with too little in the way of titles taking responsibility, or considering the consequences for the individuals involved."

Many objectors have made the point that it is for the criminal law to deal with such matters and that access to the legal system is what really matters, but aside from the fact that we have just cut back enormously on legal aid, Leveson makes it expressly clear that, first, it was only by a quirk of good fortune that the criminal law has been able to deal with the worst cases of phone hacking, because Glen Mulcaire kept such meticulous

[Jonathan Reynolds]

notes that could be used in evidence; and secondly, and most crucially, that the criminal law would not have helped with the harassment, intimidation and other nefarious treatment of the victims who gave evidence, not least the Dowler family. We would have to have hearts of stone not to acknowledge what that family had to put up with. It is not good enough to fail to address this problem.

One of the more reasonable objections is that, given social media and the internet, regulating newspapers when they are in historic decline might not be the best thing to do. I thought the hon. Member for Camborne and Redruth (George Eustice) dealt with those points rather well. Just because it might be harder to ask online media to self-regulate, that is not an excuse to give newspapers the green light to carry on as they are. We should not underestimate the power and influence of newspapers. What they write carries an authority far greater than even the most popular blog or Twitter account. In addition, although the debate about Leveson has rightly focused on whether to initiate proper self-regulation, there are a number of other relevant proposals in the report. I am pleased to see the issue of media ownership come up and the acknowledgement that inappropriate concentrations of ownership could occur without the competition laws being initiated. I am less keen on the idea of requiring disclosure every time contact is made between a politician and a journalist. That seems a little over the top. Similarly, the points dealing with data protection do not seem entirely right at the minute. However, all these things can be considered further before we implement the proposals.

We have before us a sensible and measured report in response to a serious problem. No one wants state control of the media, but for too long in this country we have been closer to a situation in which there is media control of the state. Concentrations of power, when people believe they are not accountable to anyone, always end badly, whether it is trade unions in the 1970s or the bankers in 2008. It is our job as politicians to navigate away from that without going too far in the other direction. We have before us a report that shows us the way to do that. Let us show some leadership. Let us not think short term. Let us for once do the right thing. I commend the Leveson report to the House.

8.2 pm

Mark Reckless: This issue first came to my attention on 7 September 2010, at one of the first meetings of the Select Committee on Home Affairs that I attended. Into that meeting came the hon. Member for Rhondda (Chris Bryant) and the Assistant Metropolitan Police Commissioner, John Yates, following an article in *The New York Times* and an Adjournment debate that the hon. Gentleman had secured. Ever since then I have focused to a degree on the role of the prosecution authorities. I was struck by a quotation in *The New York Times* that said:

"A vast number of unique voicemail numbers belonging to high-profile individuals (politicians, celebrities) have been identified as being accessed without authority. These may be…subject of a wider investigation".

That was in a file note of 30 May 2006, from Carmen Dowd, who was one of the top six people at the Crown Prosecution Service and running the case, to Lord Macdonald, then head of the CPS, and Lord Goldsmith, then Attorney-General. Ever since then I have asked myself, "Why was nothing done by the CPS about this issue?"

John Yates explained at that Committee meeting that, at least in his view, the Met investigation was limited throughout by the interpretation of the law given by the CPS. The issue is that section 1(1) of the Regulation of Investigatory Powers Act 2000 says:

"It shall be an offence for a person intentionally and without lawful authority to intercept, at any place in the United Kingdom, any communication in the course of its transmission".

That appears to be the basis on which Carmen Dowd advised the police—as she clearly did throughout—that they needed to prove that the interception of the communication happened before the intended recipient picked up that communication or message. It appears that that high hurdle limited the police investigation, and the police have made much of that throughout.

However, if we look further, we see that section 2(7) of the 2000 Act says that

"the times while a communication is being transmitted…shall be taken to include any time when the system by means of which the communication is being, or has been, transmitted is used for storing it in a manner that enables the intended recipient to collect it or otherwise to have access to it."

That provision, on the face of the legislation, clearly extends the period of transmission to include the time when a voicemail is being stored and the recipient might be ringing in, to listen either for the first time or repeatedly. I have therefore never really understood, like anyone else who has read the law properly, the basis of this narrow interpretation—there is a 2002 case involving NTL, but it related to an e-mail system that could not even store messages after they had been collected and it hardly takes precedence over what is so clearly on the face of the legislation.

Having heard Mr Yates and being aware of the Adjournment debate of the hon. Member for Rhondda and what he said subsequently, the Home Affairs Committee wrote to the then Director of Public Prosecutions, who wrote back to us in October 2010 saying that

"the approach…taken to section 1(1) of RIPA in the prosecution of Clive Goodman and Glen Mulcaire"

was that

"to prove the criminal offence of interception the prosecution must prove that the actual message was intercepted prior to it being accessed by the intended recipient…David Perry QC had approached the case on that basis at the time."

That is why we see, with the royal household, there was a sting operation, in order to prove that the messages were being intercepted prior to the intended recipient picking them up—by telling the intended recipient not to pick them up until the police had checked whether the suspects had intercepted it.

We then have a series of pieces of evidence—we have 170 pages in the report on the CPS, on the police and on all how these issues went. I do not believe that there will be a part two to this inquiry. Frankly, I think that is partly why Leveson has gone as far as he has—by including those 170 pages—and, subject to the criminal prosecutions, given as much information as he has been able to. I have been tabbing up the areas in the report where it seems that that narrow interpretation of the law was given and sustained by the CPS and David Perry QC.

Chris Bryant: But it is also clear that the police and the Crown Prosecution Service, in the charges presented against Mulcaire and Goodman, never relied on whether the messages had been intercepted before the intended recipient saw them, so I am not convinced—as Lord Justice Leveson is not convinced—of that argument.

Mark Reckless: As Lord Justice Leveson says, the July 2009 review by the DPP was not assisted by the failure to examine witness statements and exhibits from the prosecution. I asked the CPS for the witness statements from prosecution and it did not provide them, so I had to submit a freedom of information request, and it still has not provided them. However, I spoke earlier to my right hon. Friend the Member for Bermondsey and Old Southwark (Simon Hughes), who was clear. He said that when he was one of the victims—in counts 16 to 20 of the indictment—a police key focus in interviewing and preparing his witness statement was on whether those messages had been listened to before he picked them up. He gave clear evidence to them, saying that he went into his voicemail and discovered that a number of those messages had already been listened to by someone else before he picked them up. That is partly why he felt he was picked: in order to give proof on the narrow basis of the legal advice that the CPS clearly—and, I believe, David Perry—was saying the police had to follow.

We also have the conference on 21 August 2006. The only proper, full note of that seems to have been taken by the police—Detective Chief Superintendent Williams, in charge of the investigation, is clear that the narrow interpretation was given. We also can say that, at most, the advice was nuanced. Carmen Dowd, who was from the CPS and who had throughout taken the narrow view, was actually in that meeting. David Perry was there, and although he was not contradicting the advice given by his instructing solicitor throughout, even on his own evidence he said it was tenable to take either the wide or the narrow view—despite the legislation being clear.

David Perry has another problem. He prepared a note on 14 July saying:

"We did enquire of the police at a conference whether there was any evidence that the editor of the News of the World was involved in the Goodman-Mulcaire offences. We were told that there was not (and we never saw any such evidence). We also enquired whether there was any evidence connecting Mulcaire to other News of the World journalists. Again, we were told that there was not (and we never saw any such evidence."

The Director of Public Prosecutions said that David Perry had given him a personal assurance in a face-to-face meeting that that was the case, and that he clearly recalled saying those things. However, when Mr Perry gave evidence under oath to the Leveson inquiry, he said:

"I don't think I would like to say that I necessarily expressed it in precisely those terms, but I was concerned to discover whether this went further than just the particular individuals with which we were concerned and I think I was conscious in my own mind that the question had to be whether it was journalists to the extent of the editor."

That was much weaker than the assurance that had previously been given to the Director of Public Prosecutions.

Leveson suggests that David Perry might have said that in July 2009 because he was advising in a rush overnight, but the fact is that the DPP showed—or it was shown on the DPP's behalf—and that his draft letter to the Culture, Media and Sport Committee was put before David Perry on 30 July, and he again confirmed that the narrow interpretation had been made. That letter was then supplied to the CMS Committee and used again to inform the DPP's commitment to the Home Affairs Committee in October 2010. So that was then a question of misleading Parliament. On 3 November, junior counsel repeated that same basis when looking at the DPP's letter and going to reconfirm this to the Committee once more.

Given all these issues, Clarke in charge of this said that the uncertainty of the legal advice limited the investigation, and that we have to give credit.

Madam Deputy Speaker (Dawn Primarolo): Order.

8.11 pm

Mr Andy Slaughter (Hammersmith) (Lab): I want to talk about costs in libel, privacy and other proceedings against the press. This is not an ancillary issue, either in itself or in the context of providing an effective self-regulatory system, according to Lord Justice Leveson. It will require fresh legislation to correct the current state of the law and to give effect to the whole Leveson framework. That is something that Leveson has said, and that the Government have conceded as well.

Prior to the enactment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, it was possible for persons grievously wronged by the press to sue using conditional fee—no win, no fee—agreements. The McCanns, the Dowlers and Christopher Jefferies used them. On the back of spurious attacks on personal injury claimaints, the Government legislated in part 2 of the LASPO Act to remove the protection from such claimants in bringing libel or privacy claims. They claimed that they were following the recommendations in Lord Justice Jackson's report on civil litigation costs, but they were not.

Under the LASPO Act, no win, no fee is available only if the claimant's solicitor receives their costs from the claimant's damages, up to 25% thereof, but the damages in libel cases are now quite low—perhaps £10,000 or £20,000—and it is not possible to run a libel case on £2,000 or £4,000. Even if it were, no claimant would risk bankruptcy, as it is no longer possible since after-the-event insurance premiums became non-recoverable to insure against losing a case and paying the defendant newspapers astronomical costs.

Bob Stewart (Beckenham) (Con): Could not the independent regulator give good advice to people who have clearly been wronged and, with it, some assistance with getting recompense for the hurt that they have suffered? Going to court is so expensive for normal people, and it would be really good if the independent regulator could do something to put that right.

Mr Slaughter: That is what Lord Justice Leveson recommends, in a rather more organised way, but he says that it must be underpinned by statute.

Going back to my previous point, I want to quote Sally Dowler, who said:

"At the outset we made clear that if we had to pay the lawyers, we could not afford to bring a claim; or if we had any risk of having to pay the other side's costs, we couldn't take the chance. If

[Mr Slaughter]

the proposed changes had been in place at that time we would not have made a claim. Simple as that, the News of the World would have won, because we could not afford to take them on."

Lord Justice Jackson said that the losing claimant should be given protection in costs—so-called qualified one-way costs shifting—but the Government ignored him. The result of that has been summed up by Lord Justice Leveson, on page 1507 of his report:

"In the absence of some mechanism for cost free, expeditious access to justice, in my view, the failure to adopt the proposals suggested by Jackson LJ in relation to costs shifting will put access to justice in this type of case in real jeopardy, turning the clock back to the time when, in reality, only the very wealthy could pursue claims such as these…An arbitral arm of a new regulator could provide such a mechanism"—

this relates to the point made by the hon. Member for Beckenham (Bob Stewart)—

" which would benefit the public and equally be cost effective for the press".

Those matters were discussed at length in proceedings on LASPO in both Houses. Victims of phone hacking, including Lord Prescott, raised the plight of all the victims and received this response from Lord McNally:

"I cannot imagine that the kind of issues that the noble Lord, Lord Prescott, has raised tonight will not be dealt with fully in that Defamation Bill."—[*Official Report, House of Lords,* 27 March 2012; Vol. 736, c. 1332.]

Yet nothing was in the Defamation Bill when it was published. On its Second Reading in this House, my right hon. Friend the Member for Tooting (Sadiq Khan) quoted Lord McNally's promise, and added:

"Yet I do not see those issues being dealt with anywhere in the Bill. If the Government do not bring forward proposals to address this deficiency in Committee, we will have to do so."—[*Official Report*, 12 June 2012; Vol. 546, c. 196.]

Indeed, that is exactly what we did. In Committee, we offered a variety of means for restoring the position of the claimants, but each of them was rejected by the Government, using what became a mantra that was repeated at all stages of the Bill, and that has been repeated today by the Secretary of State—namely, that the Government would look at the rules on costs protection for defamation and privacy proceedings when the defamation reforms came into effect. I am going to ask the Minister what exactly that means.

First, however, let me read out what Lord Justice Leveson says about costs. This is in paragraphs 68 to 72 of the executive summary:

"The need for incentives, however, coupled with the equally important imperative of providing an improved route to justice for individuals, has led me to recommend the provision of an arbitration service that is recognised and could be taken into account by the courts as an essential component of the system…Such a system (if recognised by the court) would then make it possible to provide an incentive in relation to the costs of civil litigation. The normal rule is that the loser pays the legal costs incurred by the winner but costs recovered are never all the costs incurred and litigation is expensive not only for the loser but frequently for the winner as well. If, by declining to be a part of a regulatory system, a publisher has deprived a claimant of access to a quick, fair, low cost arbitration of the type I have proposed, the Civil Procedure Rules (governing civil litigation) could permit the court to deprive that publisher of its costs of litigation in privacy, defamation and other media cases, even if it had been successful. After all, its success could have been achieved far more cheaply for everyone. These incentives form an integral part of the recommendation, as without them it is difficult, given past practice and statements that have been made as recently as this summer, to see what would lead some in the industry to be willing to become part of what would be genuinely independent regulation. It also leads to what some will describe as the most controversial part of my recommendations. In order to give effect to the incentives that I have outlined, it is essential that there should be legislation to underpin the independent self-regulatory system and facilitate its recognition in legal processes."

He then goes on to explain, as mentioned by other Members, what the legislation would achieve and what its purpose was. The third of his three reasons is that

"it would validate its standards code and the arbitral system sufficient to justify the benefits in law that would flow to those who subscribed".

What that means is that, as far as Lord Justice Leveson is concerned, the costs issue is at the heart of his principles and legislation is needed for it to take effect.

I was unable to intervene on the Secretary of State, so I would like the Minister to address in his winding-up speech the question of what type of legislation—primary or secondary—the Government envisage introducing to deal with the costs issue, which they have been promising for about two years, ever since the misguided legal aid, sentencing and punishment of offenders proposals first came about. If the legislative principle is ceded in the process—as my hon. Friend the Member for Rhondda (Chris Bryant) said—there will of course be some legislation relating to regulation of the press and here is a clear example, or a central example, according to Lord Justice Leveson, providing the entry to the entire regulatory system—it is the incentive given by the arbitral system and by the cost penalties that will lead to the whole self-regulatory body operating.

If that is ceded, what problem do the Government have in ceding the concept of legislation on the other two points that Lord Justice Leveson made? The first of those is

"to protect the freedom of the press"

and the second is to

"provide an independent process to recognise the new self-regulatory body and reassure the public that the basic requirements of independence and effectiveness were met".

At the end of the day, that is all that Opposition Members—and, indeed, from what I have heard today, many Government Members, too—are asking for. The Government are setting up straw men in order to knock the proposals down. They are colluding with the proprietors of newspapers who are talking in the most arrant and nonsensical terms about what the implications of this will be. I believe that dealing with the costs route will justify the proposals that Lord Justice Leveson has made.

8.21 pm

Mr Robert Buckland (South Swindon) (Con): It is a pleasure to follow the hon. Member for Hammersmith (Mr Slaughter), whose remarks about the carrot and the stick in relation to costs were well made. There is no doubt in my mind that in order to incentivise the major titles and the print media to join a new regulator, there have to be proper incentives—with members enjoying an advantage over non-members in terms of civil actions and not having to pay aggravated damages.

Along with some other Members, I sat on the Joint Committee on privacy and super-injunctions, which issued its report some months ago. In common with my

hon. Friend the Member for Camborne and Redruth (George Eustice) and the right hon. Member for Exeter (Mr Bradshaw), I often found myself in a minority on that Committee. There were many divisions and, as we have heard, the final recommendations were the subject of much debate. I found myself in a minority, for example, because of my strong advocacy of a statute of privacy, which I still believe this country needs and which it is incumbent on this Parliament to introduce.

At that stage, I was still thinking carefully about the merits of some form of statutory intervention or underpinning for the print media. I am persuaded now, however, that some form of underpinning is necessary. I do not come to this issue as someone who is an instinctive regulator. I do not support knee-jerk reactions when it comes to the passage of legislation in this House, but I do view the situation now as so serious that only some form of underpinning will do.

I am often accused of being optimistic in my politics to the point of being quixotic, but when it comes to the ability of the major titles of the print media to agree, first, to the principles of Leveson and, secondly, to a mechanism that will deliver them, I am afraid that my optimism leaves me.

Much has been said about the context in which the Leveson inquiry commenced. Some would say that it was based on a very narrow set of circumstances, but that is belied by the wide terms of reference set out at the beginning of the inquiry. We can see from the title that it is "An inquiry into the culture, practices and ethics of the press", but it is important to remind ourselves in this debate of what the aim of the inquiry was. Part 1 of the terms of reference state that it was to make recommendations

"for a new and more effective policy and regulation regime which supports the integrity and freedom of the press, the plurality of the media and its independence, including from Government, while encouraging the highest ethical and professional standards".

That part of the terms of reference is extremely important, because the scene was set for a wide-ranging examination of not just telephone hacking or bribery but the entire regulatory regime that has applied so far.

It is agreed in all parts of the House that so-called self-regulation has failed. Indeed, I would go further and say that I agree with Lord Justice Leveson that the Press Complaints Commission was not a regulator as we know it. It was not independent; it did not have powers to summon parties to produce documents or provide sworn evidence; it could not deal with complaints from third parties, or indeed with issues that were not subjects of complaints. Its remit was narrow, and its status was compromised. If we are to embark on a new course, it will be regulation in the proper sense of the word for the very first time.

Those who argue against any form of statutory intervention say that they do not want the work of our free press to be inhibited by statute. Of course I agree with that, but on closer examination, it would be wholly wrong to say that the work of our journalists is in some way uninhibited now. It is already hedged by statute, whether it be rules about reporting when it comes to contempt of court or, for example, provisions of the Police and Criminal Evidence Act 1984 relating to journalistic material that restricts police powers of search. We have existing defamation statutes that allow the defence of responsible journalism that is in the public interest. The Human Rights Act 1998 itself enjoins the courts to have specific regard to the relevant code of conduct when dealing with privacy cases.

Jacob Rees-Mogg: Is not the difference that the press has specific protections in law rather than laws that apply, with a specific penal effect, to the press alone? That is a very important difference.

Mr Buckland: I take my hon. Friend's point about the boundaries that are being set. My point, however, is that there is a parallel between existing statute and what I believe is being proposed. I do not view statutory underpinning as somehow creating an entirely new set of constraints within which journalists will have to work. This is not, in my opinion, analogous to the difference between prescribed rights and general liberties that may be defined by their boundaries. My hon. Friend and I often agree about the distinction between different types of law and the tension that exists between them, but I do not believe that we will end up in that situation.

George Eustice: Does my hon. Friend agree that it is wrong for the press to support statutory regulation when it protects their commercial interests and oppose it when it protects the interests of civil society?

Mr Buckland: I think that the Homer Simpson approach that we often observe—the contradictory approach that is taken to so many issues—is worrying, and demonstrates an inconsistency. I simply ask those who say that existing laws provide adequate protection for members of the public why we allowed ourselves to get into a position in which, in effect, a culture of impunity existed in certain parts of our print media. I think that Lord Justice Leveson deals very comprehensively with the reality of the law as it stands.

As I have said, the press operate within a framework, but when play is made of the criminal law, the context within which that law operates is far too often ignored by those who cite it. First, when it comes to criminal complaints there needs to be a victim and some form of complaint, which will come about either when the complainant goes to the police or when the police themselves have some intelligence or information about an alleged crime.

The problem in the context of, for example, telephone hacking or bribery is that very often the victims do not realise that they are victims for many years. That was certainly true in the case of some of the victims of telephone hacking, who became aware of the emergence of private and sensitive information into the public domain via the newspapers, and then began to suspect even their families and friends of having breached a confidence before realising, or being told about, the grim reality. The same can be said of bribery: those who have lost out as a result of it will not necessarily know of the wrongdoing at the time, and may not know of it for many years.

There are issues relating to the way in which evidence can be gathered. We know, and rightly stress, the importance of exemptions when it comes to journalistic material. Also, the police will naturally prioritise the individual offences, such as violence and dishonesty, while the issues raised in this inquiry have in recent times dropped low

[Mr Buckland]

down the list of priorities. As Lord Leveson says, the mere fact that we now have lengthy investigations into telephone hacking and bribery does not necessarily mean that the police have always been able to conduct such inquiries. In fact, the co-operation of News International has made all the difference in that respect.

Much has been said about defamation. Like the Versace hotel, the law of defamation is open to all, but it is too expensive, and we as parliamentarians must support the ordinary person to get cheap and effective redress of any grievance through a robust independent regulatory system, which must be underpinned by statute.

8.30 pm

Ian Paisley (North Antrim) (DUP): The mantra "press freedom" has become quite meaningless, as everyone is for press freedom, just as everyone is for mum and apple pie. All Members on all sides of the Leveson argument say they are for press freedom. Indeed, all of us can rightfully say that, because we are, indeed, all for press freedom. It has become a bit like patriotism, however, in that it is the last refuge of the scoundrel. We have to break the argument down and recognise that the wallpaper of press freedom must be examined.

The Secretary of State rightly said in opening the debate that the status quo is no longer an option. She was echoing the words of the Prime Minister, who said in July:

"I accept we can't say it is the last chance saloon all over again. We've done that."

We must try to give some life to this process. The press have had their last chance. They have had their drinks at the bar. It is now time to get them to face up to their responsibilities in ensuring we have a truly fair press. We must do that for all our sakes, but, most importantly, for their sake.

The Press Complaints Commission is a dismal failure, which is largely why we are debating this subject tonight. The tragic stories we have all heard—the Milly Dowler story and all the abuse stories—are just the tip of the iceberg, as there were years and years of build-up to Leveson. That was largely because the PCC failed to keep its house in order.

We in this House are really just fighting over the embers. Newspapers are becoming ever less important to this nation. My children will never buy a newspaper. They will get their news on handheld devices, and it will be tailored for them—they might want news about arts or music, and they will determine whether they receive political news. The press have in some sense already had their last chance, as they have lost their future audience because newspapers have, to a large degree, become discredited. Parliament and the nation at large should recognise that we have a duty to help to fix that.

Many Members have wrongly asserted that regulation is about we politicians having a say in the content of news journalism. There is a huge difference between regulation of content and regulation of process and behaviour, however. If we regulate the behaviour of journalists and the process they go through to get their stories, that will lead to better content, which will no longer be of the scurrilous nature of the worst examples we have actually had. Lord Leveson said:

"let me say this very clearly. Not a single witness proposed that either Government or politicians…should be involved in the regulation of the press. Neither would I make any such proposal."

We should recognise that the regulation issue is not about our having a say on content; I do not mind what the press write about and what they decide they are going to write, but it is up to them to ensure that the content of what they write and how they get that content is proper and informed, and is not about trampling over people's rights. We have had example after example of how the press have ignored that. We therefore need some sort of system in place that allows for proper regulation of behaviour, not regulation of content. That is a vital and important distinction, and I welcome the fact that talks are taking place between the two Front-Bench teams. I hope that they lead to agreement, because this should not be a party political issue. This should be something that this House can agree on entirely.

There are many areas in the Leveson inquiry with which I am disappointed. I believe that Leveson could have done much more on the daily papers outside London. The Northern Ireland newspaper editors were wheeled in, given a couple of hours in front of him and then wheeled out again. Many of us had written to Leveson prior to that, inquiring about suggestions and allegations about hacking in newsrooms in Belfast, but none of that was investigated. I am disappointed about that, because it should have been part of his investigation. I still await a response from Lord Leveson on the matters about which I wrote to him.

However, we have to take seriously the words of the former editor of the *Belfast Telegraph*. I am not the paper's greatest fan and I am not its favourite character, but I believe that Ed Curran hit the nail on the head today when he wrote in a feature column:

"The newspaper industry has really no alternative but to…agreeing a totally independent regulatory body in which editors will have minimal or no say at all. Their role will be downgraded to offering advice, if asked for, in the adjudication of complaints but the days of having a direct say in decision-making"—

and in the punishment—

are gone."

It is too late: the press can no longer be left alone to mark their own homework or to set their own punishment.

8.37 pm

Jacob Rees-Mogg (North East Somerset) (Con): There has been a lot of praise of Lord Justice Leveson today, and I am afraid that I am going slightly to divert from that, because to some extent prolixity has been mistaken for virtue. Verbosity is possibly part of the problem of his report, which not only goes on for much too long, but fundamentally has missed the bus. I say that because it was not set up to deal with the internet. Indeed, Lord Leveson says on page 169 that

"most blogs are read by very few people. Indeed, most blogs are rarely read as news or factual, but as opinion and must be considered as such."

However, we discover from Saturday's *Financial Times*, a very good source of information and not one that has been involved with any of these problems, that 82% of the UK population receive news online, compared with 54% who receive it from newspapers. So the report is about regulating yesterday rather than dealing with tomorrow; it should make King Canute feel proud,

because at least he was going to deal with the tide that was coming in, rather than a tide that had receded some years before.

I am delighted to say that Lord Justice Leveson has used online content himself; it was reported in *The Sunday Times* that he was caught by a spoof on Wikipedia and said that *The Independent* was founded by one Brett Straub, who apparently is a Californian student and had no association with the founding of *The Independent*. So, on the one hand, not much notice is taken of the internet, but, on the other, it has actually been used in putting together this report of almost 2,000 pages.

I listened with great interest to my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley), who said that we should always be very cautious when people say that the status quo is not an option as self-evidently the status quo is always an option. As a Conservative, I would often like the status quo ante, but I shall not dwell on that point. A good deal of the report accepts the status quo. On page 1496, Lord Justice Leveson states that

"I do not recommend that any change is necessary to the substantive criminal law."

On page 1508, on the civil law, he says that he does not want to go over the ground of the Defamation Bill, because that has already been dealt with, and on privacy he says:

"It does not appear that legislative intervention will do other than generate…litigation".

On defining the public interest in law, he states that:

"I do not recommend a statutory definition."

In the criminal law and the civil law, we will maintain that terrible thing, that awful spectre, the status quo. That is rather encouraging because it means that the law of the land as is working and has been doing its job.

Mr Buckland *rose—*

Jacob Rees-Mogg: Of course I will give way to my hon. and learned Friend.

Mr Buckland: I am very grateful to my hon. Friend for the elevation he has given me. Does not his point have to be succeeded by a second point? Lord Justice Leveson says that regulation is necessary to cover areas of complaint that do not neatly fit into heads of damage or criminality, such as accuracy, at which the press are not always terribly good.

Jacob Rees-Mogg: I am very concerned by my hon. Friend's suggestion. If we are to legislate for accuracy, I hate to think what that might do to this House or to politicians and the speeches they make in election campaigns.

More important than the fact that the report suggests no changes to the criminal and civil law is the underlying risk to freedom of expression it contains. Let me start with page 1512 and on the subject of the possibility of aggravated, exemplary and restitutionary damages. They have been used in some other countries in the world as a means of crushing opposition. When people say things that the Government of the day do not like, the Government bring complaints or actions for damages, sometimes against individual politicians, and bankrupt them. They are then no longer able to criticise the Government. Although it sounds very fair when we are talking about the hard, sad or disgraceful cases we have heard about in this debate, none the less we should allow newspapers to refuse to fit neatly into some regulatory system thought up by a Government-appointed bureaucrat or risk those fundamental freedoms we have been fortunate enough to have for many centuries.

That brings me to the appointment of the first appointment panel. Who is to appoint the panel? We hear that it will be made up of distinguished public servants with experience of senior appointments. We are actually going back to a 1950s view of the establishment. Perhaps I should welcome that, because I might have fitted very nicely into a 1950s vision of the establishment, but I am surprised that this House by and large wishes to see that return. The report suggests that appointment should take place in

"an independent, fair and open way"—

like the appointment of the new Governor of the Bank of England, I am tempted to say, although I thought it was an excellent appointment. It was advertised for the first time, lots of good and qualified people applied and then the Chancellor appointed who he wanted to in the first place. It was a very good appointment, but this reference to a "fair and open way" should make us deeply suspicious.

The key matter—the nub of all this, which brings it all back under state control—is the role of the recognition body. Under Lord Justice Leveson's proposals, the recognition body is, unfortunately, under the control of Government appointee. It is a Government quango where the chairman is appointed by a Secretary of State. That is difficult because that recognition body will have the right of first recognition in saying whether a particular set of regulators will be suitable—there could be more than one—and on the second anniversary and every subsequent third anniversary, it will be able to say whether the statutory tests have been met.

Now what if one of those regulatory bodies did not meet the requirements for equality and diversity that Lord Justice Leveson is so keen on? What if it dared to appoint someone from UKIP who might live in Rotherham, for example, to one of its panels to be an investigator? Do we then find that the checking body, Ofcom, would disapprove that body and, by effect if not by immediate law, would be able to choose the detail of the way in which the press was regulated?

There is another concern—that people will seek advice. By their very nature they will go to the recognition body and say, "This is what we propose. Is it all right if we do this? Will you allow us to continue when we come to our next review?" So there is an insidious power in that recognition body which will undermine the freedom of the press and will assert political correctness throughout the land.

Mr Buckland: Will my hon. Friend give way?

Jacob Rees-Mogg: It is a privilege to give way.

Mr Buckland: It is an attractive and seductive argument that my hon. Friend sets out, but in many other walks of life—for example, my profession, the medical profession and the judiciary—there are over-arching bodies of statute that do the job of verification that he is so concerned about. They are independent. Why should not the proposed press regulatory body work?

Jacob Rees-Mogg: I am not particularly concerned that my doctor is an agent of the state who is going to take out my tonsils because he thinks that that may progress political correctness in some way. A doctor is completely and utterly different from a journalist writing freely, criticising boldly something that has become the perceived wisdom of the nation at large. That is a liberty that should be precious to us. It is an absolute one that we have in the House.

Is it not interesting that we give ourselves that absolute liberty—that absolute liberty under the Bill of Rights that nothing said in this House can be challenged in any court or tribunal? The press are an aid and a boost to that of our fellow subjects to do the same—to question the wisdom of the great and the good, of those fine panjandrums who are going to form the appointments panel.

Finally, I question the naiveté of Lord Justice Leveson, who says that there is no foundation in the suggestion that it is easier to amend an existing Act than to bring in a new one. Anybody who knows how this place works or who looks at the history of legislation coming through will be aware of this point. Let us take, for example, the Great Reform Bills. In 1832 there were riots to get reform through; in 1867 it was a much simpler process. Every time an Act is put on to the statute book it is simpler to develop it further and move it forward. That ignores the ability to use statutory instruments, which are a part of most legislation, if not all of recent years, and statutory instruments can be put through on a negative resolution of the House and hardly further debated at all.

By creating statutory control we will find that the recognition body has extremely large powers to intervene and enforce its will by stealth, and that legislation will be amendable in future, to the great risk of our liberties.

8.48 pm

Mr Michael Meacher (Oldham West and Royton) (Lab): This has been broadly a good debate. It has been reasonable and thoughtful, and is perhaps even beginning to eke out something of a consensus. Unlike the hon. Member for North East Somerset (Jacob Rees-Mogg), I think that owes a great deal to the patently balanced, thorough, well documented, comprehensive and eminently sensible report produced by Lord Justice Leveson.

There are four basic responses to the report. Two can be dismissed out of hand. One is that we keep the status quo. Nobody—of course I exclude the hon. Member for North East Somerset and the right hon. Member for Hitchin and Harpenden (Mr Lilley)—who supports that view will be taken seriously because, after the experience of the past several years, it is an indefensible position. The other is that we should introduce statutory regulation of the press, which no one who is taken seriously is advocating, and certainly not Leveson, even though what we have at the moment can scarcely be defended on grounds of freedom of the press. We know that it has involved untrammelled license to victimise the vulnerable and powerless, the phone hacking of 900 people identified by the police so far, corruption and bribery of public officials, wholly unjustified lampooning of the fans at Hillsborough, conspiracy to pervert the course of justice at News International and wrongful character assassination of an arrested person in a murder inquiry—and those are just a few examples.

That leaves two other responses, which I think are the real issue and have formed the centrepiece of this debate. One is self-regulation via a beefed-up version of the Hunt-Black proposals, which is Leveson-compliant but without any statutory underpinning. The other is a Leveson-type framework that includes statutory underpinning. I think—there seems to be fairly widespread agreement on this—that there need to be arguments about the identity of the fall-back regulator and, in particular, the need to protect fully investigative journalism in the public interest.

There are clearly several problems with the former option, put forward by Lords Hunt and Black. First, are editors really as united and committed to reform as their public statements suggest and, therefore, would the proposed framework be stable and durable? Secondly, there is Leveson's own objection that this option does not pass the independence test. The governance of the press should certainly be free of machinations by the state. We all agree absolutely on that, but the press should equally be free of machinations by self-interested and over-mighty press barons. In that context, I think that there must be doubt about whether an industry funding body that funds the whole scheme, is responsible for regulations and sanctions and appoints editors and five publisher members to the complaints arm can remotely be considered independent. I think that it is highly significant that Lords Hunt and Black, when taking views from the national and regional press, made no effort to find the views of pressure groups or victims. I think that they need to be reminded that this is not about finding a new level of equilibrium within the power structure of the press industry. Rather, it is about establishing a change in the balance of power and rights between the press and their victims.

Thirdly, there are real doubts about the practicality of the Hunt-Black proposals. What happens if an editor or proprietor refuses to join up? What happens if at some future point they decide to walk away, as Richard Desmond did from the PCC? What happens if they strongly dispute a judgment of the self-regulatory body? Do we really believe that the latter would pursue them through the courts with the necessary toughness and perseverance? Do we really believe that a self-regulatory body overseen by industry funding would be as proactive in pursuing abuses, upholding standards and imposing sanctions as the public now demand?

Fourthly, the real argument against the Hunt-Black proposals is that there is surely now overwhelming and unimpeachable evidence that self-regulation of the press does not work. It has been said repeatedly today that over the past 70 years there have been seven inquiries, including three royal commissions, into the feral behaviour of the press, and every time we have been told that lessons have been learned, tighter self-regulation will ensue and abuses will be stopped, yet nothing changes and it gets worse. Many hon. Members have drawn attention to David Mellor's remark in 1991 that the press were drinking in the last chance saloon, yet as we have seen from the appalling misfeasance of the past decade, each time their reaction has been to call for another round.

As a result, some degree of statutory underpinning of press governance must now be inevitable. Of course, there can be questions about the details. The Government object to Ofcom as a fall-back regulator. There may be a need for a new sui generis body—perhaps called the

press trust, if that is not a contradiction in terms—with appointment in accordance with the Nolan principles and subject to confirmation hearings by a Select Committee of this House. There is a case for modifying other elements of the Leveson framework. More protection is needed for the media when they are performing their proper function of holding the powerful to account. There needs to be a rebalancing of the burden of proof in the libel laws, which currently over-protect the very rich in their access to the courts.

There are also unresolved issues over media plurality. It cannot be a fair and balanced press when one proprietor, Murdoch, still controls 34% of the market. No one proprietor should own more than one daily and one Sunday. Nor do we have a fair, balanced press reflecting the diversity of opinion in the country when ownership is determined almost entirely by wealth. I conclude that Britain will be a better place if the central thrust of Leveson is accepted, including statutory underpinning.

8.56 pm

Richard Drax (South Dorset) (Con): It is privilege to speak in this debate and to follow the right hon. Member for Oldham West and Royton (Mr Meacher).

I will go back to basics, if I may. I believe, as I think everyone in this House believes, that freedom of the press is a vital cornerstone of our freedom in this country. There is no doubt about that. I do not need to remind Members that millions of people have died to protect our freedom and our democracy, and as I say, a cornerstone of that democracy is a free press. If we start to legislate on ethical issues, we are potentially heading down the road to repression.

As a journalist for 17 years, I have unfortunately seen one or two instances of unethical behaviour, such as someone being asked to ring the friend of a celebrity claiming to be somebody else and then putting a story in the newspaper that was completely untrue or grossly exaggerated. This was not—I repeat not—the honourable way for any newspaper to behave, but it was, as has been pointed out, a cultural thing. I do not believe that regulation is needed to tackle cultural problems. That is a very heavy mace to wield at such problems.

Having said that, for the majority of my journalistic time it was a privilege to work with men and women of high integrity who worked with the facts and went to great lengths to ensure accuracy and balance—none more so than those at BBC South Today, based in Southampton, which is still led by the most able and honourable Lee Desty.

Sadly, due to some serious breaches in the trust that we impart to our journalists across the country, we now face calls on both sides of the House for legislation. Leveson suggests a regulator free of the press and Government that will watch and arbitrate, delivering swift and fair redress. I have no problem with that, with one glaring exception—the call to underpin it, which sounds like building terminology, with legislation. That is a big red line that I cannot and will not cross. Either we have a free press or we do not. We simply cannot compromise on a matter as important as this. The so-called statutory underpinning would inevitably challenge the crucial independence that I believe in, and, as my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg) so ably identified, it would be insidious over a period of time.

Mr Straw: If everything that the hon. Gentleman says is correct, why then has he not heard the same complaint by British newspaper owners about the system of statutory underpinning that operates for their newspapers in the Republic of Ireland?

Richard Drax: We have a very long and proud history in the United Kingdom and we should not follow other people, because their ways of doing things are not always the best. Our system has worked and served us over hundreds of years.

Legislation would be needed and it would be passed in this place by us, but I am sorry to say that I do not trust us on this issue. That would be nail 1 in a coffin marked "Free Press." Nail 2 would be the appointment of Ofcom to oversee an independent regulator. Ofcom's members are appointed by Government. Nail 3 would be the unintended consequences of legislation. In the short time I have been in this House, I have seen such unintended consequences. It would be a lawyers' charter. They would challenge every move and every word of the free press in this country. It would lead to chaos.

Is this a path that we really want to take? I do not think it is. I must say that I am astonished at the number of Government and Opposition Members who seem to want to muzzle—I would use that expression—our media and genuinely hope that there is no element of revenge in their motive. Do not get me wrong: I feel for the victims, like we all do, but anger is not a valid excuse for legislation.

Oscar Wilde was right when he said:

"In the old days men had the rack. Now they have the press."

That rack, however, must hold us all to account. No one is above the law, but let us not forget that some in this House and the other place thought they were. The expenses scandal, cash for questions, cash for peerages, the sexed-up dossier—the list goes on and on.

The pain caused to innocent victims by what Lord Leveson calls a

"recklessness in prioritising sensational stories"

is completely indefensible, but we must not forget, as we have heard so many times today, that there are already laws in place to deal with these non-ethical issues. Phone hacking is a criminal offence, and so too is libel. My hon. Friend the Member for North East Somerset has highlighted other areas in which laws currently exist. Even now, cases are progressing through the courts because redress is in place, and let us not forget, either, that a national newspaper has closed.

In my view, politicians have no right or licence to interfere with the press. That would make us judge and jury. What worries me most is that what some might deem as light-touch regulation could become something far more insidious in the hands of politicians in the future.

Winston Churchill described the press as

"the unsleeping guardian of every other right that free men prize".

I like that. Do we want to lose our legitimacy as a democracy? The US has reacted in horror at what is being proposed. The freedom of its press is enshrined in the constitution as the first amendment, which must give pause for thought, and our most able Foreign Secretary has said that a controlled press here would undermine our attempts to preach free speech to oppressive regimes wherever they may be.

Mr Straw: Will the hon. Gentleman give way?

Richard Drax: I want to finish—I almost have—and have already allowed the right hon. Gentleman to interject.

Non-statutory self-regulation is the only answer and I urge all those in the newspaper industry to step up to the plate for our democracy's sake and for what should be, and is in most cases, an honourable profession.

9.3 pm

Mark Durkan (Foyle) (SDLP): Listening to many hon. Members talk about the number of issues involved, I am reminded of Fagin's song, "Reviewing the Situation": as he entertains each scenario, he ends up thinking it out again. I note that the hon. Member for South Dorset (Richard Drax), in sidestepping the obvious example of statutory underpinning in Ireland, said that we should not follow other countries, but then went on to cite the United States of America and the first amendment to the constitution.

I want to make it clear that I support Leveson's key essential recommendation for the need for statutory underpinning. I do so, however, with reluctance rather than relish, because, as many hon. Members have said, Parliament should be very slow to move into the area of regulating the press and creating another scenario.

Richard Drax: If the hon. Gentleman is reluctant, why does he want to do it?

Mark Durkan: I will now explain that. I wanted to say straight up where I come from on this matter.

We all know why the Leveson inquiry was set up. There was support for it from all parts of the House. People wanted something to be done by the Government and by Parliament. There was public outcry about the scale of the violations and abuse that were becoming more and more apparent. The political process had been in denial about that for too long. It had bought the corporate and editorial denials from the various media firms, which said either that there was no wrongdoing or that it was done only by rogue reporters. A very different story emerged.

It is clear to many in the public that the rampant criminality and abuse that were taking place and the culture of impunity might be related to the concentration of ownership and to the fact that key media owners ended up with ranking political influence, with leaders of the main parties currying their favour in various ways. When other parts of the media saw the titles in the stables of those media owners getting away with that behaviour, bad journalistic practices became the going rate and it was all too easy for others to give in to the temptation to follow.

Those in politics moved to draw a line with Leveson. It now seems as though the Prime Minister, having established Leveson, wants to sidestep a key recommendation. I am not among those who say that everything that Leveson recommends is right and that we should do it all. I do not say that we should have the whole of Leveson and nothing but Leveson. However, on the essential issue of how we should address the clear failure to date of self-regulation by the press, I think that we have to take heed of Leveson's key recommendation and, as a Parliament, take care in how we legislate to that effect. There are many dangers, difficulties and questions. I do not pretend that it would be simple to legislate competently and safely in this area, but it is our binding responsibility to do so. We cannot just duck these issues and say, "We are on the side of the free press, so we will not bring in any mild, measured legislation that would help to underpin the independent regulation of the press."

The Press Council of Ireland now has a statutory basis for its code of conduct and its conciliation and disciplinary procedures in the Defamation Act 2009. The press ombudsman in Ireland is able to secure prompt and prominent retractions, clarifications and apologies when people want them. That scheme has given the press a good means of arbitrating and resolving a lot of complaints and allegations against them that people would otherwise have had to take through the courts, if they could afford it. The press in Ireland have largely opted in to the scheme.

The Irish editors of the UK-derived titles have variously said that the process in Ireland is very independent, that there is no censorship or sense of censorship, and that there is no state interference or insinuation of state interference. That comes from the Irish editors of the very UK titles that are fulminating against this proposal and this model.

I recognise that the Irish provisions are slightly qualified, and perhaps more than the people and the press would have wanted. However, that is because the Republic has Bunreacht na hÉireann, the written constitution, under which the Oireachtas is forbidden from conferring privilege on any group or person. Part of the way in which the system works in Ireland is to allow the courts to take account of how the press have used those other means. Therefore, somebody who is dissatisfied may bring a case that challenges the constitutionality of the system. Let us be clear: any future constitutionality challenge that relates to this provision in Ireland will not be that the freedom of the press has been breached or the free press threatened in any way. It will be that the system of statutory underpinned regulation is conferring privilege on some organs of the press.

I have said that I do not accept all the Leveson report, and there are obviously issues about its potential implications on the protection of sources and the notion of contact disclosure and declaration. Some of the odd stuff about briefings and leakings reminds me of party meetings years ago when Seamus Mallon used to say that if something came from him it was a leak but if it came from John Hume it was a briefing. That was our rule and I am reminded of it when I read parts of the Leveson report.

Many people have referred to the obvious remark about the last-chance saloon, and we are told yet again that there cannot be any more last chances. One gets the impression, however, that when the Prime Minister and the Culture Secretary meet newspaper editors tomorrow, it will essentially be, "This is the latest of the last-chance saloons." Indeed, it now seems to take on the look of a lock-in involving the Government.

When the right hon. Member for Hitchin and Harpenden (Mr Lilley) was complaining about these proposals, he said that the danger in future would be that the regulatory system will be subject to the prejudices of the Government of the day. It is, however, the Government of the day who are going to meet the press tomorrow and who say

that they will come up with press standards in our time. After weeks of consultation with editors they are going to come back with a document for new improved self-regulation. Although it will be outsourced by the editors, however, let us be clear that the industry will commission this so-called independent regulation. I have heard Conservative Members ask who will appoint the panel under statutory, underpinned independent regulation, but they have not asked who will make those appointments and be involved in the independent consultation if it is done the way the press—the owners—want it done.

None of us should exaggerate the import of what Leveson has recommended. It is not a vaccination or inoculation against any recurrence of the sort of disease we have seen with the press, or its ugly and serious symptoms, and those who say it will prevent such abuse see too much in what is a safe, measured and sound recommendation. Neither, however, is it a toxic prescription that will in future see the media trapped in some sort of politically correct quarantine in the way suggested by Conservative Members. Once there is one piece of legislation, the sky will not automatically fall in and a cascade of subsequent legislation trammel the press or undermine press freedom.

We must take care in how we legislate, and be clear and remind ourselves why we are legislating at each stage of the Bill. We must be clear who will legislate and whether the matter will be considered in Committee or, because we regard touching on press freedom as constitutionally sensitive, in a Committee of the whole House. In that case, why are current negotiations taking place only between the main parties, some of which contributed to the problem and the public perceptions that exist in the first place? I remind the House that negotiations on the Parliamentary Standards Act 2009 involved all parties, and at times the smaller parties helped to move discussions on to some practical outcome.

9.13 pm

Sir Bob Russell (Colchester) (LD): A free press, warts and all, is a fundamental requirement of a liberal democracy. In the immortal words of one of the founding fathers of the United States of America, James Madison, it is better to leave a few noxious branches on the tree of press freedom than

"by pruning them away, to injure the vigor of those yielding the proper fruits."

Someone else with a view on the subject was Enoch Powell who was quoted in *The Guardian* in December 1984 as saying:

"For a politician to complain about the press is like a ship's captain complaining about the sea."

Speeches this afternoon and evening have been mostly about national newspapers, but those who were present for the opening speeches will recall that I intervened on both the Secretary of State for Culture, Media and Sport, and the Shadow Secretary of State. I sought their confirmation that the issues that confront the House and the nation relate to national newspapers, and that the local press, with its thousands of honest, hard-working journalists, should not be blamed for the sins of those working on the nationals.

From what I have said, the House will recognise that I do not want regulation of the press. My fear is not that this Government will use the legislation to undermine and stifle a truly free press, but that a subsequent one could do so. Our national newspapers collectively have become a disgrace. Once proudly defined as the fourth estate, they are now more akin to a sink estate—although perhaps "sink" is too high up the drainage system.

However, I would like a press law—it should also apply to radio and television—to restrict media ownership to people who hold British passports and who reside permanently in the United Kingdom, and whose names appear on the electoral roll. People living overseas should not be allowed to own and control Britain's media.

Next September will be the 50th anniversary of me joining my local newspaper, the *Essex County Standard*, as a junior reporter. It is still published on a Friday, but its circulation is nothing to what it was 50 years ago, and the population of the town has virtually doubled. In those days, it was rare to find a household that did not have the newspaper. That is true of newspapers around the country.

There was also a Tuesday paper—the *Colchester Gazette*—which converted to a five-nights-a-week paper, published Monday to Friday, in 1970 and became the *Evening Gazette*. A couple of years ago, it started publishing in the morning as the Colchester *Daily Gazette*. Those newspapers were once owned by a local family company, as most of the nation's weekly newspapers were. They were written, edited, published and printed locally. Today, Colchester's papers are edited in Basildon and printed in Oxford—they are part of the Newsquest group, the UK headquarters of which is in Weybridge, Surrey. Newsquest is owned by Gannett, a company based in Tysons Corner, Virginia, USA.

In 1969, after working on two other local newspapers elsewhere in Essex, including a period as editor of the *Maldon and Burnham Standard*, I headed for Fleet street, where, over a four-year period, I worked as a sub-editor on the *London Evening News* and the London *Evening Standard*, with brief periods in between on the fledgling newly acquired Murdoch *Sun* and the *News of the World.* I should stress that I worked as a sports sub on the *News of the World*.

I bring to the debate my experience working both on local newspapers and in Fleet street, although it was all a long time ago. I refer to Britain's local newspapers in the context that they operate in local communities in different parts of the UK. However, 200 are ultimately American-owned. Would a non-American be allowed to own American newspapers? The Australian-born Rupert Murdoch, who is now an American citizen, answers that question. Newsquest UK has some 200 newspapers with a weekly circulation topping 10 million. It is a major player in the nation's newspaper industry, but, to the best of my knowledge, it is not involved in the newspaper scandals that led to the Leveson inquiry.

I regret that the high standards of national journalism and newspapers of 40-plus years ago have been dumbed down thanks to the negative, unethical influence of the Murdochs' *The Sun*, whose lowering of press standards and morals has afflicted much of the national press. The things that have been going on would never have happened or been tolerated in years gone by in the pre-Murdoch era, when people trusted our newspapers. Local newspapers have suffered a decline in the high standards of yesteryear, but they should not be considered

[Sir Bob Russell]

in the same way as national newspapers. I therefore will not support legislation should that option be put before the House in due course.

I hope newspapers voluntarily agree to one thing. I wrote to Lord Justice Leveson to suggest that, when a newspaper publishes a letter with a name and address that are subsequently shown to be fictitious, the aggrieved person should be granted the right to have a rebuttal letter published along with an apology. I have been the victim of several such letters penned by a Tory activist in Colchester as part of a Tory dirty tricks campaign against me.

9.18 pm

Mr William Bain (Glasgow North East) (Lab): A free press is one of the essential attributes of a free and open society, and one of the principal means by which other powerful institutions are subject to the transparency and scrutiny on which a plural democracy depends. At its best, the press can fearlessly speak truth unto power, expose and campaign against injustice and hypocrisy, and entertain and enlighten. In those countries where there is no free press and the Government control the media, such freedoms are a huge aspiration of campaigners for democracy and human rights. However, at its worst, as revealed in all 1,987 pages of Lord Justice Leveson's report, the press has a dark side—of illegal tapping of phone calls, e-mails and texts; and of destroying people's lives and reputations in the most irresponsible way. The strong message from the Leveson report is that such great freedom in society must be balanced by a more responsible attitude too, with journalism more aware of its obligations to those failed by standards, which in some cases fell well below what society would call acceptable.

The other strong purpose we can discern from the report is to ensure that it is the industry itself, rather than Parliament, the Executive or the judiciary, that should have the primary responsibility of regulating itself, but in a way that learns the lessons from the inadequacies of the Press Complaints Commission, which neither had the clout nor the sanctions to hold the profession to account when required to do so. Such a new regulator must be underpinned by statute.

Lord Justice Leveson has produced a clever and balanced set of recommendations to put in place an enhanced scheme of self-regulation. They will create a powerful press board that is independent from both the industry and the Government, but is underpinned by statute so that its functions and role can be ratified by parliamentarians in a similar way to the model used in Ireland, and with financial incentives to encourage as many publications as possible to join the board. The board would have the power to instruct remedies for breach of the new code and to correct the record in public for individuals or groups of people affected. It would not, however, have the power to prevent or inhibit publication of material. That would rightly remain within the ambit of the courts in limited circumstances. It would be able to receive and investigate complaints from individuals, but also to examine issues on its own initiative, with proper powers over the compulsion of evidence and with the power to fine up to 1% of turnover, or to a maximum of £1 million.

There are some in this debate who claim that any statutory encroachment on the media is tantamount to state control, but that is far from the case. Parliament has already enacted a series of judicially enforceable and recognisable positive rights in law through the Human Rights Act 1998. Section 12 applies the convention to actions relating to the press. As the hon. and learned Member for Harborough (Sir Edward Garnier), the former Solicitor-General who is no longer in his place, said in his remarks, article 10 of the European convention on human rights provides for freedom of expression, namely the freedom to hold opinions, and to receive and impart information and ideas without interference by public authorities and regardless of frontiers, subject to certain conditions prescribed by law. Lord Justice Leveson calls on Parliament to bolster those freedoms derived from the Council of Europe by legislating specifically for freedom of the press in statute—hardly a revolutionary act.

In Scotland, regulation of the press that are based there is a devolved matter under the devolution settlement. The law on defamation has important differences, which derive from its different historical origins. Scotland's First Minister—heavily criticised, I have to say, by the report—has said he will seek advice from a commission chaired by a Scottish judge on the implications of the report for regulation of the press in Scotland, and on those matters of Scots law that affect the media and that come within the jurisdiction of the Scottish Parliament.

In the case involving my constituents, the Watson family, I hope to show that simply adopting different regulatory machinery and separate standards for press regulation would merely cause additional grief and complications for people such as the Watson family, who have attempted to secure justice in relation to publications that not only circulate in Scotland, but throughout the United Kingdom. I do not see the benefit to Scottish society of a separate form of regulatory framework. The case for shared regulation across the United Kingdom is by contrast strong, and is centred on the needs of the complainant.

In the time I have left, I would like to acquaint the House with some of the details of the horrific injustices that my constituents have endured for the last 21 years—and which they were happy that Members of this House, wider society and Lord Justice Leveson himself heard when they gave evidence to the inquiry. My constituent's daughter was brutally murdered in cold blood in 1991. A major newspaper in Scotland—*The Herald*—published three columns by a columnist called Jack McLean. *Marie Claire*—a publication circulating throughout the United Kingdom, but not originating in Scotland—also made remarks about the Watsons' murdered daughter Diane, which caused the family such distress that their son Alan committed suicide. *The Herald* published the final column by Mr McLean on the day that their son was laid to rest in his grave.

Lord Justice Leveson finds the behaviour of some of these publications to be absolutely outrageous. Where I take issue with the right hon. Member for Hitchin and Harpenden (Mr Lilley), who spoke earlier, is that he assumed that the criminal and civil law created redress. However, in her evidence to the Select Committee on Culture, Media and Sport, Margaret Watson quite rightly pointed out that the law of defamation does not apply to the dead, so the family of someone who has been

defamed cannot sue in the courts for defamation. The criminal law had not been broken either, but the hurt and grief felt by that family have endured for 21 years.

We as parliamentarians have a right to protect freedom of the press, but we have a right to speak up for our constituents. They demand justice; they demand an end to irresponsible media; they demand action; and they demand that Leveson's recommendations be implemented in full.

9.26 pm

John McDonnell (Hayes and Harlington) (Lab): My hon. Friend the Member for Glasgow North East (Mr Bain) has given us a salutary reminder of why we are here, as did my hon. Friend the Member for Bridgend (Mrs Moon).

It is important in these debates to listen to the practitioners as well—all the practitioners, not just the editors. There is nobody keener than the National Union of Journalists to protect its members' ability to do their job. That is why it recommended the Irish system in its submission to Leveson, on the basis that it worked well, despite the NUJ's earlier reservations. The NUJ ensured that Leveson was aware that the Irish system was underpinned by statute, but it was important to acknowledge that the Irish system recognises the union as a key stakeholder in designing the architecture and implementing the system.

I want to deal with changing the culture. As part of the inquiry, Leveson looked at the issue of a conscience clause and said in recommendation 47, on the advice of the NUJ, that the matter should be considered seriously by the editors. The background to this is that there has always been a code of conduct since 1936—it was developed by the NUJ—to set the standards for journalists in the performance of their role. It included a commitment that journalists

"do nothing that would intrude into anybody's private life, grief or distress unless justified by…public interest."

It also gave a commitment to ensure prompt correction of any inaccuracies. The NUJ set up an ethics panel, to which people could go to seek redress. For decades it largely worked. My right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman) reminded us of when it worked, when editors worked with the union to ensure that it did. He mentioned Cudlipp, but there was also Harry Evans and Rees-Mogg, whose descendant is not in the Chamber at the moment.

The system worked until roughly the mid-1960s, when a different culture was established in the industry. Unfortunately, it was a culture of bullying and intimidation in news rooms. It undermined the implementation of the code of practice—and yes, it is not unrelated to the introduction of Rupert Murdoch's News International on to the journalism scene in this country. From then on, it was NUJ policy to lobby this House to introduce protection for its members—for all journalists—through a conscience clause in their contracts of employment, so that a journalist could refuse to undertake any instruction that was unethical and went against the journalism code of conduct, but also against what eventually became the PCC code of conduct. That was backed up by a Select Committee recommendation in 1993 that a conscience clause should be introduced. The recommendation was opposed by all the editors. They refused to consider the matter or even to open a debate on it. On five occasions over the past 10 years, I have tabled amendments to employment legislation to introduce at least some consideration of a conscience clause, but they have been rejected following lobbying by the editors and the proprietors.

The Leveson inquiry received evidence across the piece about the culture of bullying. It has not gone away; indeed, it has got worse: many journalists had to submit their evidence anonymously for fear of victimisation. However, some very brave people did stand up. The general secretary of the NUJ, Michelle Stanistreet, presented her evidence, for example. I want to read the House a quote from the evidence to the inquiry from Matt Driscoll, who has been incredibly brave. Speaking about the use of unethical practices, he said:

"At the time I felt uneasy about such methods."

He was referring to blagging. He went on:

"However, I knew that I could not bring up my concerns on the editorial floor for fear of being seen as a troublemaker. Any writer who questioned the morality of these methods would have been a marked man. It seemed that any method that could stand a story up was fair game."

Witness after witness gave evidence to say that if they had stood up and spoken out, they could have been sacked. Rupert Murdoch's response was to suggest that they could have resigned, to which Lord Leveson said that they could have done so, but they wanted to keep their jobs.

Leveson has recommended that the editors and proprietors now consider adopting a conscience clause. Bizarrely, when Rupert Murdoch was interrogated, he accepted that proposal and now supports it. There should therefore be no reason for such a clause not to form part of a journalist's contract. The Prime Minister and the Deputy Prime Minister also said last week that the matter should be given serious consideration, as did the Leader of the Opposition.

The NUJ has now written to proprietors proposing the commencement of discussions on the introduction of a conscience clause in the contracts of all journalists. The Secretary of State is meeting the proprietors, and I congratulate her on involving the NUJ in those discussions. She is meeting representatives of the union as well, and they will be part of the overall discussions. It would be extremely helpful, now that we have cross-party consensus on the need to consider a conscience clause, if she could seek assurances from the proprietors that they will take the matter seriously and engage in discussions and negotiations on the issue and on the contractual changes that would need to take place for existing and future journalists. This could form another part of the architecture of a cultural change in journalism in this country, as well as protecting those who want to stand up for higher standards.

I want to raise another important matter. A conscience clause in a contract can be enforced by the individual, but in this culture, even if they have the ability to resort to law, they often do not feel that they have the capability or the strength to protect themselves. That is why they look to collective action and collective bargaining by their union on their behalf. However, the loopholes in the existing employment legislation have been used by News International, in particular, to enable it to refuse to recognise the NUJ.

[John McDonnell]

The union had a large number of members working for News International, and it approached the management to request recognition in the normal way, but News International set up its own staff association. The trade union certification officer refused to certify the staff association as an independent trade union, because it was not seen as independent of Rupert Murdoch. Nevertheless, a loophole in the law allowed News International to refuse to recognise the NUJ as a licensed, certified, independent union. Instead, it recognised the staff association, denying NUJ members the necessary recognition that would allow them to engage in collective bargaining. That loophole in the law needs to be closed if we are to ensure that the terms of a conscience clause are enforceable not only in law but as a result of collective bargaining.

I conclude by urging the House to listen to the practitioners, the people who have endured the intimidation and bullying and the people who have had to operate in this culture, which has so denigrated their profession. I think the NUJ needs to be integrally involved in designing and implementing the new reform architecture. I am pleased that the Secretary of State has made a start on engaging with the union and ensuring that the whole industry will design our reform procedures.

9.34 pm

Mr David Hanson (Delyn) (Lab): The Government were right to arrange this debate so speedily after the Prime Minister's announcement and statement last Thursday. It has provided an opportunity for the House quickly to express a view on the important issues of the Leveson report. We have heard 31 Back-Bench speeches over the last six and a half hours. I think that they have been exemplary, raising a range of issues and clearly examining those at the nub of Leveson's report, which have focused largely on statutory regulation.

The mood of the House has been thoughtful. I believe that we have been trying to edge towards consensus. If it was the Government's intention to have an early debate for those reasons, they have been successful. I can reflect, however, that there are certainly two different sets of views on the regulation issues.

I hope I do all those concerned a service when I say that my right hon. Friend the Member for Blackburn (Mr Straw), the hon. and learned Member for Harborough (Sir Edward Garnier), the right hon. Member for Dwyfor Meirionnydd (Mr Llwyd), the hon. Member for Richmond Park (Zac Goldsmith), my hon. Friend the Member for Lewisham West and Penge (Jim Dowd) and the hon. Member for Manchester, Withington (Mr Leech)—whose very good contribution highlighted the irony of his article being censored by the *Manchester Evening News*—coupled with the hon. Member for Camborne and Redruth (George Eustice), my right hon. Friend the Member for Exeter (Mr Bradshaw), my hon. Friends the Members for Bridgend (Mrs Moon), for Rhondda (Chris Bryant), for Stalybridge and Hyde (Jonathan Reynolds), for Hammersmith (Mr Slaughter), my right hon. Friend the Member for Oldham West and Royton (Mr Meacher) and my hon. Friend for Glasgow North East (Mr Bain) made extremely good contributions supporting the tenor of the Leveson recommendations. I was particularly pleased to see them joined by the hon. Members for South Swindon (Mr Buckland), for North Antrim (Ian Paisley) and for Foyle (Mark Durkan) and, not least, my hon. Friend the Member for Hayes and Harlington (John McDonnell). They all said that the points made by the noble Lord Leveson are worthy of consideration and either have their support or need to be examined in detail to help to secure tighter regulation of the press. I also believe that my right hon. Friends the Members for Manchester, Gorton (Sir Gerald Kaufman) and for Sheffield, Brightside and Hillsborough (Mr Blunkett) were edging towards that position, having considered these matters in some detail.

There is obviously a range of other views. The right hon. Member for Hitchin and Harpenden (Mr Lilley), the hon. Members for Maldon (Mr Whittingdale) and for Keighley (Kris Hopkins), my hon. Friend the Member for Falkirk (Eric Joyce), the hon. Members for Ealing Central and Acton (Angie Bray), for Folkestone and Hythe (Damian Collins), for Suffolk Coastal (Dr Coffey), for North East Somerset (Jacob Rees-Mogg) and for South Dorset (Richard Drax) and, indeed, the hon. Member for Colchester (Sir Bob Russell) have some concerns about the Leveson approach. I understand that and I can see where they are coming from. I do not share their views, but they made a passionate case for them today. The hon. Member for Rochester and Strood (Mark Reckless) focused particularly on the role of the Crown Prosecution Service, without supporting either side of the debate.

I will be honest in my opening strategy. I begin by sharing the starting point of the noble Lord Leveson. I do so because of the way in which the press can act, as Members will have heard from the speech by my hon. Friend the Member for Glasgow North East, in ways that I would not wish to support.

I support Lord Leveson's opening statement in the executive summary:

> "For the seventh time in less than 70 years, a report has been commissioned by the Government which has dealt with concerns about the press. It was sparked by public revulsion about a single action—the hacking of the mobile phone of a murdered teenager. From that beginning, the scope of the Inquiry was expanded to cover the culture, practices and ethics of the press in its relations with the public, with the police, with politicians and, as to the police and politicians, the conduct of each. It carries with it authority provided personally by the Prime Minister."

I think we have tested that first premise in a positive debate. My hon. Friends and the Members on the Government Benches who have spoken in support of Leveson's recommendations have done so with that first element of the executive summary at the forefront of their minds.

I express my view from this side of the House, but I am pleased to say that it has been expressed by the majority of Members on both sides of the House who have spoken today. I support the core recommendations of the Leveson report: I believe that there should be a new system of independent regulation of the press, guaranteed by law. My right hon. Friend the Leader of the Opposition and my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) have always said that they would support Leveson's recommendations if they were sensible and proportionate, and I believe that they are.

Mr Lilley: For the sake of clarity, will the right hon. Gentleman confirm that the Opposition would accept a package of measures identical to those proposed by

Leveson, except in one respect? Would they accept a powerful independent regulator, with powers to demand apologies, redress and corrections of inaccuracies, the only difference being that it would apply to this House rather than to the media?

Mr Hanson: I respect the way in which the right hon. Gentleman put his case today, but I believe that the debate is about the need for statutory underpinning of a regulatory system. Lord Leveson said clearly in his report that this was the seventh time in 70 years that we had examined the issue. I feel very strongly that we need to have cross-party talks and share what has emerged during today's necessary debate, but also that we should reach the conclusion which—as the Secretary of State will see when she reads the report of the debate—was reached by the majority of Members on both sides of the House, who have spoken in support of the Leveson recommendations.

Alun Cairns: I respect the right hon. Gentleman's view, although I disagree with the element relating to statutory underpinning. Is he saying that if legislation to that effect is not passed in the present Parliament, it will be a Labour manifesto commitment for the next general election?

Mr Hanson: I think that the hon. Gentleman, who has dipped in and out of today's debate, will know that my right hon. Friend the Leader of the Opposition has said that he wants action urgently. He wants action by Christmas; he wants action in the next few weeks. I too want to see statutory underpinning of Leveson's recommendations as a matter of urgency, and I hope that we can achieve consensus. When the hon. Gentleman—who has not been present for the whole debate—reads *Hansard*, he will see that his hon. Friend the Member for South Swindon, his hon. and learned Friend the Member for Harborough and others have supported some of Leveson's recommendations.

I accept that there are concerns about state regulation. In a letter to me, the editor of my own regional newspaper, the *Daily Post*, said:

"I am strongly opposed to statutory regulation of the press."

However, I say to that newspaper editor, and to others who share his view, that we need to consider what that means. In his summary of recommendations, Lord Leveson says:

"An independent self regulatory body should be governed by an independent Board".

Is that state regulation of the press? He continues:

"The appointment panel… should be appointed"

in a "fair and open way" with "an independent process". Is that state regulation? No. He continues:

"Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost".

Is that state regulation? No. The code and the board should

"subscribe to an adequate and speedy complaint handling mechanism".

Is that state regulation? No.

"The Board should not have the power to prevent publication of any material, by anyone".

Is that state regulation or censorship? No, it is not. It is, by statute, the underpinning of a voluntary agreement between the press and the state in relation to regulation of those areas. It is no different, dare I say it, from the legal services body that was set up by statute to look at solicitors, or the Judicial Appointments Commission, which was set up by statute to appoint judges, or the General Medical Council, which was set up by statute to be the independent regulator of doctors, or Ofcom itself, or the Advertising Standards Authority. All those were established by Parliament, and they are all independent of Government and Parliament, but they all fulfil a regulatory role across the board. Those matters are important. We need to have that independence, and we need to underpin it with statutory regulation.

As the Minister for Policing and Criminal Justice will be winding up for the Government and I am the shadow Police Minister, it is important to place it on record that Leveson's recommendations are important in respect of policing. I believe we can do more, but it is right that the term "off the record briefing" should be discontinued. It is right that all senior police officers should record their contacts with the media for the sake of transparency and for audit purposes. It is right that there should be guidance to police officers on who can speak to the press and when. It is right that we should have an audit of who uses the police national computer and when. It is also right in respect of the police that we should examine guidance and spell out the dangers of hospitality, gifts and entertainment.

Mark Reckless: The police have been traduced in this matter by a number of commentators, including Members of this House. Does the right hon. Gentleman agree that it is good that Leveson has given such a positive report on the police, certainly in terms of the initial investigation, although there were problems later with not reopening it?

Mr Hanson: Lord Leveson has done so in terms of the initial investigation. There are further elements to come in part two, however, and we will learn what he says about them. He has recommended certain measures, and I hope the Government will accept them in due course.

The Government must not only examine what the Opposition have said, but take on board the comments of Members from the Liberal Democrats, Plaid Cymru, the Democratic Unionist party, the Social Democratic and Labour party and, last but not least, their own Conservative Members. They have strongly said right across the board that the Prime Minister should act on the Leveson challenge. Failure to do so will show that the Prime Minister is looking for good headlines, but he will ultimately be on the wrong side of the argument.

For the victims of these terrible intrusions, there can only be one outcome, and that has been put very ably by Members of all parties this evening. The long grass is not an option. The Prime Minister has said he is not convinced of the need for statutory underpinning, but the majority of this House has said tonight it is in favour of statutory underpinning of Leveson's recommendations. The Prime Minister must act. I hope the Government will reflect on what has been said tonight, and on the comments of my right hon. and learned Friend the Member for Camberwell and Peckham and my right hon. Friend the Leader of the Opposition. They must continue to work on a draft Bill and bring one forward

[Mr Hanson]

before Christmas. If they do not, the Opposition will give all Members of this House the opportunity to give their opinion early in the new year.

9.37 pm

The Minister for Policing and Criminal Justice (Damian Green): We have heard many thoughtful contributions from Members on both sides of the House, and I am sorry that I may not be able to do justice to all of them in the time available to me.

The Government recognise the strength of feeling on these issues both in the House and more widely among the victims of phone hacking and the public. As Lord Justice Leveson noted, some of the behaviour of the press has "wreaked havoc" with the lives of innocent people and

"can only be called outrageous".

The central issues of this debate—press regulation and the relationships between the press and the police or politicians—are central to the confidence that people have both in how the country is run and that the rule of law is being upheld with impartiality and integrity.

As the shadow Police Minister has just said, there has been a degree of consensus across the House tonight. I am glad that the official Opposition have moved from the position of the Leader of the Opposition, who said that the Leveson recommendations should be accepted in their entirety, to the position that the shadow Police Minister stated: that he would accept the core recommendations. That is a sensible move.

As Lord Justice Leveson pointed out when publishing his report, the relationship between the police and the public is central in our system of policing by consent. The media have a vital role to play in facilitating this relationship, but there is a trust that goes with that role. That trust has been damaged and needs to be repaired as quickly and effectively as possible.

On the central issue of media regulation, as the Prime Minister made clear on Thursday, we accept completely the central principles of Lord Justice Leveson's report, namely that an independent regulatory body should be established, and it should be a body that is independent both in its appointments and its funding; it should set out a code of standards by which the press have to live; it should provide an accessible arbitration service for dispute resolution; it should provide a mechanism for rapid complaints handling; and it should have the power to impose million-pound fines where there have been flagrant breaches of the code. The culture change that my hon. Friend the Member for Camborne and Redruth (George Eustice) mentioned is certainly needed.

Mr Slaughter: What system is the Minister going to put in place to give victims of the press protection in costs—is it Leveson or something else? Does the Minister agree that this will need legislation? What is his vehicle for that—is it the Defamation Bill or something else?

Damian Green: I will come on to answer the point that the hon. Gentleman made in his speech, if he can be patient.

The Prime Minister made it clear that we have serious concerns and misgivings that the recommendation to underpin this body in statute may be misleading. Such concerns were echoed by hon. Members from both sides of the House, including my hon. Friends the Members for Richmond Park (Zac Goldsmith) and for Suffolk Coastal (Dr Coffey). They were also echoed with inimitable eloquence by my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg). We should be wary—this House is wary—of any legislation that has the potential to infringe free speech and a free press. That point was also made eloquently by the hon. Members for Lewisham West and Penge (Jim Dowd) and for Falkirk (Eric Joyce), and by my hon. Friends the Members for Manchester, Withington (Mr Leech) and for Ealing Central and Acton (Angie Bray). We should be wary about whether legislation is truly necessary on this point.

As my right hon. Friend the Secretary of State for Culture, Media and Sport said in opening the debate, it is right that we should take the time to look at the details. I agree with many of the points made by hon. Members on both sides of the House. For instance, my hon. Friend the Member for Maldon (Mr Whittingdale) made a good point in saying that many of the failures were breaches of the criminal law; my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) was right to warn against regulatory creep in these things; and the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman) was exactly right in saying that the ball is in the press's court now, that they have to take the immediate decisions and that it is up to them.

Zac Goldsmith: I am just wondering whether I misheard my right hon. Friend. For the record, I made the case that I do not believe that effective regulation will be possible without legislation. I will send him a copy of the *Hansard* record of my speech later.

Damian Green: I listened to my hon. Friend's speech carefully and I thought he made it clear that he had misgivings—that is the point I was making. If he does not have misgivings, I apologise to him.

Obviously, further cross-party discussion will be needed on this and some of the other recommendations, particularly on the proposed changes to the Data Protection Act. I think that hon. Members on both sides of the House agreed that the Leveson proposals were pretty inadequate on data protection and its effect on investigative journalism, and I assume that that lies behind the nuanced change in the Opposition's position. It is important that we look at these proposals carefully, particularly in the context of the negotiations on the broader European Union framework to which the Data Protection Act gives effect.

Lord Leveson himself said that these changes need to be considered with great care and he also admitted that this was something that had not been aired extensively during the inquiry or received much scrutiny generally. I believe that the hon. Member for Foyle (Mark Durkan) made that point very well. We agree that this matter needs careful analysis. We must not make haste to amend the Data Protection Act only to find that responsible investigative journalism, holding the rich and powerful to account, is unduly hampered because of some wide-reaching amendments, even ones made with good intentions.

My hon. Friend the Member for Keighley (Kris Hopkins) talked about how the press had helped him in his council work on child protection. Several hon. Members spoke eloquently and passionately about the effects on

their local community of press malpractice. They included the hon. Members for Bridgend (Mrs Moon) and for Glasgow North East (Mr Bain). My right hon. Friend the Prime Minister will return to the House on all these issues following the cross-party discussions.

Some specific questions were raised in the debate. The right hon. Member for Exeter (Mr Bradshaw) asked about the timetable for decisions, and we look forward to the press coming forward with their new proposals after tomorrow's meeting. People have said that we should not delay; the meeting with editors is actually happening tomorrow. Lord Hunt has suggested a timetable that starts this week with that meeting and proposals that will come in the early months of next year.

The hon. Member for Hammersmith (Mr Slaughter) asked about the LASPO Act changes and defamation. We believe that good cases can still be brought after the LASPO reforms come in, but we clearly want to ensure access to justice for those such as the Dowlers who may feel that they have denied it in the past. That is why we have referred the matter to the Civil Justice Council. That is the appropriate body to consider the details of the proposals, which are both important and complex.

I agree with the shadow Police Minister that although most of the debate has been about press regulation, the issues around the police and their handling of the investigations into phone hacking as well as their relationship with the media and police integrity more widely are equally central to the debate—

Mr Straw: Will the Minister give way?

Damian Green: I apologise to the right hon. Gentleman —[Hon. Members: "Oh!"] Let me talk about the police first, and then I will certainly deal with his point.

I welcome the fact that Lord Justice Leveson has noted that he has not seen any evidence that corruption by the press in relation to the police is a widespread problem. I appreciate the point made by my hon. Friend the Member for Folkestone and Hythe (Damian Collins) about particular instances, but it is also important to note what Lord Leveson said about this matter. In particular, I want to emphasise two additional points.

First, the Government believe that Lord Leveson's analysis of the issues and problems with the police is correct, but as he notes, it is very important for the scale of the problem to be kept in proportion. The vast majority of police officers in this country maintain standards of the highest integrity and they also often need to maintain a relationship with both local and national media in order to do their jobs properly. There is no place in our police forces, however, for those who do not meet those high standards or who abuse their relationship with the media. We will ensure that there is no longer any place for them in the police.

Secondly—

Mr Straw *rose—*

Damian Green: I will give way to the right hon. Gentleman if he stops standing up—*[Interruption.]* I want to deal with the police first.

Secondly, there is a much-changed policing landscape since the issues highlighted by Lord Justice Leveson came to light. He recognises not only that, but the continuing improvements that are being made. We have created the college of policing to drive up police standards across the board and it will have a particular focus on working to ensure police integrity—*[Interruption.]* I feel sorry for those Labour Members who do not regard police integrity as important. They are completely out of touch with what the public want.

Police and crime commissioners are now in place to hold chief constables and their forces to account on behalf of local people and to ensure that they meet the high standards that people demand—*[Interruption.]* Apparently, Labour Members are also not interested in democracy, unlike the various Labour police and crime commissioners I met earlier today.

On the failings identified in the operational decisions made by the police in their investigations into phone hacking, there is now a new senior leadership team in place in the Metropolitan police to play its part in taking forward the report's recommendations.

Mr Straw *rose—*

Damian Green: I will give way to the right hon. Gentleman.

Mr Straw: I am very grateful to the Minister. The Irish Defamation Act underpins the Irish Press Council and it works. Why will that not work here?

Damian Green: The Irish system has not been in place for very long and it is impossible to claim all the virtues for it that the Opposition wish to claim. It is sensible for discussions to continue on the points on which there has been widespread consensus in this House this evening, and jumping immediately into another system would be the wrong way to go about this.

Helen Goodman (Bishop Auckland) (Lab): Seventy years!

Damian Green: The hon. Lady talks about 70 years from a sedentary position, but the Leveson report was published last Thursday. We are debating it today, a Monday, my right hon. Friend the Secretary of State is meeting the editors tomorrow and we will produce proposals in the coming months.

We will consider carefully the other recommendations in Lord Justice Leveson's report and respond in due course. The Government will ensure that the central principles of Lord Justice Leveson's report will be taken forward in cross-party talks as quickly and comprehensively as possible.

Question put and agreed to.

Resolved,

That this House has considered the matter of the Leveson report into the culture, practices and ethics of the press.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Legal Aid and Advice

That the draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2012, which was laid before this House on 29 October, be approved.—*(Nicky Morgan.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 5 December (Standing Order No. 41A).

Legal Aid and Advice

That the draft Civil Legal Aid (Merits Criteria) Regulations 2012, which were laid before this House on 29 October, be approved.—*(Nicky Morgan.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 5 December (Standing Order No. 41A).

Charities

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Charitable Incorporated Organisations (Consequential Amendments) Order 2012, which was laid before this House on 30 October, be approved.—*(Nicky Morgan.)*

Question agreed to.

Charities

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012, which were laid before this House on 30 October, be approved.—*(Nicky Morgan.)*

Question agreed to.

PARLIAMENTARY PRIVILEGE (JOINT COMMITTEE)

Resolved,

That this House concurs with the Lords Message of 28 May, that it is expedient that a Joint Committee of Lords and Commons be appointed to consider the Green Paper on Parliamentary Privilege presented to both Houses on 26 April (Cm. 8318).

Ordered,

That a Select Committee of six Members be appointed to join with the Committee appointed by the Lords.

That the Committee should report by 25 April 2013.

That the Committee shall have power—

(i) to send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers; and

(v) to adjourn from place to place within the United Kingdom; and

That Sir Menzies Campbell, Mr William Cash, Thomas Docherty, Tristram Hunt, Mr Bernard Jenkin and Mrs Eleanor Laing be members of the Committee.—*(Nicky Morgan.)*

COMMITTEES

Mr Speaker: With the leave of the House, we will take motions 7 to 11 together.

Administration

Ordered,

That Simon Kirby, Dr Phillip Lee, Sarah Newton and Mike Weatherley be discharged from the Administration Committee and Karen Bradley, Mr Marcus Jones, David Morris and John Penrose be added.

Environmental Audit

That Sheryll Murray be discharged from the Environmental Audit Committee and Dr Matthew Offord be added.

Regulatory Reform

That Ben Gummer, Brandon Lewis and Mr Robert Syms be discharged from the Regulatory Reform Committee and James Duddridge, Richard Fuller and Rebecca Harris be added.

Science and Technology

That Gareth Johnson be discharged from the Science and Technology Committee and David Morris be added.

Welsh Affairs

That Mr Robin Walker be discharged from the Welsh Affairs Committee and Simon Hart be added.—*(Geoffrey Clifton-Brown, on behalf of the Committee of Selection.)*

PETITION

Regeneration of Chatsworth Gardens (Morecambe)

10.2 pm

David Morris (Morecambe and Lunesdale) (Con): I am presenting this petition tonight on behalf of over 600 people in Morecambe who want to see the town's west end regenerated.

By way of background, the Housing and Communities Agency allocated Lancaster city council £1.9 million in May 2012. In order to bid for the funding, the council had to pledge to match-fund the HCA contribution. This money was to be used to bring a cluster of empty homes in Chatsworth Gardens into use. Everything was fine, or so we thought, until I received a letter from the chief executive on 17 September stating that there was

"a very real prospect that the Council will have to send the money already allocated back to the Government"

because the council could not afford the £1.9 million match funding.

People in the west end of Morecambe got very angry and concerned indeed. Since the petition was signed, the council has miraculously claimed that there was never any danger of the match funding not being in place. In fact, one council officer said he was "bemused" by the suggestion that the money may have to be returned. Lancaster city council wrote to me saying that it did not have the match funding, and now it does. I have spent some time trying to get to the bottom of this, only to unearth even more questions.

The petition demands that the west end of Morecambe be regenerated without delay, using the money allocated by the Government. I thank Mr Steve Swithin for collecting the names, and the people of the west end of Morecambe for fighting back. I commend the petition to the House and hope that Lancaster city council will take note of my constituents.

Following is the full text of the petition:

[The Humble Petition of residents of Morecambe,

Sheweth,

That the Petitioners support the campaign by Steve Swithin to regenerate the West End and the Petitioners understand that Lancaster City Council will receive £1.9 million to tackle clusters of empty homes in their area bringing 114 empty homes back into use.

Wherefore your Petitioners pray that your Honourable House urges the Department for Communities and Local Government to spend all of the mentioned £1.9 million on redevelopment for Morecambe's West End.

And your Petitioners, as in duty bound, will ever pray.]

[P001143]

Sexual Abuse Offences

Motion made, and Question proposed, That this House do now adjourn.—*(Nicky Morgan.)*

10.3 pm

Mr Gary Streeter (South West Devon) (Con): In February 2011, my constituent Margaret Felwick contacted the police to report a serious sexual abuse offence carried out on her by her brother, Mr Geoffrey Genge. The offence had taken place 50 years before, but Mrs Felwick had never felt able to bring the incident to light. On discovering that her sister and cousin had also been abused by Mr Genge, Mrs Felwick could be silent no longer. All three victims contacted the police.

The police handled the allegations with professionalism. They were sensitive in their approach, thorough in their investigation and also very reassuring. My constituents were concerned that it was too late to prosecute. The police assured them that it was not; although the incidents might have occurred 50 years before, there was strong evidence to support the case and an attempt to prosecute should be made.

The case was referred to the local Crown Prosecution Service. The CPS assessed the evidence and, in August 2011, notified Mrs Felwick that the prosecution would go ahead. The CPS believed that there was enough evidence for a realistic prospect of conviction. It believed it to be more likely than not that Mr Genge would be convicted. Mr Genge was summoned to attend a court hearing and charged with five offences of rape and sexual abuse between 1957 and 1961 relating to Mrs Felwick and her two relatives. He pleaded not guilty. The case was scheduled for trial on 27 March 2012.

Then, on 10 January, my constituents were told that the case against Mr Genge had been dropped. The announcement was made in a letter from the CPS that came out of the blue. There was no attempt to discuss the matter with the victims. From that moment onward, the handling of the case was a disaster. In explaining its decision, the CPS told Mrs Felwick that she had a strong case and described her as a respectable and believable witness. It even confirmed that the number of victims making a complaint against Mr Genge made the prospect of prosecution more likely.

However, there was a problem. The CPS had discovered that the defendant's solicitor was preparing an abuse of process defence. He would argue that there were barriers to obtaining the evidence needed for a fair trial. He would say that too much time had passed since the abuses had occurred. The defence, he would argue, would not have a proper chance to put up the evidence they wanted to present.

The CPS then decided that, in view of the abuse of process defence, Mr Genge might well be acquitted. A casework lawyer wrote to my constituents explaining that

"it is not certain that this would happen and as I have said it is no reflection on your evidence. But it does mean that the Code for Crown Prosecutors requires me to stop the case rather than pressing for trial".

Therefore, the police believed the victims and the CPS found them to be credible, but the case was stopped because of consideration for Mr Genge. No reference was made to the victims at all.

[Mr Gary Streeter]

Why did the CPS give my constituents hope that the case would go ahead, charge the defendant, thus bringing the matter into the public domain, and then change its mind at the last minute? Abuse of process is not a novel concept; lawyers deal with these types of issues fairly regularly. If there was a problem with the evidence, and if the defendant's application was likely to be successful, why did the CPS not think of that sooner?

The result of the decision was devastating. On 11 January, the much respected *Plymouth Herald* reported that Mr Genge had been wrongly accused of rape. It said that the prosecution had offered no evidence and so the case had been thrown out. The paper carried the comments of Mr Genge's solicitor. He described my constituents' evidence as "weak" and their charges as "odious". He said that the case was

"a shocking waste of taxpayers' money"

and claimed that the CPS had undermined

"the integrity of the criminal justice system".

Naturally, my constituents felt like victims all over again. The CPS made no attempt to refute the outspoken and scandalous claims or to make it clear that the case was not stopped due to a lack of evidence. Not only had my constituents lost their chance for justice; now their reputations were being battered as well.

The upshot was as follows. My constituents were abused as girls by Mr Genge. They suppressed the damage and the injustice for 50 years. They discovered that others had suffered the same fate and so plucked up the courage to come forward. The police believed them. The CPS believed them. The case started. Proceedings were issued. Nothing changed except that the CPS discovered a law that it should have known about at the time proceedings were commenced, and the case was dropped. A local solicitor, whose rhetoric was truly disgraceful, was allowed to drag my constituents' names through the mud. They came to me for help.

I set up a meeting with the deputy chief Crown prosecutor for the south-west to discuss the case. My constituents and the barrister who had advised the CPS not to proceed were also present. It was not an edifying experience. The barrister tried to talk us into submission. He clearly did not understand how much damage had been done to the reputation of my constituents, or their genuine distress. He gave the impression of complete indifference to their plight. I left the meeting very angry indeed. One of the claims that the barrister made was that the CPS wanted to protect the victims from the ordeal of a trial—but the victims were desperate for a trial. They wanted the hearing to take place so that the truth could come out after all these years. If the CPS had truly wanted to protect the victims, it would have pushed for justice. If justice could not be done, the CPS should have made a decision not to prosecute when it first considered the evidence.

This debate has come at a timely hour. Public interest in sexual abuse cases has been sparked by the shocking revelations about the late Jimmy Savile. For the first time, many victims have felt able to come forward and talk about the abuse they have suffered, and their stories have shocked people across the country. A full police investigation into abuse allegations is now under way. The police are being encouraged to follow the evidence where it leads them, and in recent weeks they have not been hesitant to arrest people in connection with allegations as and when they have arisen. Mr Freddie Starr was questioned about an incident relating to a young girl in the 1970s, Mr Wilfred De'Ath was questioned over allegations of abuse dating back to 1965, and Mr Dave Lee Travis was held over accusations of sexual assault relating to the late 1960s.

Of course it is right that these investigations take place. It is right that justice is done for victims whose lives have been damaged by abuse. However, if action can be taken in relation to offences by Jimmy Savile, who is dead, and if others are in the firing line about incidents relating to 30 or 40 years back, why can a prosecution not take place against Mr Genge? There is now a strong public interest in sexual abuse cases being investigated and prosecuted. The CPS must get its act together. It must make sure that prosecutions are dealt with in a sensitive, thorough and professional way. Every effort must be taken to ensure that justice is done.

The Felwick case is one of the worst I have come across in 20 years of doing this job, so let me ask the Solicitor-General some very specific questions. First, if abuse of process is a well known defence in cases of this kind, why did the CPS not consider it when it first decided to prosecute? Why was it suddenly so certain that the defence's application for an abuse of process would be successful? Secondly, if prosecutions cannot be brought for cases which have occurred 30 years or more in the past, how can progress be made in investigating other historical offences? Thirdly, when the CPS decided to change its mind halfway through Mr Genge's prosecution, why on earth did it not consult my constituents before the case was dropped? Finally, why did the CPS not do more to protect the reputation of my constituents? Why did it not make it clear that the prosecution was not stopped on the basis of weak evidence, as was claimed by the defendant's solicitor, but because of a legal technicality and CPS timidity?

I have met Mrs Felwick many times. She is a gentle, reasonable and decent human being. I cannot think of a single motive she would have to raise this matter after all these years if it were not so that the truth could be told. Why would she want to put herself through the trauma of a trial if not for justice to be done? I have utter faith in Mrs Felwick and her relatives. I have absolutely no doubt that Mr Genge abused my constituents when they were children, and he is getting away scot-free. This is not British justice. I ask the Solicitor-General to review this case and the decision not to prosecute, and to ensure that justice is done.

10.14 pm

The Solicitor-General (Oliver Heald): I congratulate my hon. Friend the Member for South West Devon (Mr Streeter) on securing this debate. He is one of the most respected Members of the House—a solicitor who has practised in the courts and who is known for his passion and his commitment. I pay tribute to the active role he plays in supporting his constituents.

This evening my hon. Friend has pointed to issues about a specific case and the decisions taken by the Crown Prosecution Service, and he has also raised some wider matters about the approach that prosecutors take. He raised four key areas of concern about the case: whether the original decision to prosecute was right; the

later decision to offer no evidence; how that decision was communicated to the complainants; and the effect of the decision on them.

My hon. Friend has been in correspondence with Barry Hughes, the chief Crown prosecutor for the south-west, and I believe that a meeting has been arranged for tomorrow to discuss these matters further. My hon. Friend is right to be concerned for his constituents, who after many years plucked up the courage to report serious sexual offences to the police. It is in the public interest for such reports to be made, however long ago the alleged offences occurred.

The charges in the case relate to a number of serious sexual offences, including rape. The prosecution was commenced and preliminary hearings took place in September and October 2011. The decision not to proceed with the prosecution was made in early January 2012, following further consideration, and the case was dismissed when the CPS offered no evidence at the plea and case management hearing on 9 January 2012.

My hon. Friend will be aware from his experience that the code for prosecutors provides a test in two parts as to whether a case should be pursued. The first is the evidential test and the second the public interest test. There is also a duty for the prosecutor to keep the issue under review as the case proceeds. If at any time the code test is not, or is no longer met, a prosecution cannot proceed.

In this case the allegation was a serious one and related to offences more than 50 years ago, which is a long passage of time, but the reviewing CPS lawyer was mindful of that delay and the potential difficulties. He gave careful consideration to the matter and authorised the police to make charges. At that point, counsel was instructed to conduct the case and advise, which is entirely normal procedure, and he did. He looked at the issue of the potential difficulties with the age of the allegations.

The assessment of how likely it is for a prosecution to succeed in such circumstances is not entirely straightforward. The prosecutor has to consider, on the particular facts of the case, the likelihood of the court deciding that the delay may prejudice a fair trial, and the prosecution has to be stopped if it is felt that there is a risk that an application on abuse of process would succeed.

In this case, once the CPS specialist rape prosecutor who was dealing with the case had the benefit of advice from counsel, he considered that a defence application to the court to stop the proceedings would be likely to succeed. The prosecution was, therefore, no longer satisfied that the test in the code for Crown prosecutors was met and the decision not to continue was taken reluctantly by the CPS, mindful of the distress that it could cause the complainants. It does not follow from that decision, however, that the complainants were or are not believed. Put simply, the decision was taken because, in this particular case, the passage of time may have undermined the fairness of proceedings on the individual facts.

I understand that on 5 January 2012, the police informed the complainants that no evidence would be offered at court and then confirmed to the prosecutor that this had taken place.

No evidence was offered at court and the case was dismissed on 9 January. Within 24 hours, the CPS wrote to the complainants informing them of the outcome and offering a face-to-face meeting. Two of the three complainants accepted the offer and a meeting took place on 27 April 2012. My hon. Friend has attended such a meeting with the complainants, the CPS and counsel, and I have learned with regret that the meeting was not satisfactory and did not provide the reassurance sought about the decision making in the case.

Before I come to my hon. Friend's four points, I will deal with the wider issues. The CPS has made a huge effort over recent years to improve the prosecution of offences of serious violence and violence against women and girls. Since 2001, it has produced a great deal more guidance on domestic violence, rape and sexual offences, prostitution, human trafficking, and children and young people. There is a major effort to offer support to victims and witnesses. I have a particular interest in this area as a member of the inter-ministerial group formed to discuss these issues.

Between 2007-08 and 2011-12, the CPS prosecuted almost 20,000 more cases each year involving violence against women and girls. The number of convictions has risen accordingly and we now have the highest conviction rate on record. In rape prosecutions, there has been a 4% increase in the conviction rate year on year. That rate is continuing to increase. Rape cases are now prosecuted by specialist rape prosecutors in all CPS areas, who must satisfy a set of criteria that include attending compulsory training. Rape and serious sexual offences training is based on real-life evidence and includes experts from outside the CPS, including from the voluntary sector.

My hon. Friend mentioned the Savile case and the prosecution of cases of child sexual exploitation. The investigation and prosecution of such cases is particularly important to the Director of Public Prosecutions, who has led a review of the Rochdale case, which my hon. Friend will recall was particularly concerning. The DPP recently held a meeting with the CPS, the police and the third sector. Guidance on how such cases should be dealt with by prosecutors is due in the new year.

I will now turn to my hon. Friend's specific questions. The initial decision to prosecute was taken by a specialist rape prosecutor. It is important to bear it in mind that abuse of process is complex and is dependent on the individual facts of the case. An initial view of a case can change during the course of the prosecution and, as the case develops, it must be kept under review. That is what happened here.

My hon. Friend asked what this case means for other allegations of abuse that took place 30 years ago or more. The CPS decision in this case was based on its individual facts. The CPS regularly prosecutes cases that go back more than 30 years. The Attorney-General and I refer cases in which the sentence is unduly lenient to the Court of Appeal and we have done that recently in abuse cases that go back many decades and that involve defendants who are over 70 years of age.

On the consultation with the complainants, the police informed the complainants of the decision before the prosecution was dropped and face-to-face meetings were offered, as I have said. However, I accept that those meetings did not provide the reassurance that my hon. Friend would have wanted.

The final point relates to the CPS's subsequent handling of the explanation of the decision. In response to the comments of the defendant's representative to

[The Solicitor-General]

the *Plymouth Herald*, the CPS district Crown prosecutor made a statement in general terms about the CPS's decision making in the case, and there was also a statement by a police spokesman. However, I appreciate my hon. Friend's concern on behalf of his constituents that more might have been said to correct the impression, created by the comments of others, that the CPS's decision was based on anything other than the factors to which I have referred.

I would like to make it clear that I, the Attorney-General and the DPP are determined that cases of sexual violence are prosecuted robustly, with proper consideration for victims and witnesses. Although we do not direct the DPP on how to act, we meet him regularly to discuss these matters. I was sorry to hear the concerns that my hon. Friend outlined, but I am grateful to him for bringing this case to my attention. Although it is not possible to reopen the case, I will ensure that these matters are drawn to the attention of the DPP. I hope that my hon. Friend has a positive meeting with the chief Crown prosecutor tomorrow and I invite him to discuss the matter with me further after that if he wishes to do so.

Question put and agreed to.

10.25 pm

House adjourned.

Written Ministerial Statements

Monday 3 December 2012

BUSINESS, INNOVATION AND SKILLS

Employment Law

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Jo Swinson): Following the Chancellor's announcement on 8 October that the Government would create a new employment status called employee owner, the Government have sought views on the practicalities of its implementation. This measure is part of the Growth and Infrastructure Bill which is currently before the House of Commons.

The Government will publish their response to the consultation shortly and copies will be placed the Libraries of both Houses.

UK Single Market Centre

The Secretary of State for Business, Innovation and Skills (Vince Cable): My noble Friend, Minister of State for Trade and Investment (joint with Foreign and Commonwealth Office), Lord Green, has today made the following statement:

I wish to inform the House that the Department for Business, Innovation and Skills has established the UK single market centre, a national co-ordinating team responsible for monitoring the functioning of the European single market.

The single market centre will bring together our work on all the existing tools that support the functioning of the single market, including the internal market scoreboard, SOLVIT (the problem solving mechanism that seeks to resolve the misapplication of rules by public authorities), the internal market information system, and policy responsibility for the point of single contact (the online licensing service for services directive implementation).

The objectives of establishing such a centre are to give greater visibility, and therefore focus, within Government on improving the UK's performance in implementing internal market measures and to build stronger links between single market policy and operations to support our European policy through specific examples of market barriers. Over time, I hope that the work of the single market centre will increase awareness among UK businesses and consumers of the support available to them to trade and shop in the internal market.

The single market centre will report annually on the performance of the single market in the UK, and copies of this report will be placed in the Libraries of both Houses.

CABINET OFFICE

UK Cyber Security Strategy

The Minister for the Cabinet Office and Paymaster General (Mr Francis Maude): On 25 November 2011, I published the UK cyber security strategy. In the strategy I committed to report back on progress after one year, in particular on the achievements of the national cyber-security programme for which my Department has oversight. I am pleased to present this report to both Houses today.

The strategy outlined how the internet has changed and shaped our lives. A year on from its publication, this transformation continues apace.

The UK has been proclaimed as the "most internet-based major economy", with one recent study stating that the UK's internet-related market is now worth £82 billion a year and rising[1]. The internet provides a rich and fertile basis for industry, and small businesses in particular, to expand and grow.

Industry suffers at the hands of such threats. The 2012 PwC information security breaches survey found that 93% of large corporations and 76% of small businesses had a cyber-security breach in the past year. With the cost for a security breach estimated between £110,000 to 250,000 for large businesses and £15,000 to 30,000 for smaller ones, these are losses which UK businesses can ill afford.

And we are not immune in Government. Attacks on Government Departments continue to increase.

The UK cyber-security strategy sets out our approach to tackling the threat. It clearly states four objectives for the UK:

> To tackle cyber-crime and to be one of the most secure places in the world to do business in cyber-space.
>
> To be more resilient to cyber attacks and better able to protect our interests in cyberspace.
>
> To have helped shape an open, stable and vibrant cyberspace which the UK public can use safely and that supports open societies.
>
> To have the cross-cutting knowledge, skills and capabilities the UK needs to underpin these other objectives.

These objectives are delivered through the national cyber-security programme which prioritises and co-ordinates work across Government and provides £650 million of new funding to improve the UK's cyber-security capability.

We are making good progress against these objectives and I am pleased to be able to report on some notable achievements.

Combating the threats

First, I would like to point to the work of GCHQ in addressing cyber-threats. Its work underpins our ability to contend with the many challenges of the cyber-age that threaten our national security. We have invested in new and unique capabilities for GCHQ to identify and analyse hostile cyber-attacks in order to protect our core networks and services and support the UK's wider cyber-security mission. I cannot reveal details of this work, but it has broadened and deepened our understanding of the threat, helping us prioritise and direct defensive efforts.

As part of this work, the MOD has established a tri-service unit, hosted by GCHQ in Cheltenham. The joint cyber-unit training and skills requirements have been established and it is currently developing new tactics, techniques and plans to deliver military capabilities to confront high-end threats.

The security service has developed and enhanced its cyber-structures, focusing on investigating cyber-threats from hostile foreign intelligence agencies and terrorists, and working with UK victims. This informs the work of the Centre for the Protection of National Infrastructure (CPNI) which is helping organisations to improve their cyber-security measures.

CPNI is actively influencing standards, researching vulnerabilities and focusing on the key technologies and systems of cyber-infrastructure. As part of this work it has commissioned a major research programme from the University of Oxford with the aim of delivering advice, guidance and products to help reduce the risk of cyber-attacks mounted or facilitated with the help of company insiders.

In terms of protecting core Government systems, work is being done across the public sector network to create a new security model for the sharing of services. This includes: a common and standardised approach to assurance—Single Sign-on—through an employee authentication hub; security monitoring; more effective policing of compliance; and greater network resilience.

2012 saw the UK hosting one of one the greatest sporting events of our time. The London Olympics was the first truly digital games and, as such, we recognised the need to address potential cyber-threats. We established unprecedented mechanisms for working hand-in-hand with sponsors and suppliers to the games in combating and managing incidents. The lessons learned from the event are informing our cyber-security national incident management plans as we go forward.

Tackling cyber-crime

The Government have invested in strengthening law enforcement and prosecutors' capabilities to prevent, disrupt and investigate cyber-crimes and bring those responsible to justice. The Police Central e-Crime Unit has trebled in size, three regional cyber-policing teams have been established, and training on cyber-crime for mainstream police officers has been designed. This is increasing the capacity of the police to tackle cyber-crime in line with the strategic policing requirement which was issued by the Home Secretary in July 2012. The Serious Organised Crime Agency (SOCA) has increased its cyber-capability including the introduction of cyber-overseas liaison officers and a number of posts dedicated to mainstreaming cyber and digital investigations across the organisation.

The Police Central e-Crime Unit has reported that it has exceeded its four year operations performance target of averting £504 million of harm within the first year of the national cyber-security programme alone—preventing £538 million of harm at a return on investment of £72 harm averted for every pound invested. In addition and in conjunction with partners, SOCA has repatriated over 2.3 million items of compromised data to the financial sector in the UK and internationally since November 2011 with an estimated prevention of potential economic loss of over £500 million. In addition, The Crown Prosecution Service in turn is devoting more resources to prosecuting cyber-crime. As at the end of September 2012, the Department was prosecuting 29 "live" cyber-crime cases.

Joint operations between the two units have now been initiated as a first step towards their coming together in 2013 to form the National Cyber Crime Unit of the new National Crime Agency. This will deliver the next step in transforming law enforcement capability to tackle cyber and cyber-enabled crimes.

National cyber-security programme funding has enhanced Action Fraud to be the UK's national reporting centre for fraud and financial internet crime, operating on a 24/7 basis. This enables reported incidents of crime to be developed into intelligence packages that national and local agencies can use for targeted enforcement activity. Over 12 months. Action Fraud received 46,000 reports from the public of cyber-enabled crimes amounting to attempted levels of fraud of £292 million.

To further assist in tackling online fraud, HMRC has established a new cyber-crime team to enhance the Department's capability to tackle tax fraud by organised criminals. HMRC's enhanced anti-phishing capabilities are now leading to the interception of five major threats a day and have helped the Department to shut down almost 1,000 fraudulent websites in the last 12 months.

Partnership with industry

Government cannot do this alone. We know that industry is the biggest victim of cyber-crime, and intellectual property theft through cyber-crime is happening on an industrial scale. In the past year we have cast our net wide to work with industry, academia and ever wider across the public sector to promote awareness of the need to address cyber-threats. We have produced and promoted a "Cyber Security Guidance for Business" document for industry chief executives, which sets out how board members and senior executives should adopt a holistic risk management approach to cyber-security in order to safeguard their most valuable assets, such as personal data, online services and intellectual property.

We have successfully completed a pilot Government and industry information-sharing initiative to provide a trusted environment for organisations to share information on current threats and managing incidents. This included around 160 companies across five sectors: defence, finance, pharmaceuticals, energy and telecommunications. Although industry to Government and Government to industry information exchange worked well, most value was gained through the industry to industry engagement and this is informing how we take this work forward.

Education, skills and awareness

We have been actively raising awareness among industry and the public about the problem so that people take the simple steps to protect themselves and demand better cyber-security in products and services. Working with industry, we have been raising awareness of cyber-security threats among the general public through initiatives such as the recent Get Safe Online Week, which for the first time ran in conjunction with the EU and US and Canadian partners, as part of a drive to establish a global Cyber-Security Month in October each year. The National Fraud Authority has also delivered targeted campaigns on online fraud, reminding people of the increasing threat of cyber-crime. Over 4 million individuals were reached by the Devils in Your Details campaign in spring 2012. In evaluation afterwards two-thirds of those surveyed said they would change their behaviour as a consequence.

We are investing in skills and research so that we have the capability to keep pace with this problem in the future. The first eight UK universities conducting world-class research in the field of cyber-security have been awarded "Academic Centre of Excellence in Cyber Security Research" through the Engineering and Physical Sciences Research Council. In addition, a new virtual Research Institute has been launched as a Government/academia partnership. Its aim is to improve understanding of the science behind the growing cyber-security threat. These initiatives help keep the UK at the forefront of international research in this field.

Meanwhile we have taken steps to improve cyber-security skills among young people and to widen the pipeline of talent coming into this field. BIS has commissioned e-Skills UK to develop interactive learning materials on cyber-security for GCSE students. One hundred and twenty schools have already signed up to use the materials as part of the Behind the Screen initiative. In November, GCHQ and the other intelligence agencies launched a new technical apprenticeship scheme which aims to identify and develop talent in school and university-age students. They aim to recruit up to 100 apprentices who will be enrolled on a tailored two-year foundation degree course. We have also sponsored the Cyber-Security Challenge UK in its work providing advice, support and guidance for anyone interested in a career in cyber-security, and to create opportunities for employers and previously unidentified talent to come together. Since its launch in 2010, over 10,000 people have registered with the initiative.

Ensuring that those in the field of cyber-security get the right training and education, GCHQ has established and is building on a set of certification schemes to improve the skills and availability of cyber-security professionals. The certification for information assurance professionals scheme will help Government and industry to recruit cyber-security professionals with the right skills at the right level to the right jobs. It will also assist participants to build a career path and to have the opportunity to progress through re-assessment as skills and experience grow.

International efforts

The nature of the internet means that we cannot focus our efforts on the UK alone. International co-operation is crucial. We have continued to promote the UK's vision of an open, vibrant and secure cyberspace internationally, for instance through our active contribution to the Budapest Cyber Conference, and to build up a wide network of international partnerships. We have strengthened relationships with traditional allies and have initiated discussions with a broad range of countries. We are also working with international partners to improve co-operation to tackle cyber-crime through legislation and operational work, and have played a prominent role in international discussions on norms of behaviour and confidence building measures in cyberspace. In October, the Foreign Secretary announced the establishment of a Cyber Capacity Building Fund for supporting cyber-security internationally, part of which will create a new Global Centre for Cyber Security Capacity Building. This centre will help to make UK expertise and technology in this field available to international partners.

Reflecting the global nature of the cyber-crime threat, UK law enforcement agencies continue to work closely with their international partners, through partnership building and joint operations. SOCA continues to lead, with international partners, on the global representation of law enforcement interests to internet corporation for assigned names and numbers (ICANN), the internet domain name organisation. Collaboration with ICANN to amend the registrar's accreditation agreement has assisted law enforcement in crime prevention and detection. In April 2012, SOCA led a global day of action to tackle automated vending cart websites selling compromised financial data. Two arrests were made in the UK and 70 websites taken down world-wide, resulting in major disruption to organised crime-groups' activities.

A fuller list of achievements from the first year of the Cyber Security Strategy and work on the National Cyber Security Programme can be found at: www.cabinetoffice.gov.uk.

Future plans

Looking forward, we are clear that there is still much work to do. We will continue the work that is under way, while regularly assessing it against priorities, and taking into account new and emerging threats.

We are reviewing our national approach to cyber-incident management, particularly in the light of the successful Olympics response outlined above. Our intention is to move towards the establishment of a UK national CERT (computer emergency response team). This will build on and complement our existing CERT structures, improve national co-ordination of cyber-incidents and act as a focus point for international sharing of technical information on cyber security.

In addition, a new Cyber Incident Response scheme, recently launched by CESG and CPNI in pilot form, will move to become fully operational in 2013. It is an HMG quality-assured service, provided by industry, that organisations can turn to for assistance when they have suffered a cyber-security incident. The scheme will enable the UK's emerging cyber-response industry to grow, bringing further benefit to the UK in terms of skills and business opportunities.

Working with the private sector to improve awareness of the need for better cyber-security continues to be a priority. We are now focusing our efforts on making sure that the right incentives and structures are in place to change behaviour in a sustainable way. Government Departments and agencies are working with professional and representative bodies to ensure the consideration of cyber-security becomes an integral part of corporate governance and risk management processes. We are supporting the development of organisational standards for cyber-security so consumers can identify those businesses with good cyber security practices.

Building on the successful "Auburn" pilot project between Government and businesses, we are developing a permanent information sharing environment called CISP (Cyber-security Information Sharing Partnership) to be launched in January 2013. This has been a joint industry/Government design. Initially, this will be open to companies within critical national infrastructure sectors, but we intend to make membership available more broadly, including to SMEs, in a second phase.

We are constantly examining new ways to harness and attract the talents of the cyber-security specialists that are needed for critical areas of work. To this end, the MOD is taking forward the development of a "Cyber Reserve", allowing the services to draw on the wider talent and skills of the nation in the cyber field. The exact composition is currently in development and a detailed announcement will follow in 2013.

On cyber-crime, the Government will continue to work with the law enforcement community to enhance their capabilities, particularly through the creation of the National Cyber Crime Unit (NCCU), an integral part of the National Crime Agency which, subject to parliamentary approval, will be established in October

2013. The NCCU will bring together the capabilities of the Police Central e-Crime Unit and SOCA's cyber-team to create an even more effective response to the most serious cyber-criminals.

Alongside tackling the threat the Government are determined to help seize the business opportunity in cyber, promoting the UK cyber security industry both domestically and across the globe. To support this, we are today forging a new joint "Cyber Growth Partnership" with Intellect, the organisation which represents the UK technology industry. Central to this will be a high-level group which will identify how to support the growth of the UK cyber-security industry, with an emphasis on increasing exports.

To ensure the UK can continue to call on cutting-edge skills and research BIS and the Engineering and Physical Sciences Research Council (EPSRC) will fund two Centres of Doctoral Training (CDT). The centres will call on a wide range of expertise to deliver multidisciplinary research and so help to provide the breadth of skills needed to underpin the work of the UK's next generation of doctoral-level cyber-security experts. The two CDTs will deliver, in total, a minimum of 48 PhDs over their lifetime with the first cohort of students starting in October 2013. These are in addition to 30 GCHQ PhD Studentships also sponsored by the National Cyber Security Programme.

We are also building cyber security into undergraduate university degrees. We have partnered with the Institution of Engineering and Technology (IET) to support and fund the Trustworthy Software Initiative which aims to improve cyber security by making software more secure, dependable and reliable. As part of the initiative a module has been developed to educate students on technical degree courses on why trustworthy software is important. This material is currently being piloted at De Montfort University, the University of Worcester and Queens University Belfast. The IET plans to expand the pilot next spring; from 2015 education in cyber-security will be a mandatory component of software engineering degrees accredited by the institution.

On the international front, we will continue to expand and strengthen the UK's bilateral and multilateral networks. Key opportunities to shape the future of cyberspace in the year ahead will include the Seoul Cyber Conference, the report of the UN Group of Government Experts on international security norms, OSCE (Organisation for Security and Co-operation in Europe) work on Confidence Building Measures and discussions on internet governance in the lead-up to the world summit on the information society (WSIS). We will also play an active role in discussions on the new EU cyber-strategy.

Public awareness will be a priority: we need to warn people of the risks and what they can do to protect themselves while ensuring that confidence in the internet is maintained. From spring 2013 we will be rolling out a programme of public awareness drives, building on the work of GetSafeOnline.org and the National Fraud Authority. This programme will be delivered in partnership with the private sector and will aim at increasing cyber confidence and measurably improving the online safety of consumers and SMEs. We are working now to understand the online behaviour of different segments of consumers in order to prepare the ground for these campaigns and to ensure what we do is based on evidence on what works.

Meanwhile Government will be mainstreaming cyber-security messages across the breadth of its communication with the citizen. For example, HMRC will be automatically alerting customers using out of date browsers and directing them to advice on the threat this might pose to their online security.

Conclusion

Further details on forward plans are available at: www.cabinetoffice.gov.uk. One year after the strategy's publication a great deal has already been accomplished in our aim of protecting UK interests in cyberspace and making the UK one of the safest places to do business online. This is not an issue for Government alone. Industry has the potential to lose the most by not rising to these challenges so together we must work to address cyber-threats which could undermine our economic growth and prosperity.

The past year has created an increasing momentum across the UK at varying levels and across all sectors in addressing a wide range of cyber-security threats. We look forward to maintaining this pace, continually assessing our progress as we go forward. I will report back on progress again a year from now.

[1]AT Kearney: The Internet Economy in the United Kingdom

TREASURY

ECOFIN

The Financial Secretary to the Treasury (Greg Clark): A meeting of the Economic and Financial Affairs Council will be held in Brussels on 4 December 2012. We expect the following items to be on the agenda and discussed.

Banking Supervision Mechanism

Council will seek to agree a general approach for the Commission's proposal for a single supervisory mechanism (SSM).

Revised capital requirements rules (CRD IV)

Council will receive a progress report on the proposals for revised capital requirements rules (CRD IV).

Economic governance—Two pack

Ministers will seek to agree a general approach on two regulations, which are intended to strengthen fiscal discipline and financial stability in the euro area.

Credit Rating Agencies

The presidency will update Ministers on the political agreement reached on the credit rating agencies 3 (CRA3) dossier.

Macroeconomic Imbalance Procedure—Commission annual report

Ministers will hold an initial exchange of views on the alert mechanism report, the first stage in the macroeconomic imbalance procedure.

Annual Growth Survey 2013

Council will hold an initial exchange of views on the annual growth survey 2013.

Issues related to the Economic and Monetary Union

Council will hold an exchange of views on issues related to the economic and monetary union.

Implementation of the Stability and Growth Pact

ECOFIN will seek to adopt Council decisions relating to Greece's excessive deficit procedure.

Financial Transaction Tax (FTT)

The presidency will brief Ministers on the state of play as regards a proposal for a Council decision authorising enhanced co-operation in the area of FTT by some member states. The UK will not participate in an enhanced co-operation FTT.

VAT Quick Reaction Mechanism

Ministers will hold an orientation debate on a proposal for amending a directive on the common system of value added tax as regards a quick reaction mechanism against VAT fraud.

Annual Report of the Court of Auditors on the implementation of the budget for the financial year 2011

The President of the European Court of Auditors, Mr Vitor Caldeira, will present to Ministers the annual report of the Court of Auditors on the implementation of the budget for the financial year 2011.

HM Revenue and Customs

The Exchequer Secretary to the Treasury (Mr David Gauke): The vast majority of people and businesses pay their fair share of tax. However, the Government are fully committed to clamping down on those who avoid or evade paying their tax. The Government are today announcing a series of actions that are being taken to tackle tax avoidance and evasion through domestic and international action: new investment in HM Revenue and Customs (HMRC), further developments on progress internationally and more powers that will underpin the Government's commitment to tackle avoidance and evasion. These announcements come ahead of the Chancellor's autumn statement on Wednesday 5 December.

New funding for HMRC

The Government are already investing over £900 million in HMRC to secure an additional £7 billion of revenue a year, taking HMRC's total compliance revenues to £20 billion in 2014-15. A further £77 million will be provided to HMRC in this spending review period to further expand its anti-avoidance and evasion activity focused on offshore evasion and avoidance by wealthy individuals and by multinationals. This investment will secure a further £2 billion in 2014-15, £22 billion in total. This is 70% higher than in 2010-11.

As a result of this new funding, HMRC will:

Accelerate work to identify and challenge multinationals' transfer pricing arrangements and further strengthen its risk assessment capability across the large business sector. That will help to ensure that multinationals do not shift profits out of the UK, and therefore pay the tax due in accordance with UK tax law.

Expand its affluent unit with 100 extra investigators and additional risk and intelligence staff to target avoidance and evasion by the wealthy. Increasing the number of specialist personal tax inspectors to tackle offshore evasion and avoidance of inheritance tax using offshore trusts, bank accounts and other entities, focusing in particular on the agents and tax intermediaries involved.

Increase capacity to tackle aggressive avoidance schemes, including long-running cases involving partnership losses by creating a settlement opportunity that offers a good deal to the Exchequer and accelerating litigation against those that fail to take up the settlement opportunity.

Create a new "centre of excellence" to develop a comprehensive approach to tackling offshore evasion. The team will be made up of HMRC staff and external experts who will look at how HMRC can best use data to identify offshore tax evasion, review HMRC's legal powers and work with other tax administrations to close the net on offshore evasion. A comprehensive strategy on offshore tax evasion will be published in spring 2013.

Improve its risking technology, including increased use of third-party data. HMRC have today published "Closing in on tax evasion: HMRC's approach" which sets out how HMRC are using technology to tackle those who break the law through tax evasion.

Agreement with US

A groundbreaking agreement with the US—the UK/US agreement to improve international tax compliance and to implement the Foreign Account Tax Compliance Act (FATCA)—will significantly increase the amount of information automatically exchanged between the two countries. The agreement sets a new standard in international tax transparency and will further enhance HMRC's ability to tackle offshore evasion. The Government will look to conclude similar agreements with other jurisdictions.

Action to tackle the promoters of tax avoidance schemes

Over the summer the Government published a consultation document, "Lifting the Lid on Tax Avoidance Schemes", on a wide range of proposals to increase information about tax avoidance.

The consultation involved constructive engagement with a large number of representative bodies and businesses. It also demonstrated very strong support from mainstream tax advisers for new measures to crack down on those who market tax avoidance schemes. In response, the Government will bring forward proposals to introduce significant new information disclosure and penalty powers that will go further than existing, general rules on the marketing of financial products and consumer protection. The new powers will allow HMRC to better target the marketing of tax avoidance schemes that pose a high risk to users and the Exchequer.

The Government will also strengthen the existing disclosure of tax avoidance schemes regime through legislation in 2013 that will extend the range of information that must be disclosed to HMRC and impose additional sanctions for non-compliance.

The introduction of a general anti-abuse rule (GAAR)

In December 2010, the Government asked Graham Aaronson QC to lead a study that would consider whether a GAAR could deter and counter abusive tax avoidance, while providing certainty, retaining a tax regime that is attractive to businesses, and minimising costs for taxpayers and HMRC. The GAAR the Government are now introducing will provide a significant new deterrent to abusive avoidance schemes and strengthen HMRC's means of tackling them where they persist. Guidance and draft legislation on the GAAR will be published in December.

Written Answers to Questions

Monday 3 December 2012

INTERNATIONAL DEVELOPMENT

Democratic Republic of Congo

Mr Gregory Campbell: To ask the Secretary of State for International Development what assistance her Department has offered to *(a)* Democratic Republic of Congo and *(b)* the surrounding region in 2012; and how monitoring of any such aid will occur. [131050]

Lynne Featherstone: The information requested is as follows:

(a) Democratic Republic of Congo (DRC):

The UK bilateral aid programme in DRC is now £140 million in 2012-13. The areas of intervention include:

Social sectors (health, malaria, water and sanitation, education);

Infrastructure (roads)

Transparency and accountability (mining sector, community-driven development, public finance management, reform of the security sector).

Future programmes will also focus on private sector development.

An additional £18 million of humanitarian aid was announced by the Secretary of State for International Development, the right hon. Member for Putney (Justine Greening), on 30 November 2012 in response to the crisis in Eastern DRC.

Monitoring:

The UK Government does not give money direct to the Government of DRC. UK bilateral assistance to DRC is provided through mainly the United Nations; World Bank; and non-governmental organisations who have robust monitoring and financial accounting systems to ensure aid reaches its intended recipients. In addition, we review all our contributions regularly to ensure our funds meet the objectives for which they were intended. This is done through quarterly reporting and annual reviews in addition to field visits.

(b) The Department for International Development (DFID) is providing the following assistance to those countries surrounding the DRC where we have a bilateral programme:

DFID bilateral programme, FY 2012-13

	£ million
Uganda	98.9
Rwanda	75.8
South Sudan	91
Tanzania	157
Zambia	55

(c) We review all our contributions regularly to ensure our funds meet the objectives for which they were intended. This is done through quarterly reporting and annual reviews in addition to field visits.

Developing Countries: Building Regulations

Jim Fitzpatrick: To ask the Secretary of State for International Development what assistance her Department has provided to *(a)* Bangladesh and *(b)* other developing countries on building regulations and fire protection enforcement. [130991]

Mr Duncan: DFID Bangladesh supports the Government of Bangladesh's Comprehensive Disaster Management Programme (CDMP) to improve planning and response to many kinds of hazard, including fire. This includes training of volunteer and professional firefighters. CDMP works to improve the status and enforcement of the Bangladesh National Building Code. It also provides training to ensure contractors and technicians know how to build in line with the code.

Robust building and fire protection codes are important for the design of buildings that are resilient to natural disasters and other shocks. It is also important to ensure that there is full compliance with the building codes during construction. Our work to help countries, such as Nepal, to assess the resilience of their urban infrastructure and their level of disaster preparedness includes consideration of these issues.

Full information on DFID's support to developing countries on building regulations and fire protection enforcement is not held centrally and can be obtained only at disproportionate cost.

Kenya

Annette Brooke: To ask the Secretary of State for International Development if her Department will make representations to the Kenyan government on the urgency and importance of resuming registration of refugee populations in the Dadaab refugee camps in order to guarantee the full protection of rights and access to life-saving services for children and their families. [131204]

Lynne Featherstone: On November 15 2012, the Kenyan Government agreed to restart refugee registration in the Dadaab camps. However, this is likely to be a temporary exercise and the UK Government will continue to look for opportunities to encourage the Kenyan authorities to fully restart registration on a permanent basis.

Marie Stopes International

Jim Shannon: To ask the Secretary of State for International Development (1) whether funding from her Department was used to set up a Marie Stopes clinic in Belfast; [130860]

(2) what reports she has received of funding from her Department to Marie Stopes International being used within the UK. [130861]

Lynne Featherstone: The Department for International Development has not received any reports which suggest that the Department's funding has been used by Marie Stopes International to support work in the UK.

DFID's funding to Marie Stopes International (MSI) aims to deliver quality family planning and reproductive healthcare to vulnerable women in the poorest countries in Asia and Africa.

Syria

Anas Sarwar: To ask the Secretary of State for International Development what recent assessment she has made of the humanitarian situation in Syria. [131172]

Mr Duncan: The humanitarian situation in Syria is extremely concerning and the onset of winter will leave many more people in a vulnerable situation. The United Nations estimates that 3 million people will be in need of food aid by the end of the year. At least 1.5 million people have had to flee their homes for other areas of the country. Over 460,000 refugees are seeking urgent assistance and the numbers are rising daily. Humanitarian agencies are providing some assistance but access in some areas is difficult as security deteriorates.

The UK is a leading donor, providing £53.5 million to deliver vital assistance to tens of thousands of people affected by the fighting. In Syria, UK aid is reaching around 100,000 people with food, over 15,000 families with essential items like blankets and mattresses. UK aid is also helping Syrian refugees in the region, providing medical support for over 25,000 people, blankets and hygiene kits for more than 18,000 people and education for 1,000 children. We continue to consider what more we can do to respond to the urgent needs of the Syrian people.

FOREIGN AND COMMONWEALTH OFFICE

Burma

Anas Sarwar: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with Burmese authorities on the human rights of the Rohingya. [131173]

Mr Swire: I most recently discussed the situation in Rakhine State, the scene of the recent violence between ethnic communities, with the Burmese Minister for the President's Office, U Soe Thane, on 7 November during his visit to the UK. This followed the meeting of the Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for Richmond (Yorks) (Mr Hague), and Burmese President Thein Sein in the margins of the Asia Europe Meeting in Laos on 6 November, where the Foreign Secretary called upon the Burmese Government to put an end to the violence.

I will be visiting Burma in the coming weeks and will continue to raise our concerns about the plight of the Rohingya with the Burmese Government. I also plan to visit Rakhine State to see the situation for myself.

Egypt

Mr Gregory Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will hold discussions with his Egyptian counterpart on President Mursi's recent extension of powers. [131048]

Alistair Burt: I discussed the situation in Egypt with the Egyptian Foreign Minister, Mohamed Kamal Amr, on 27 November and sought reassurances that a way forward would be found. The Foreign Minister has assured me that President Mursi was in dialogue with the Egyptian judiciary and civil society, and was hopeful this would be settled soon. We will continue to maintain close contact with the Egyptian authorities and the opposition and monitor developments.

Gambia

Katy Clark: To ask the Secretary of State for Foreign and Commonwealth Affairs what official contact he has had with the government of Gambia in the last four months. [131144]

Mark Simmonds: The Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for Richmond (Yorks) (Mr Hague) has had no official contact with the Government of the Gambia in the last four months. On 20 October 2012, I spoke to the Gambian Foreign Minister to express the UK's concern over the Gambian Government's recent use of the death penalty. Our high commissioner in Banjul regularly engages with the Government of the Gambia on a wide range of issues including human rights, development and prosperity.

Maldives

Karen Lumley: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the dismissal of the Human Rights Minister for Maldives. [130560]

Alistair Burt: The British Government is closely monitoring events in Maldives, in conjunction with key international partners. We understand that the dismissal of Dhiyana Saeed followed her recent public criticisms of the police, and in particular the treatment of her husband during his recent arrest. We are concerned about the reports of political or physical intimidation of parliamentarians, and hope that all parties will exercise restraint in the coming months. We urge the Maldivian Government to implement the democratic reforms identified by the Commission of National Inquiry in August, and to ensure that the elections in 2013 are free, fair and fully inclusive.

Middle East

Dr Offord: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the effect of remarks by the Governor of Jericho on the alleged distribution of drugs by the Israeli government into Palestinian society on the wider Middle East peace process. [130932]

Alistair Burt: We are aware of these reported remarks but have not made an assessment of their effect on the wider middle east peace process.

Susan Elan Jones: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to promote compliance with international law in the conflict between Israel and Palestine. [131084]

Alistair Burt: We urge all parties to the Israeli-Palestinian conflict to respect their obligations under international humanitarian law. We do this as part of regular contact at ministerial and senior official level.

In this context we continue to make clear to the Israeli Government our concern at ongoing settlement announcements. As we have made clear settlements in the Occupied Palestinian Territories (OPTs) are illegal under international law.

We have also repeatedly made clear to the Israelis our serious concern at the 40% increase last year, as recorded by the UN, in demolitions of Palestinian properties in East Jerusalem and the west bank. We view such demolitions and evictions as causing unnecessary suffering to ordinary Palestinians; as harmful to the peace process; and, in all but the most limited circumstances, as contrary to international humanitarian law.

More generally, we continue to have serious concerns about the human rights situation in Israel and the OPTs which we raise regularly with the Israeli authorities. More details can be found at:

http://fcohrdreport.readandcomment.com/human-rights-n-countries-of-concern/israel-and-the-opts/

Tim Farron: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps his Department is taking to promote compliance with international law in the conflict between Israel and Palestine. [131228]

Alistair Burt: We urge all parties to the Israeli-Palestinian conflict to respect their obligations under international humanitarian law. We do this as part of regular contact at ministerial and senior official level.

In this context we continue to make clear to the Israeli Government our concern at ongoing settlement announcements. As we have made clear settlements in the Occupied Palestinian Territories (OPTs) are illegal under international law.

We have also repeatedly made clear to the Israelis our serious concern at the 40% increase last year, as recorded by the UN, in demolitions of Palestinian properties in East Jerusalem and the West Bank. We view such demolitions and evictions as causing unnecessary suffering to ordinary Palestinians; as harmful to the peace process; and, in all but the most limited circumstances, as contrary to international humanitarian law.

More generally, we continue to have serious concerns about the human rights situation in Israel and the OPTs which we raise regularly with the Israeli authorities. More details can be found at:

http://fcohrdreport.readandcomment.com/human-rights-n-countries-of-concem/israel-and-the-opts/

Mr Hollobone: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will lead international efforts to assist the Egyptian government in stopping the flow of illegal weaponry across its border with the Gaza Strip. [131296]

Alistair Burt: We welcome the Egyptian-led ceasefire in the recent Gaza crisis and will continue to give our full support to Egypt's efforts to tackle both the flow of illegal weaponry from the Sinai into the Gaza strip and to bring about the changes necessary to ease Israeli restrictions on Gaza.

Sir Bob Russell: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions he has made representations to the government of Israel on *(a)* compliance with UN resolutions, *(b)* the Geneva Convention and *(c)* international law since May 2010. [131398]

Alistair Burt: We continue to urge all parties to the Israeli-Palestinian conflict to respect their obligations under international humanitarian law. It is important that Israel fulfils its obligations under international law. Our ambassador in Tel Aviv raised these issues with the Israeli Co-ordinator of Government Activities in the Occupied Palestinian Territories on 9 October. We continue to raise our concerns so frequently with the Israeli authorities that we do not track the specific number of instances. More details can be found at:

http://fcohrdreport.readandcomment.com/human-rights-n-countries-of-concern/israel-and-the-opts/

Occupied Territories

Chris Williamson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will take steps to prevent house demolitions in East Jerusalem and the West Bank; [130846]

(2) what recent discussions he has had with his Israeli counterpart on the cessation of demolition of Palestinian homes. [130847]

Alistair Burt: We have repeatedly made clear to the Israelis our serious concern at the 40% increase last year, as recorded by the UN, in demolitions of Palestinian properties in east Jerusalem and the West Bank. Our ambassador in Tel Aviv raised this issue with the Israeli Co-ordinator of Government Activities in the Occupied Palestinian Territories on 9 October 2012. We view such demolitions and evictions as causing unnecessary suffering to ordinary Palestinians; as harmful to the peace process; and, in all but the most limited circumstances, as contrary to international humanitarian law.

In addition we continue to support Palestinians facing demolition of their homes or eviction through support to the Norwegian Refugee Council legal aid programme which helps individuals to challenge these decisions in the Israeli legal system.

Chris Williamson: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received to indicate the number of houses in the occupied West Bank which have been demolished since 1967. [130848]

Alistair Burt: We are aware of reports provided by the International Committee against House Demolitions that over 26,000 demolitions have taken place since 1967. We have made clear to the Israelis our serious concern at the 40% increase last year, as recorded by the UN, in demolitions of Palestinian properties in east Jerusalem and the west bank. Our ambassador in Tel Aviv raised this issue with the Israeli Co-ordinator of Government Activities in the Occupied Palestinian Territories (OPTs) on 9 October 2012. We view such demolitions and evictions as causing unnecessary suffering to ordinary Palestinians; as harmful to the peace process; and, in all but the most limited circumstances, as contrary to international humanitarian law.

In addition we continue to support Palestinians facing demolition of their homes or eviction in the OPTs through support to the Norwegian Refugee Council legal aid programme which helps individuals to challenge these decisions in the Israeli legal system.

Sri Lanka

Fiona Bruce: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the situation for religious minorities in Sri Lanka; and what steps he is taking to promote the right to freedom of religion or belief in Sri Lanka. [131051]

Alistair Burt: Sri Lankan people are generally free to practice their religion. But religious groups have complained of onerous administrative burdens placed on certain religions and religious education that does not take into account minority faiths. We have also received reports of discrimination against certain religious groups. Our high commission monitors developments carefully on all human rights concerns in Sri Lanka, and keeps in contact with religious leaders. We regularly urge the Sri Lankan Government to make progress on all human rights issues.

Fiona Bruce: To ask the Secretary of State for Foreign and Commonwealth Affairs whether he will raise as a matter of concern with the Government of Sri Lanka the circular from 2011 allowing local authorities to determine whether religious activities should be allowed to continue. [131052]

Alistair Burt: The British high commission in Sri Lanka is aware of this September 2011 circular but has not raised it specifically with the Sri Lankan Government. Our high commission monitors developments carefully on all human rights concerns in Sri Lanka, including religious freedom, and keeps in contact with religious leaders. We regularly urge the Sri Lankan Government to make progress on all human rights issues. The British high commission will be looking in to the issue further.

Fiona Bruce: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps his Department is taking to promote ethnic and religious pluralism in Sri Lanka. [131174]

Alistair Burt: Sri Lankan people are generally free to practice their religion. But religious groups have complained of onerous administrative burdens placed on certain religions and religious education that does not take into account minority faiths. We have also received reports of discrimination against certain religious groups. Our high commission monitors developments carefully on all human rights concerns in Sri Lanka, and keeps in contact with religious leaders. We regularly urge the Sri Lankan Government to make progress on all human rights issues.

NORTHERN IRELAND

Middle East

Mr Hollobone: To ask the Secretary of State for Northern Ireland what discussions she has held with Ministers in the *(a)* Foreign and Commonwealth Office and *(b)* Northern Ireland Executive on using expertise within Northern Ireland of peace and reconciliation to help the Middle East peace process. [131277]

Mike Penning: We regularly receive visitors from the Middle East and elsewhere who seek to learn lessons from the Northern Ireland peace process, some referred by the Foreign Office. Such visitors are also seen at times by the Northern Ireland Executive or representatives of parties in it.

ENERGY AND CLIMATE CHANGE

Carbon Emissions

John Robertson: To ask the Secretary of State for Energy and Climate Change what recent discussions he has had with his international counterparts on carbon emission targets. [131140]

Gregory Barker: The Secretary of State for Energy and Climate Change, the right hon. Member for Kingston and Surbiton (Mr Davey), and I are attending the Conference of the Parties to the UN Framework Convention on Climate Change in Doha between 2 and 7 December 2012, where we will be meeting with international counterparts to discuss a comprehensive range of issues pertaining to international climate change including reducing carbon emissions. We will update the House on our return to the UK on progress in these discussions. Prior to the Doha conference, DECC Ministers discussed these issues with counterparts at the pre-COP conference in Seoul and the EU Environment Council in October, and at the Major Economies Forum meeting in New York in September.

John Robertson: To ask the Secretary of State for Energy and Climate Change what assessment he has made of recent international negotiations on reducing carbon emissions. [131141]

Gregory Barker: The Secretary of State for Energy and Climate Change, the right hon. Member for Kingston and Surbiton (Mr Davey), and I are attending the Conference of the Parties to the UN Framework Convention on Climate Change in Doha between 2 and 7 December 2012, where we will be meeting with international counterparts to discuss a comprehensive range of issues pertaining to international climate change including reducing carbon emissions. We will update the House on our return to the UK on progress in these negotiations.

Energy Company Obligation

Zac Goldsmith: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 2 July 2012, *Official Report*, column 425W, on Warm Home discount scheme, what progress he has made on exploring whether Government data could be used to confirm a customer's eligibility for Energy Company Obligation support. [131216]

Gregory Barker: An ECO referrals service will be launched via the Energy Saving Advice Service (ESAS) in early 2013. Government data will be used to check eligibility for ECO Affordable Warmth assistance, where the customer consents to this.

In exchange, ECO obligated supply companies will commit to provide a minimum level of assistance to customers referred via this route through a voluntary agreement with the Department for Energy and Climate Change.

In addition over one million pension credit recipients will be identified to the energy supply companies through the Warm Home Discount scheme in 2012-13 and will receive an energy supplier funded discount on their energy bill of £130. The State Pension Credit (Warm Home Discount) Regulations 2011 also allow participating energy supply companies to use the information that these customers are in receipt of pension credit to target their ECO support.

Energy Supply

David Mowat: To ask the Secretary of State for Energy and Climate Change what consideration he has given to improving grid connections with Europe in order to ensure future energy security; and if he will make a statement. [131152]

Mr Hayes: Government has no direct role in building interconnectors between Britain and other European countries. Interconnection is a commercially-driven market with a number of different companies involved. Britain currently has 4 GW of interconnection with France, Northern Ireland, Ireland and the Netherlands. Further interconnection is likely, with developers investigating potential projects with France, Belgium, Norway and Iceland, among others. The Government has recently commissioned analysis into the benefits and risks for Britain of further interconnection.

Energy: Prices

Graham Stringer: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the effect of his proposals for tariff reform on the profits made by the six major energy companies. [131224]

Gregory Barker: The Government is in the process of assessing, including through the analysis of evidence provided in response to our Discussion Document, "Ensuring a better deal for energy consumers", the impact of its proposals for tariff reform on competiveness in the retail energy market, and the impact on consumer bills:

http://www.decc.gov.uk/en/content/cms/consultations/better_deal/better_deal.aspx

The Government do not undertake assessments specifically on the profit margins of particular companies.

Garages and Petrol Stations

Robert Halfon: To ask the Secretary of State for Energy and Climate Change (1) when he expects the current study by Deloitte into the downstream oil industry to be completed; and if he will publish the findings of that study; [129741]

(2) what research his Department has conducted on the number of motor fuel filling stations required to ensure the maintenance of adequate supplies of fuels to *(a)* urban and *(b)* rural areas since 2010; and if he will make a statement. [131462]

Mr Hayes: I refer my hon. Friend to the answer I gave him on 27 November 2012, *Official Report*, column 312W.

Nuclear Power Stations

Caroline Lucas: To ask the Secretary of State for Energy and Climate Change whether he plans to finance the 16GW of new nuclear power by 2025 through *(a)* levies additional to the Levy Control Framework cap of £7.6 billion by 2020 and *(b)* other financing mechanisms; if he will provide details of any such mechanisms; if he will ensure full transparency of all such funding mechanisms; and if he will make a statement. [131005]

Mr Hayes: The Energy Bill, now introduced, sets out the way in which low carbon projects will be funded for the future. The levy control framework sets the overall DECC budget for these projects until the end of the financial year 2020-21. Budgets post 2020-21 will be agreed nearer the time. Any nuclear projects coming online at or before end 2020-21 will fall within the existing budget; any plants that begin generating electricity post 2020-21 will be subject to future budget settlements.

Nuclear Power Stations: Safety

Paul Flynn: To ask the Secretary of State for Energy and Climate Change with reference to the Office for Nuclear Regulation's report Japanese earthquake and tsunami: implementing the lessons for the UK's nuclear industry, published in October 2012, what the *(a)* cost to date has been and *(b)* estimated future costs will be to his Department of implementing the recommendations made specifically to Government in that report. [130022]

Mr Hayes: Nuclear safety is a top priority and as such any associated costs to the Department will be borne out of the overall departmental budget.

The Government is not able to comment on any associated costs to the nuclear operating companies, as such costs are part of the overall and ongoing costs of ensuring the safe operation of nuclear facilities.

Renewable Energy

Caroline Lucas: To ask the Secretary of State for Energy and Climate Change if he will make it his policy to ask the House of Commons Energy and Climate Change Committee to carry out an analysis of the comparative *(a)* feasibility and *(b)* cost of using alternative low carbon solutions, including a combination of (i) energy demand reduction, (ii) renewable energy and (iii) investment in interconnectors, to meet the equivalent of his proposed 16GW of electricity to be provided by new nuclear power stations by 2025; and if he will make a statement. [131006]

Mr Hayes: Different technology mixes to meet decarbonisation and energy security objectives have already been considered as part of the strategic work of the Department. DECC first published its 2050 calculator and pathways analysis in 2010. The model presents a framework through which to consider some of the choices and trade-offs over the next forty years. It is rooted in scientific and engineering realities, looking at what is thought to be physically and technically feasible

in each sector. The calculator is system-wide, covering all parts of the economy and all greenhouse gases emissions released in the UK, and as such includes energy demand reduction opportunities, renewable energy and interconnectors. In December 2011, costs analysis was added to the 2050 calculator. In addition, DECC has recently commissioned additional analysis into the impacts of different levels of further interconnection on GB.

While it is theoretically possible to meet our energy objectives without new nuclear, it would be very challenging to do so. We would also expect the costs of meeting the objectives to be higher without new nuclear, as it is a proven technology and expected to be the cheapest low-carbon source of electricity in the future.

The Energy Bill, published on 29 November, contains our measures for Electricity Market Reform (EMR) which will encourage the right conditions for private sector investment in low carbon energy development. The Government do not set technology specific targets, but has designed EMR to be flexible to different outcomes and to allow opportunity for all forms of generation to come forward, to ultimately provide a least cost mix. This will enable new nuclear, alongside renewables and fossil fuels with carbon capture and storage, together with energy demand reduction, to play a key role in our energy mix.

The long-term vision is a market where low carbon generators compete fairly under a robust and stable carbon price. New nuclear power should be able to contribute as much as possible to the UK's need for new capacity within that competitive framework.

Wind and Nuclear Power

Caroline Lucas: To ask the Secretary of State for Energy and Climate Change what recent assessment he has made of the *(a)* strike price per MW hour and *(b)* length of contract required for investment in (i) onshore wind, (ii) offshore wind and (iii) new nuclear power under contracts for difference; and if he will make a statement. [131007]

Mr Hayes: As set out by the Department in May of this year, I will set strike prices for renewables technologies in the EMR delivery plan, to be published in 2013. I will make an assessment of those strike prices on the basis of analysis received from the System Operator and other relevant evidence, including a report of external scrutiny by a panel of technical experts. I will then publish a draft of the first delivery plan for consultation in July 2013, and a final delivery plan by end of 2013, subject to Royal Assent on the Energy Bill.

The Department's assessment is that the length of the feed in tariff with a contract for differences (CfD) for wind farms should be 15 years. This provides an appropriate balance between minimising the overall costs of the CfD to electricity consumers, ensuring that the CfD scheme is affordable, and facilitating lower costs of capital.

The Government is currently in discussions with NNB Generation Company Ltd about a potential early CfD ("investment contract") for the first new nuclear power station. These discussions are ongoing, and no conclusion has been reached about the strike price or contract length required for investment.

Wind Power

John Robertson: To ask the Secretary of State for Energy and Climate Change what recent discussions he has had with his European counterparts on the de-rating of wind turbines. [130363]

Mr Hayes: I have had no discussions with European counterparts regarding de-rating of wind turbines.

John Robertson: To ask the Secretary of State for Energy and Climate Change what recent discussions he has had with wind turbine manufacturers on the advertising of de-rated turbines. [130364]

Mr Hayes: My officials have met and discussed this issue with wind turbine manufacturers and RenewablesUK as part of the recent comprehensive review of the FITs scheme. As indicated in the Government response to Phase 2B of the review, published in July, DECC takes the issue of turbine de-rating seriously. It should be noted that only 0.009% of installations supported by FITs could potentially have been de-rated in this way.

We have acted to address a similar issue of downsizing of hydro sites and are committed to finding a solution for wind. Following publication of the response we have already met with representatives from the sector to take this forward.

John Robertson: To ask the Secretary of State for Energy and Climate Change what assessment he has made of the practice of de-rating. [130366]

Dan Byles: To ask the Secretary of State for Energy and Climate Change what safeguards are in place to prevent onshore wind farm operators from deliberately running large wind turbines at sub-optimal levels in order to qualify for the higher subsidy available to sub-500kW turbines; and if he will make a statement. [130519]

Mr Hayes: We are aware that a very small number of manufacturers have started to sell turbines which have been "de-rated" to allow them to benefit from higher tariffs. To date, only 32 turbines have been installed in the relevant band, representing just 0.009% of installations supported by FITs.

My officials have met and discussed this issue with wind turbine manufacturers and RenewableUK as part of the recent comprehensive review of the FITs scheme. As indicated in the Government response to Phase 2B of the review, published in July, DECC takes the issue of turbine de-rating seriously. We have acted to address a similar issue for hydro sites and are committed to doing the same for wind. Following publication of the response we have already met with representatives from the sector to take this forward.

HOME DEPARTMENT

Carbon Monoxide: Poisoning

Graham Stringer: To ask the Secretary of State for the Home Department how many deaths there have been from carbon monoxide poisoning in domestic premises due to faulty biomass boilers in the latest year for which figures are available; and if she will make a statement. [131202]

Mr Foster: I have been asked to reply on behalf of the Department for Communities and Local Government.

The information requested is not held centrally.

The best available information on carbon monoxide poisoning is set out in the annual report of the Cross Government Group on Gas Safety and Carbon Monoxide Awareness which is available online at:

www.hse.gov.uk/gas/domestic/cross-government-group.htm

College of Policing

Mr Hanson: To ask the Secretary of State for the Home Department what responsibility the College of Policing will have for police staff working for private sector companies providing services to police forces in England and Wales. [130428]

Damian Green: The College of Policing will have a remit to work with Police and Crime Commissioners and forces to improve standards across all areas of policing, including those functions which can be carried out by private sector companies.

Drugs: Crime

Nick de Bois: To ask the Secretary of State for the Home Department pursuant to the answer of 30 October 2012, *Official Report*, column 179W, on drugs: crime, if she will take steps to universally define the term drug dealer in *(a)* her Department and *(b)* its associated public bodies; and if she will make a statement. [131337]

Mr Jeremy Browne: The Home Office has no plans to provide a universal definition for the term 'drug dealer'. While there is no statutory definition there is a common understanding of what constitutes "dealing", informed by the offences in the Misuse of Drugs Act 1971 and associated legislation.

Drugs: Misuse

Julie Elliott: To ask the Secretary of State for the Home Department what steps her Department is taking to prevent the selling of legal high drugs *(a)* over the internet and *(b)* over the counter. [131066]

Mr Jeremy Browne: The Government takes the issue of new psychoactive substances (so called 'legal highs') very seriously.

In May 2012 the Government published a new psychoactive substances (NPS) action plan which sets out a number of actions to address the trade in these substances. The action plan is available at:

http://www.homeoffice.gov.uk/publications/alcohol-drugs/drugs/annual-review-drug-strategy-2010/drug-strategy2010-review-may2012?view=Binary

A copy of which will be placed in the House Library.

Action to restrict drug supply, including illegal NPS, is a priority for law enforcement and the Home Office is working closely with the Serious Organised Crime Agency, Border Force and the police to develop new approaches to identify importers, distributors and sellers of NPS. This activity includes action to close websites advertising illegal NPS; the creation of a multi-agency working group to identify and tackle the trade in NPS by organised criminals; ongoing development of a national intelligence picture; and the publication of Association of Chief Police Officers (ACPO) practice guidance on NPS for the police.

Police: Training

Helen Goodman: To ask the Secretary of State for the Home Department what training is provided to police officers on how to deal with criminality online. [130643]

James Brokenshire *[holding answer 29 November 2012]:* As part of the National Cyber Security Programme, cyber awareness training for all police officers is being designed by the Police Central e-Crime Unit. A capability framework for regions and forces to assist in their development of their cyber response in line with the Strategic Policing Requirement is also being developed.

Prostitution

Gavin Shuker: To ask the Secretary of State for the Home Department on what occasions *(a)* officials and *(b)* Ministers of her Department met representatives of other Government Departments to determine policy on prostitution since May 2010. [131342]

Mr Jeremy Browne: Home Office Ministers and officials have regular meetings with colleagues from other Departments 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.

The Government is committed to tackling the harm and exploitation associated with prostitution. The cross-government Action Plan to end Violence Against Women and Girls (VAWG) sets out our commitment to ensure that those involved in prostitution are protected from violence, free from exploitation and, where appropriate, given help to leave.

Rape: Crime Prevention

Steve Rotheram: To ask the Secretary of State for the Home Department how much her Department plans to spend on the rape prevention campaign between December 2012 and December 2013. [130954]

James Brokenshire *[holding answer 30 November 2012]:* The Home Office has allocated £1 million to fund the rape prevention campaign which will run from December 2012 to January 2013.

TREASURY

Air Passenger Duty

Jonathan Lord: To ask the Chancellor of the Exchequer what the change was in the level of air passenger duty from *(a)* 1997 to 2010 and *(b)* 2010 to date. [130986]

Sajid Javid: Historic rates of air passenger duty can be found online here:

https://www.uktradeinfo.com/Statistics/Pages/TaxAndDutyBulletins.aspx

Child Benefit

Nick Smith: To ask the Chancellor of the Exchequer how many staff, and at what cost, HM Revenue and Customs will require to implement the claw-back of child benefit from 7 January 2013. [128154]

Mr Gauke: Our latest view is that the number of staff required to implement the high income child benefit charge will vary over time. For 2012-13 HMRC's current estimate is for 475 full-time equivalent staff, costing around £11.7 million. From 2013-14 onwards HMRC's current estimate is for 450 full-time equivalent staff, costing around £11.3 million.

The estimate of costs incurred to date is approximately half the initially expected cost of the first phase of the project.

Credit Unions: North East

Tom Blenkinsop: To ask the Chancellor of the Exchequer what estimate the Financial Services Authority has made of the number of credit unions in the North East in each year since 2007. [130274]

Greg Clark: The Government is supportive of the role that credit unions play in providing diversity within the financial sector. The Government do not hold information on individual credit unions.

Debt Relief (Developing Countries) Act 2010

Andrew Gwynne: To ask the Chancellor of the Exchequer if he will make an estimate of how much the provisions of the UK Debt Relief (Developing Countries) Act 2012 will save highly indebted countries in coming years. [130056]

Greg Clark: The UK Government made permanent the Debt Relief (Developing Countries) Act 2010 on 25 May 2011.

The impact assessment for the Debt Relief (Developing Countries) Act suggests direct benefits of between zero and £26 million a year to heavily indebted poor countries.

Andrew Gwynne: To ask the Chancellor of the Exchequer what discussions he has had with his counterparts in the British Overseas Territories and Crown Dependencies on adopting the provisions of the Debt Relief (Developing Countries) Act 2010; and if he will make a statement. [130239]

Greg Clark: The UK Government made permanent the Debt Relief (Developing Countries) Act 2010 on 25 May 2011.

Jersey has recently adopted a similar legislation. The UK will continue to share its experience of addressing non-participation in debt relief with Britain's Crown Dependencies and Overseas territories.

Excise Duties: Aviation

Cathy Jamieson: To ask the Chancellor of the Exchequer (1) whether he has considered freezing the duty payable on aviation fuel; [130667]

(2) what representations he has received on duty on aviation fuel. [130668]

Sajid Javid: All aviation fuel duty has been frozen since March 2011. The duty payable on aviation fuel depends on the type of fuel and the purpose of use. No duty is payable on any fuel used for international flights. Aviation turbine fuel used in private pleasure flying in turbine powered aircraft is subject to duty at the same rate as road diesel at 57.95p per litre. Aviation gasoline used in piston powered aircraft is subject to duty at 37.70p per litre. Other uses of aviation fuel in the UK do not attract duty. The Chancellor of the Exchequer keeps all taxes under review.

Treasury Ministers and officials receive representations from a wide variety of authorities 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 and discussions.

Excise Duties: Fuels

Jonathan Lord: To ask the Chancellor of the Exchequer (1) what the change was in the level of fuel duty from *(a)* 1997 to 2010 and *(b)* 2010 to date; [130987]

(2) what steps his Department has taken to reduce the effect on motorists of fluctuations in the price of oil. [130988]

Sajid Javid: Information on historic fuel duty rates by fuel type is published in table 8 of the UK Trade Info Hydrocarbon Oils Bulletin at:

https://www.uktradeinfo.com/Statistics/Pages/TaxAndDutybulletins.aspx

The table shows that the main petrol duty rate rose by 16.91 pence per litre between 1997 and May 2010, and by 0.76 pence per litre between May 2010 and now.

The Government has cut fuel duty, cancelled the previous Government's fuel duty escalator, ensured that fuel duty has remained frozen for 21 months and has introduced a fair fuel stabiliser. As a result, pump prices are 10p a litre lower than they would have been under the previous Government.

The fair fuel stabiliser took effect from 21 March 2012. I refer my hon. Friend to the written statement made by the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Norwich North (Miss Smith), on 21 March 2012, *Official Report*, column 57WS.

Financial Services: Disadvantaged

Andrew Griffiths: To ask the Chancellor of the Exchequer what the cost has been of the *(a)* Financial Inclusion Taskforce and *(b)* Financial Inclusion Fund in each year since 2005; and if he will provide a breakdown of spending in each case for each category of spending. [130691]

Sajid Javid: A Financial Inclusion Taskforce was established in 2005 to monitor and evaluate the Government's financial inclusion strategy. The taskforce was allocated £3 million from the Financial inclusion Fund for the period 2005-07, and £2 million for 2008-11.

The. Financial Inclusion Fund was allocated £120 million for the period 2005-07. The Treasury Select Committee Report: 'Financial inclusion: the roles of the Government and the FSA, and financial capability' (First Report of the Session 2006-07) sets out how the fund was allocated in this period.

It is available on the Parliament website:

http://www.publications.parliament.uk/pa/cm200607/cmselect/cmtreasy/53/53.pdf

A further £130 million funding for the Financial Inclusion Fund was allocated for the period 2008-11. 'Financial inclusion: an action plan for 2008-11' sets out how the fund was allocated in this period. It is available on the HM Treasury website:

http://www.hm-treasury.gov.uk/d/financialinclusion_actionplan061207.pdf

The Financial Inclusion Fund closed on 31 March 2011.

Fossil Fuels: Prices

Caroline Lucas: To ask the Chancellor of the Exchequer what assessment he has made of the potential effect of *(a)* high, *(b)* medium and *(c)* low fossil fuel prices on (i) domestic demand, (ii) investment and (iii) aggregate demand in the economy; and if he will make a statement. [131004]

Sajid Javid: The Office for Budget Responsibility (OBR) is responsible for producing independent economic and fiscal forecasts. In September 2010, the OBR published a working paper, 'Assessment of the Effect of Oil Price Fluctuations on the Public Finances'. This analysis by the OBR suggests that a 20% increase in the price of oil reduces actual output by approximately 0.2% compared to a baseline scenario. In their March 2012 'Economic and fiscal outlook', the OBR estimated that an immediate $50 shock to the oil price would lead to GDP growth in 2012-13 falling from their central forecast of 1.0% to 0.3%.

Minimum Wage

Teresa Pearce: To ask the Chancellor of the Exchequer how many national minimum wage claims have been brought against employers *(a)* by employees, *(b)* by trade union and *(c)* following HM Revenue and Customs PAYE audits in the last 12 months. [131278]

Mr Gauke: HMRC categorises claims from workers as complaints and treats information from other sources, including trade unions and internal referrals from HMRC colleagues, such as those carrying out PAYE audits, as third-party information.

HMRC will investigate all complaints it receives on payment of the national minimum wage and, in the period October 2011 to October 2012, 2,027 complaints from workers were received and referred to compliance teams for investigation.

Information provided to HMRC from third parties is analysed using risk indicators and employers with the highest risk are referred for compliance action. In the period October 2011 to October 2012, 550 third-party referrals were received, of which 342 were taken forward for compliance action.

PAYE

Stephen Timms: To ask the Chancellor of the Exchequer how many employers he expects to be participating in the PAYE real time information pilot at the end of each month from November 2012 to the end of April 2013. [130041]

Mr Gauke: HMRC's strategy for the remaining months of the RTI pilot is to focus on bringing on the largest PAYE schemes (by number of employments). HMRC is also aiming to bring new PAYE schemes directly into RTI as they are set up.

HMRC's current projections for PAYE schemes participating in the PAYE real time information pilot are shown in the following table:

	Number (Up to)
November 2012	65,000
December 2012	100,000
January 2013	120,000
February 2013	140,000
March 2013	185,000

The pilot is due to end in March 2013.

Stephen Timms: To ask the Chancellor of the Exchequer how many hashes from the payment system have been *(a)* matched and *(b)* not matched to real time information (RTI) data from employers since the start of the RTI pilot. [130376]

Mr Gauke: Since the start of the RTI pilot HMRC have matched 6,441,719 hashes received in RTI submissions with hashes from the BACS payment system.

HMRC do not hold data on hashes from the BACS payment system that are unmatched.

Stephen Timms: To ask the Chancellor of the Exchequer what his most recent estimate is of the funding allocated by his Department to the PAYE Real Time Information project in *(a)* 2011-12, *(b)* 2012-13 and *(c)* 2013-14. [131095]

Mr Gauke: As part of HMRC's spending review 2010 funding settlement, the Department was allocated an additional £124 million to meet the costs of the PAYE Real Time Information project. The following table illustrates the allocation:

			£ million (nominal)	
	2011-12	*2012-13*	*2013-14*	*2014-15*
RDEL	18	22	22	16
Of which:				
Depreciation	0	5	5	6
CDEL	40	3	3	0

Following public consultation there have been changes made to the design of the RTI solution and plans for the pilot year have also changed. As a result the cost of RTI will be higher than the spending review 2010 allocation. HMRC are working to determine the scale of the increase and are looking at how these additional costs will be met.

Revenue and Customs: Correspondence

Alison McGovern: To ask the Chancellor of the Exchequer what the average response time was for letters sent to HM Revenue and Customs by *(a)* hon. Members and *(b)* members of the public in the most recent period for which figures are available. [130940]

Mr Gauke: HMRC does not hold average response times for letters sent by *(a)* hon. Members or *(b)* members of the public. This information could be made available only at disproportionate cost.

HMRC has a target to deal with 80% of ministerial correspondence within 15 working days of receipt. This target is also applicable to letters from members of the public. HMRC is meeting this target; current performance in October 2012 being 80.5%.

Succession

Gavin Shuker: To ask the Chancellor of the Exchequer (1) what the total value of gifts made to the Government from the estate of deceased persons was in 2010-11; [131281]

(2) what the total value of payments made to the Government on a voluntary basis with no contingent financial benefit to the donor was in 2010-11. [131282]

Sajid Javid: A total of £1,083,537.55 was received by the Government as gifts to the nation in the financial year 2010-11. Of this at least £1,081,311.84 was received from the estates of deceased persons, and £54,634.36 was received as bequests for the reduction of the national debt.

Taxation: Environment Protection

Caroline Lucas: To ask the Chancellor of the Exchequer if he will make an assessment of the likely macroeconomic effects of investing revenues raised from carbon taxes into improving the energy efficiency of homes occupied by people at risk of fuel poverty in terms of *(a)* job creation, *(b)* GDP and *(c)* other effects; whether he plans to meet representatives of the Energy Bill Revolution Coalition to discuss such proposals; and if he will make a statement. [131003]

Sajid Javid: The Government is committed to supporting people, especially in low income and vulnerable households, to heat their homes more affordably. The Government has a range of policies to address fuel poverty and help people with their bills, including Warm Front, the Carbon Emissions Reduction Target, Community Energy Saving Programme, warm home discount, winter fuel payments and cold weather payments. From next year, the Green Deal and Energy Company Obligation will help improve homes' energy efficiency.

Spending priorities are not, in general, determined by the way in which the money is raised as this could impart inflexibility, including limiting the amount of spend on a particular issue, with reduced value-for-money for taxpayers.

Welfare Tax Credits

Mr Ruffley: To ask the Chancellor of the Exchequer how many people in *(a)* Bury St Edmunds constituency, *(b)* Suffolk and *(c)* England and Wales were in receipt of (i) child tax credit and (ii) working tax credit in each of the last three years; and how much was spent in (A) Bury St Edmunds constituency, (B) Suffolk and (C) England and Wales on (1) child tax credit and (2) working tax credit in each such year. [130621]

Mr Gauke: This information is published every year in the HMRC publication "Child and Working Tax Credits Statistics: Finalised Awards". These publications can be accessed from:

http://www.hmrc.gov.uk/statistics/fin-main-stats.htm

The number of families receiving each element broken down by region is presented in Table 3. Statistics for total spend are not published but can be calculated using the number of families and the average entitlement (also published in Table 3).

For ease the data requested is reproduced as follows. Data for 2011-12 is not yet available (published in May 2013); therefore the data is presented for 2009-10 and 2010-11. Breakdowns are not available for Suffolk, so statistics for the "East" region are provided as an alternative (see Annex A for list of parliamentary constituencies in the East region).

Number of families receiving child tax credit (CTC). working tax credit (WTC), and both in each region

Thousand

	2010-11			
	CTC	*WTC*	*CTC and WTC*	*Total*
Bury St Edmunds	6.9	0.6	2.7	10.2
East England[1]	345	36	156	537
England and Wales	3,358	468	1,740	5,566

[1] Data for Suffolk are not available.

Thousand

	2009-10			
	CTC	*WTC*	*CTC and WTC*	*Total*
Bury St Edmunds	6.9	0.5	2.5	10.0
East England	351	32	149	531
England and Wales	3,426	414	1,672	5,512

Total entitlement for those receiving CTC, WTC, and both in each region

£ million

	2010-11			
	CTC	*WTC*	*CTC and WTC*	*Total*
Bury St Edmunds	15.1	1.5	21.2	37.8
East England[1]	913	83	1,271	2,267
England and Wales	9,742	1,122	14,456	25,320

[1] Data for Suffolk are not available.

£ million

	2009-10			
	CTC	WTC	CTC and WTC	Total
Bury St Edmunds	14.5	1.2	20.0	35.8
East England	890	72	1,193	2,154
England and Wales	9,576	975	13,703	24,254

Mark Durkan: To ask the Chancellor of the Exchequer what processes are in place to ensure that the Tax Credit Office applies the correct postage when sending letters to *(a)* the Republic of Ireland and *(b)* other European destinations. [130951]

Mr Gauke: The Tax Credit Office identify claimant addresses that are outside of GB and NI. Any correspondence for those addresses is delivered using a dedicated postal service for overseas mail and the postal contractor responsible for this service selects the correct postage rate for delivery.

West Coast Railway Line: Franchises

Maria Eagle: To ask the Chancellor of the Exchequer what assessment his Department has made of the costs incurred by the Government through the failure to award the West Coast Mainline rail franchise; and if he will make a statement. [130733]

Danny Alexander: The Department for Transport is responsible for providing an estimate of the costs which it has incurred through the cancellation of the west coast main line rail franchise.

The full costs of the cancellation of the Intercity west coast franchise will not be quantifiable until after the Department for Transport has received the final findings of the Brown Review, which are due at the end of this year.

CABINET OFFICE

Childbirth

Andrew Griffiths: To ask the Minister for the Cabinet Office (1) which 10 *(a)* lower layer super output areas, *(b)* medium layer super output areas and *(c)* wards had the highest (i) number and (ii) proportion of sole registered births in each of the last five years; [130673]

(2) which 10 (a) lower layer super output areas, (b) medium layer super output areas and (c) wards had the highest (i) number and (ii) proportion of children born outside of marriage in each of the last five years; [130674]

(3) which 10 *(a)* lower layer super output areas, *(b)* medium layer super output areas and *(c)* wards had the highest (i) number and (ii) proportion of sole registered live births in each of the last five years; [130675]

(4) how many and what proportion of births were sole registered births in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130680]

(5) how many and what proportion of children were born outside marriage in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130681]

(6) how many and what proportion of births were sole-registered live births in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130682]

(7) how many and what proportion of births outside marriage were joint registrations in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130684]

(8) how many and what proportion of birth registrations outside marriage were from parents living at the same address in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years. [130685]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson:

As Director General for the Office for National Statistics, I have been asked to reply to your recent questions asking:

1. Which 10 (a) lower super output areas, (b) medium layer super output areas and (c) wards had the highest (i) number and (ii) proportion of sole registered births in each of the last five years [130673]

2. Which 10 (a) lower super output areas, (b) medium layer super output areas and (c) wards had the highest (i) number and (ii) proportion of children born outside of marriage in each of the last five years [130674]

3. Which 10 (a) lower super output areas, (b) medium layer super output areas and (c) wards had the highest (i) number and (ii) proportion of sole registered live births in each of the last five years [130675]

4. How many and what proportion of births were sole registered births in each (a) lower layer super output area, (b) medium layer super output area and (c) ward in each of the last five years [130680]

5. How many and what proportion of children were born outside marriage in each (a) lower layer super output area, (b) medium layer super output area and (c) ward in each of the last five years [130681]

6. How many and what proportion of births were sole registered live births in each (a) lower layer super output area, (b) medium layer super output area and (c) ward in each of the last five years [130682]

7. How many and what proportion of births outside marriage were joint registrations in each (a) lower layer super output area, (b) medium layer super output area and (c) ward in each of the last five years [130684]

8. How many and what proportion of birth registrations outside marriage were from parents living at the same address in each (a) lower layer super output area, (b) medium layer super output area and (c) ward in each of the last five years [130685]

Table 1 provides the number and proportion of live births that were (a) registered outside marriage, (b) registered jointly outside marriage, (c) registered jointly outside marriage to parents at the same address, and (d) sole registered in England and Wales for census wards from 2007 to 2011 (the latest year available).

Table 2 provides the 10 census wards with the highest number and proportion of live births that were (a) registered outside marriage, (b) registered jointly outside marriage, (c) registered jointly outside marriage to parents at the same address, and (d) sole registered in England and Wales from 2007 to 2011 (the latest year available).

In line with the Office for National Statistics policy on protecting the confidentiality of birth statistics, figures of less than three births have been suppressed. Where the proportion of births by registration type exceeds a threshold of 90 per cent, cells have been grouped and the corresponding numbers have been suppressed.

Figures for live and total births by lower super output area and middle super output area have not been provided to prevent possible disclosure, which could occur by comparing tables provided in this answer and live birth figures which are already available for census wards. Figures for total births by census ward have not been provided for the same reason.

The policy on protecting the confidentiality of birth statistics is available at:

http://www.ons.gov.uk/ons/guide-method/best-practice/disclosure-control-policy-for-birth-and-death-statistics/index.html

Live births in England and Wales by the mother's usual area of residence and marital status are published annually on the National Statistics website. The latest data were published in October 2012 and are available at:

http://www.ons.gov.uk/ons/rel/vsob1/births-by-area-of-usual-residence-of-mother--england-and-wales/2011/index.html

Due to the size of the tables, they will be stored in the House of Commons Library.

Divorce

Andrew Griffiths: To ask the Minister for the Cabinet Office (1) which 10 *(a)* lower layer super output areas, *(b)* medium layer super output areas and *(c)* wards had the highest level of divorce in each of the last five years; [130676]

(2) how many and what proportion of married couples divorced in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130679]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson, dated November 2012:

As Director General for the Office for National Statistics (ONS), I have been asked to reply to your recent questions.

ONS does not produce divorce statistics by area. This is because divorce data provided to ONS by the courts does not contain information on the area of residence of the parties. Information on the location of the court is available, but this is not a good indicator of where the parties lived either before or after separation, as the two parties may choose the court they wish to use and courts are not evenly spread around England and Wales.

Lone Parents

Andrew Griffiths: To ask the Minister for the Cabinet Office (1) which 10 *(a)* lower layer super output areas, *(b)* medium layer super output areas and *(c)* wards had the highest (i) number and (ii) proportion of single-parent families in each of the last five years; [130671]

(2) which 10 *(a)* lower layer super output areas, *(b)* medium layer super output areas and *(c)* wards had the highest (i) number and (ii) proportion of lone-mother families in each of the last five years; [130672]

(3) how many and what proportion of families with children were single-parent families in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years; [130677]

(4) how many and what proportion of families were lone-mother families in each *(a)* lower layer super output area, *(b)* medium layer super output area and *(c)* ward in each of the last five years. [130678]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson, dated November 2012:

As Director General for the Office for National Statistics, I have been asked to reply to your questions.

The number and type of families in the UK can be estimated using the Annual Population Survey. However, due to small sample sizes at these small geographical levels, estimates of families from this source are not sufficiently robust for these areas. The smallest geography for which estimates are sufficiently robust is local authority or parliamentary constituency.

Statistics about lone parents for super output areas and wards will be published on 30 January 2013 using data from the 2011 Census.

New Businesses: Suffolk

Dr Thérèse Coffey: To ask the Minister for the Cabinet Office when he expects the Office for National Statistics to publish figures on the number of enterprise births in Suffolk Coastal constituency in *(a)* 2011 and *(b)* 2012. [131474]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson, dated November 2012:

As Director General for the Office for National Statistics, I have been asked to reply to your recent Parliamentary Question regarding when the Office for National Statistics will publish figures on the number of enterprise births in the Suffolk Coastal constituency in (a) 2011 and (b) 2012. [131474]

The Business Demography publication containing 2011 data will be published on 13th December 2012 and will be available via the following link. This will contain data at a district, county and unitary authority level within region and country. Data for 2011 at constituency level are available on this date on request. The Business Demography 2012 publication date has not yet been agreed.

http://www.ons.gov.uk/ons/rel/bus-register/business-demography/index.html

Teenage Pregnancy

Mr Ruffley: To ask the Minister for the Cabinet Office how many teenage pregnancies there have been in *(a)* Suffolk, *(b)* Norfolk, *(c)* Cambridgeshire, *(d)* Essex, *(e)* Bedfordshire, *(f)* Hertfordshire and *(g)* England and Wales in each of the last three years. [131193]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson, dated November 2012:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question on how many teenage pregnancies there have been in (a) Suffolk, (b) Norfolk, (c) Cambridgeshire, (d) Essex, (e) Bedfordshire, (f) Hertfordshire, (g) England and Wales in each of the last three years, by local authority area. (131193)

This question has been answered using conceptions data to represent pregnancies. Conception statistics are estimated for women usually resident in England and Wales and are based on birth registrations and abortion records. The latest year for which figures on conceptions are available is 2010.

Table 1 shows the number of conceptions to women aged under 18 for the local authorities of interest from 2008 to 2010.

Table 1: Number of under 18 conceptions, 2008 to 2010

Area of usual residence	*Under 18 conceptions*		
	2010	*2009*	*2008*
Suffolk	344	373	407
Babergh	27	29	36
Forest Heath	19	20	19
Ipswich	86	89	106
Mid Suffolk	42	35	33
St Edmundsbury	49	58	55
Suffolk Coastal	37	48	47
Waveney	84	94	111
Norfolk	487	532	500
Breckland	75	80	73
Broadland	45	46	47
Great Yarmouth	92	122	69
King's Lynn and West Norfolk	79	101	87
North Norfolk	44	49	57
Norwich	99	95	109
South Norfolk	53	59	58
Cambridgeshire	264	305	265
Cambridge	51	74	53
East Cambridgeshire	24	25	25
Fenland	66	59	65
Huntingdonshire	75	87	73
South Cambridgeshire	48	60	49
Essex	745	814	812
Basildon	134	142	155
Braintree	75	82	84
Brentwood	16	31	21
Castle Point	46	52	52
Chelmsford	86	71	87
Colchester	92	93	104
Epping Forest	51	66	62
Harlow	56	54	50
Maldon	37	33	32
Rochford	36	46	44
Tendring	86	109	98
Uttlesford	30	35	23
Bedford UA[1]	117	115	123
Central Bedfordshire UA[2]	166	153	152
Hertfordshire	502	501	520
Broxbourne	63	54	63
Dacorum	67	64	67
East Hertfordshire	54	54	52
Hertsmere	33	35	39
North Hertfordshire	45	56	58
St Albans	52	38	51
Stevenage	49	61	58
Three Rivers	34	38	35
Watford	39	38	42
Welwyn Hatfield	66	63	55
England and Wales	34,633	38,259	41,361

[1] Bedford UA comprises the former district of Bedford (abolished 2009).
[2] Central Bedfordshire UA comprises the former districts of mid-Bedfordshire and South Bedfordshire (abolished 2009).
Note:
Conceptions in England and Wales 2010 is available on the ONS website and provides numbers and rates of under 18 conceptions in England and Wales from 1998 to 2010:
www.ons.gov.uk/ons/rel/vsob1/conception-statistics--england-and-wales/2010/index.html

Teenage Pregnancy: Suffolk

Mr Ruffley: To ask the Minister for the Cabinet Office how many girls under the age of 16 years *(a)* became pregnant and *(b)* gave birth in (i) Bury St Edmunds constituency and (ii) Suffolk county council area in each of the last three years by age. [131194]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Glen Watson, dated November 2012:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question on how many girls under the age of 16 years (a) became pregnant and (b) gave birth in (i) Bury St Edmunds constituency and (ii) Suffolk county council area in each of the last three years by age. (131194)

This question has been answered using conceptions data to represent pregnancies. Conception statistics are estimated for women usually resident in England and Wales and are based on birth registrations and abortion records. The latest year for which figures on conceptions are available is 2010.

Table 1 provides figures on under 16 conceptions for St Edmundsbury while Table 2 provides figures on under 16 conceptions for Suffolk.

Data has been provided for the non-metropolitan district of St Edmundsbury rather than the parliamentary constituency of Bury St Edmunds. Figures cannot be provided for parliamentary constituencies because of the risk of disclosing information on conceptions due to small differences with local authority boundaries. The figures for St Edmundsbury are three year aggregates because ONS does not publish data by single year for individual local authorities to protect the confidentiality of individuals.

Table 1: Under 16 conceptions for St Edmundsbury, three year aggregates, 2008-10

Area of usual residence	*Number of conceptions*	*Conceptions leading to maternities*
St Edmundsbury	27	9

Table 2: Under 16 conceptions for Suffolk, 2008-10

	2010		*2009*		*2008*	
	Number of conceptions	*Conceptions leading to maternities*	*Number of conceptions*	*Conceptions leading to maternities*	*Number of conceptions*	*Conceptions leading to maternities*
Suffolk	68	24	58	27	65	31

Conceptions in England and Wales 2010 is available on the ONS website and provides numbers and rates for under 16 conceptions in England and Wales:

www.ons.gov.uk/ons/rel/vsob1/conception-statistics--england-and-wales/2010/index.html

WOMEN AND EQUALITIES

Equality: Impact Assessments

Tom Blenkinsop: To ask the Minister for Women and Equalities what recent discussions she has had with the Prime Minister over the proposal to abolish equality impact assessments. [130110]

Maria Miller: It has never been a legal requirement to produce an equality impact assessment (EIA). The equality duty requires public bodies to consider the likely effects of their policies and programmes on different people but there is no requirement to produce a document to do this, still less a long, complex EIA. I held discussions with the Prime Minister and relevant Cabinet colleagues about stopping the production of unnecessary EIAs, ahead of the Prime Minister's announcement on 19 November.

TRANSPORT

Bus Services

Bridget Phillipson: To ask the Secretary of State for Transport pursuant to the written ministerial statement from the Parliamentary Under-Secretary of State for Transport of 6 November 2012, *Official Report,* column 37WS, on Green Bus Fund, which operators have been issued funds; how much each such operator has been issued with; and how many vehicles were purchased. [129376]

Norman Baker: Currently, none of the additional £20 million Green Bus Fund grant has been paid. As such, additional details such as successful operators or the buses funded are not available. Bidding guidance for this new round of the Fund will be published on the Department's website shortly.

Bridget Phillipson: To ask the Secretary of State for Transport pursuant to the answer of 24 October 2012, *Official Report,* column 892W, on bus services: EU law, if he will place in the Library submissions made to the consultation by *(a)* bus operators and *(b)* trade associations representing bus operators. [129377]

Norman Baker: The Department for Transport undertook a consultation exercise on the application of EU Regulation 181/2011 between 18 July 2012 and 11 October 2012.

A formal Government response will be published in January 2013, and at that time I will publish all of the consultation responses.

Bridget Phillipson: To ask the Secretary of State for Transport pursuant to the answer to the hon. Member for Blackley and Broughton of 29 October 2012, *Official Report*, column 5W, on bus services, if he will place in the Library a copy of minutes of the Bus Service Operator's Grant Better Bus Area working groups sent to the hon. Member for Blackley and Broughton. [129496]

Norman Baker: Yes.

Karen Lumley: To ask the Secretary of State for Transport what plans his Department has to encourage more competition for bus service operators; and what investment his Department has made to modernise bus services in the last 12 months. [130561]

Norman Baker: The Government accepted the findings of the recent Competition Commission inquiry into local bus markets and is implementing the Commission's remedies that are designed to open up local markets by reducing barriers to entry and expansion. This is part of a wider package of proposals to improve local bus services set out in "Green Light for Better Buses" published in March 2012.

The Government invested £100 million in improving local bus services in 2012 through the Better Bus Area Fund and the third round of the Green Bus Fund. In the same period, we expect to fund of the order of £100 million of local authority major schemes targeted at improvements to bus services such as the Greater Bristol Bus Network and new cross-city services in Manchester. In addition there are 579 individual bus improvement measures in the 96 projects supported by the £600 million Local Sustainable Transport Fund.

Bus Services: Tyne and Wear

Bridget Phillipson: To ask the Secretary of State for Transport what representations he has received on the application of quality contracts schemes under the Local Transport Act 2008 to the Tyne and Wear area; and what response he has made to any such representations. [129771]

Norman Baker: I have regular discussions with bus companies and local transport authorities, including those in Tyne and Wear, which may include the topic of bus quality contract schemes. My position on quality contract schemes is clear, local transport authorities have the flexibility to impose a regulated model for bus services through a quality contract scheme, if they decide that is the best way to deliver their public transport policies. Central Government has no role in these decisions, but I am following developments with interest.

Heathrow Airport: Air Pollution

Zac Goldsmith: To ask the Secretary of State for Transport if his Department will assess the potential effect on air quality of a third runway at Heathrow. [130927]

Mr Simon Burns: The Government's position on a third runway at Heathrow remains as set out in our programme for government and therefore my Department has no plans to assess the potential effect on air quality of a third runway at the airport.

Heathrow Airport: Railways

Geoffrey Clifton-Brown: To ask the Secretary of State for Transport (1) what *(a)* consultations and *(b)* studies were conducted before allocating £0.5 billion to the proposed western connection to Heathrow; [130637]

(2) whether there will be any public funding of the operating costs of the proposed western connection to Heathrow; [130638]

(3) if his Department will publish a detailed business case for the proposed western connection to Heathrow. [130699]

Mr Simon Burns: The High Level Output Specification published in July 2012 sets out the Government's plans for investment in rail in the 2014-19 period. It includes funding for the development of a new western rail access to Heathrow airport, subject to business case and agreement of terms with the Heathrow aviation industry.

A new western rail access to Heathrow was included in Network Rail's Great Western and London and South East Route Utilisation Strategies. Network Rail consulted publicly in the development of both documents. A new connection was subsequently included in Network Rail's Initial Industry Plan published in September 2011.

The rail industry is currently developing plans for the delivery of a new western rail access. Options for ownership and operation of the new connection will be considered as the rail industry develops the proposal.

High Speed 2 Railway Line

Mrs Gillan: To ask the Secretary of State for Transport pursuant to the answer of 13 September 2012, *Official Report,* column 370W, on the High Speed 2 railway line, what proportion of the affected land in the Amersham-Chilterns Northern Edge section is valued at £103 per hectare per year; whether £103 per hectare per year is the lowest valuation of any land type; and if he will make a statement. [130934]

Mr Simon Burns: Valuation of different land types is based on the values in the Department for Communities and Local Government document "Valuing the external benefits of undeveloped land" and is not unique to HS2.

For the purposes of the HS2 economic landscape assessment we valued land in perpetuity rather than per year, and the lowest valued category of land was priced at £9,820 per hectare.

The land between Amersham and the Chilterns northern edge was given the highest valuation per hectare along the entire HS2 route, even though 78% of the land in the section falls into the "agriculture intensive or extensive" category which is valued at £9,820 per hectare. This is because of the high value placed upon the remaining 22% of land.

It is also important to bear in mind that the monetary value attributed to land is not the only factor in decision making. For example, landscape specialists will be making visual assessments of the quality of landscape as part of the Environmental Impact Assessment and this information will be important to the route design process.

Mrs Gillan: To ask the Secretary of State for Transport whether his Department has assessed the economic affect of High Speed Rail 2 on the Chilterns area of outstanding natural beauty; and if he will make a statement. [130948]

Mr Simon Burns: The Appraisal of Sustainability (AOS) for HS2 contained a strategic assessment of the economic effects of HS2. The AOS is available at

www.dft.gov.uk/aos

and Appendix 3, the Socio-Economic report includes the details of the economic assessment.

As part of the Environmental Impact Assessment process, a more detailed economic assessment will be carried out and we expect to consult on the resulting draft Environmental Statement in spring 2013.

Mrs Gillan: To ask the Secretary of State for Transport what steps his Department is taking to mitigate the effect of High Speed Rail 2 on *(a)* the Misbourne, Colne and Chess rivers, *(b)* the chalk aquifer and *(c)* other bodies of water; and if he will make a statement. [130949]

Mr Simon Burns: The effects on surface and underground water are an important consideration for HS2 Ltd. Changes made to the route as a result of the consultation in 2011 meant that many impacts were minimised, such as the realigned deep tunnel under the Chilterns avoiding impacting on the River Misbourne and ensuring the Chilterns aquifer was avoided. Where HS2 crosses water bodies, rivers and flood plains, HS2 Ltd will continue to work closely with the Environment Agency and local people to help make sure that they use the most suitable methods to minimise impacts.

Currently the design process is being informed, in part, through concerns from residents about local rivers during engagement at community forums and through issues identified as part of the Environmental Impact Assessment process.

Mrs Gillan: To ask the Secretary of State for Transport what steps his Department is taking to ensure that the processes for the development of High Speed 2 comply with the *(a)* Strategic Environmental Assessment Directive, *(b)* Environmental Assessment of Plans and Programmes Regulations 2004 and *(c)* Environmental Impact Assessment Directive on the assessment of the effects of certain public and private projects on the environment; and if he will make a statement. [130980]

Mr Simon Burns: My Department understands the requirements of these directives and regulations and has carefully considered them in connection with HS2. The Government's HS2 proposals do not constitute a plan or programme within the meaning of the strategic environmental assessment (SEA) directive and the 2004 regulations, and therefore, there was not a requirement to undertake a SEA. However, my Department decided that it would be appropriate and beneficial to apply SEA principles to the Appraisal of Sustainability published in 2011. We will take all necessary steps to meet the objectives of the environmental impact assessment directive including production of an Environmental Statement which will accompany the Hybrid Bill to inform Parliament's decisions on HS2, and public consultation.

Public Transport

Bridget Phillipson: To ask the Secretary of State for Transport what plans he has to *(a)* incentivise or *(b)* disincentivise transport authorities from pursuing quality contract schemes. [129257]

Norman Baker: I have no plans to *(a)* incentivise or *(b)* disincentivise transport authorities from pursuing quality contract schemes. The decision to pursue a Quality Contract Scheme is for the Local Transport Authority.

Public Transport: Disability

Lindsay Roy: To ask the Secretary of State for Transport whether his Department is developing a strategy for improving access to transport for people with *(a)* autism, *(b)* sight loss and *(c)* impaired mobility. [131201]

Norman Baker: The Department for Transport will be publishing an Accessibility Action Plan shortly. The plan will build on the success achieved in improving accessibility on public transport during the Olympic and Paralympic Games. At the heart of the plan is the importance of improving door to door journeys. It has been developed in partnership with disabled people and their organisations to ensure the most effective steps are being taken.

Railways: Franchises

Maria Eagle: To ask the Secretary of State for Transport how many employees from other Government Departments and other divisions within his Department have been seconded or permanently transferred to work on rail franchising since September 2012. [130732]

Mr Simon Burns: Since September 2012, no employees from other Government Departments have been seconded to the Department for Transport to work on rail franchising.

As of 13 November 2012, 11 individuals within the Department who do not normally work in rail franchising have been transferred to rail franchising roles on a temporary basis to support the Department's response to the cancellation of the InterCity West Coast franchise competition.

Roads: North West

Maria Eagle: To ask the Secretary of State for Transport what assessment he has made of the effectiveness of the operation of the North West Highways Management Contract for Area 10 in respect of the fuel spillage on the M60 near Trafford Centre on 14 November 2012. [131339]

Stephen Hammond: The Highways Agency's records confirm that the diesel spillage incident occurred on 15 November 2012, at approximately 05:49, on the M60 Motorway between Junctions 8 and 6. Approximately 200 metres of carriageway was damaged and required resurfacing.

The Asset Support Contractor consulted the Highways Agency. Since the resurfacing work required the full closure of a section of the anti-clockwise carriageway of the motorway, the decision was taken to defer resurfacing until later that evening to minimise disruption to motorists.

As with all responses to incidents, the Asset Support Contractor's performance in responding to this incident will be assessed and discussed with them.

Thameslink Railway Line

Chris Williamson: To ask the Secretary of State for Transport (1) what the reasons are for the time taken in reaching financial close for the Thameslink rolling stock contract; [131164]

(2) for what reasons his Department's forecast dates for financial close for the Thameslink rolling stock contract have changed. [131167]

Mr Simon Burns: We remain confident of reaching financial close with Siemens early in the new year. The Thameslink rolling stock is a very significant investment. Given the size of the transaction detailed discussions to conclude the commercial documentation have taken place accordingly.

Transport: Merseyside

Steve Rotheram: To ask the Secretary of State for Transport what recent estimate he has made of average spending per head of population on transport in *(a)* the city of Liverpool and *(b)* Merseyside; and what the (i) regional and (ii) national average was of such spending. [130956]

Norman Baker *[holding answer 30 November 2012]:* The most recent data available for total public expenditure on transport is given in HM Treasury's Public Expenditure Statistical Analyses for 2011/12. Identifiable expenditure on transport per head in 2011/12 was £279 for the North West, £292 for England and £315 for the whole of the UK. Equivalent data is not available below regional level.

Transport: Snow and Ice

Maria Eagle: To ask the Secretary of State for Transport what discussions *(a)* he and *(b)* officials of his Department have had on the implementation of flexible staff working levels during times when poor weather or increased traffic levels is forecast. [130836]

Norman Baker: The Secretary of State for Transport has not held discussions with his officials regarding implementation of flexible working during times when poor weather or increased traffic levels is forecast.

However, officials here have recently concluded Union negotiation on refreshed employee arrangements relating to the management of major disruption during periods of extreme weather, other natural events and industrial action affecting travel systems. The major disruption to travel policy was developed in parallel with departmental planning for the possible impact of the Olympics on the Department's business.

My Department is committed to flexible working. We encourage our employees to consider alternative working patterns as we recognise both the individual and business benefits of this in terms, of individual job satisfaction and personal productivity, and better usage of a decreasing Civil Service estate in Central London.

Weather: Information Services

Maria Eagle: To ask the Secretary of State for Transport what discussions *(a)* he and *(b)* officials of his Department have had on the implementation of an online and VHF automated weather service. [130835]

Norman Baker: There have been no discussions specifically on the implementation of online and VHF automated weather services either with the Secretary of State for Transport or other Ministers within the Department or with Department for Transport officials.

Network Rail provides a dedicated online service for the rail industry covering information and forecasts on weather and seasonal conditions as they affect railway operations.

In addition, the Highways Agency launched in 2012 its new Highways Agency Weather Information Service. This service is to ensure the efficiency and effectiveness of highways operational management on the strategic road network, in particular the effectiveness of winter maintenance services.

For mariners, and in support of the obligations of SOLAS Chapter V Regulation 5, maritime officials are responsible for providing meteorological services and warnings to mariners around the UK coast, and do this by obtaining forecasts and warnings from the Met Office and then transmitting them by Satellite, MF and VHF. This is a semi-automated process to ensure minimum mutual interference with adjacent coastal aerials. Discussions are underway at official level about the potential to automate some of these services to mariners under the Future Coastguard programme. Online maritime meteorological services are provided by the Met Office and some private service providers.

West Coast Railway Line: Franchises

Maria Eagle: To ask the Secretary of State for Transport when he expects to provide detailed costings on the failures in the award of the West Coast Mainline rail franchise; and if he will make a statement. [130730]

Mr Simon Burns: As the Department reaches a conclusion regarding potential compensation payments or other liabilities and the amounts have been agreed by the National Audit Office, Parliament will be provided with that information.

The full costs of the cancellation of the InterCity West Coast franchise will not be quantifiable until after the Department has received the final findings of the Brown Review, which are due at the end of this year.

All exceptional costs arising from the InterCity West Coast franchise competition cancellation in this financial year will be disclosed as an exceptional item in the Department's Annual Accounts and governance statement, which will be laid in the House next summer.

Maria Eagle: To ask the Secretary of State for Transport whether his Department has made any financial provision in future budgets for *(a)* costs incurred by Directly Operated Railways relating to its preparatory work on the West Coast Mainline franchise, *(b)* reimbursing bid costs for (i) First Group, (ii) Abelio, (iii) Keolis/SNCF and (iv) Virgin Rail, *(c)* external (A) legal and (B) financial consultancy to advise and assess the Department's awarding of rail franchises and *(d)* compensation to FirstGroup for the effect of his Department's actions on the company share price. [130731]

Mr Simon Burns: The information requested is as follows:

(a) No specific provision made for Directly Operated Railways or other companies relating to the project, however costs will be met from existing departmental resources.

(b) An estimate of £40 million has been made in the budget for reimbursing bid costs relating to the West Coast franchise. A breakdown of the budget between bidders has not been made.

(c) Future costs estimates will depend on the outcome of the Brown and Laidlaw Reviews.

(d) A claim has not been received from First Group.

Maria Eagle: To ask the Secretary of State for Transport what his most recent estimate is of the cost of attempting to award the West Coast Mainline rail franchise and the cancellation of the franchise award including staffing and consultancy costs between January 2011 to date. [130734]

Mr Simon Burns: The costs of attempting to award the West Coast Mainline rail franchise between January 2011 and 31 October 2012 are estimated to be £1.835 million. The costs of the cancellation of the franchise award to 31 October 2012 are estimated to be £1.722 million. There is separately an amount of £40 million allocated to reimburse bidders for bid costs.

Maria Eagle: To ask the Secretary of State for Transport what assessment *(a)* Ministers and *(b)* the Laidlaw inquiry have made of the analysis in the letter sent by his Department's head of major projects to bidders for the West Coast Mainline franchise competition. [131299]

Mr Simon Burns: The content of these letters reflects the analysis of the Secretary of State for Transport that led him to conclude on 2 October that the Intercity West Coast franchise competition should be cancelled. Following their despatch, the letters were made available to aid Mr Sam Laidlaw's consideration. However, Mr Laidlaw's terms of reference confined him to a consideration of matters occurring up to 15 August 2012.

DEFENCE

Defence Equipment and Support

Peter Luff: To ask the Secretary of State for Defence what his timetable is for the *(a)* decision on, *(b)* legislative proposals for and *(c)* contract award relating to any change in status of Defence Equipment and Support; and if he will make a statement. [130429]

Mr Dunne: The final decision on any change of status and contract award will be determined following consideration of a business case by the Investment Approvals Committee and Ministers. We are currently considering what, if any, legislative requirements may arise from proposals for reforming Defence Equipment and Support.

Peter Luff: To ask the Secretary of State for Defence what the result is of his Department's value-for-money assessment of the possible establishment of Defence Equipment and Support as a government-owned, contract-operated entity; and if he will make a statement. [130517]

Mr Dunne: The value for money analysis is in the final stages of completion. A decision will be made in due course.

Libya

Mr Ellwood: To ask the Secretary of State for Defence pursuant to the answer of 23 October 2012, *Official Report*, column 809W, on Libya: military intervention, if he will place in the Library the aircraft condition survey conducted on the Apache helicopters which flew from HMS Ocean during Operation Ellamy; and if he will make a statement. [125901]

Mr Dunne *[holding answer 30 October 2012]:* A review of the information requested is being conducted with regard to its suitability for release. I will write to my hon. Friend concerning the information requested once the assessment is complete.

Substantive answer from Philip Dunne to Tobias Ellwood:

Further to my response of 31 October 2012 (Official Report, column 293W) I am writing to inform you that I have received copies of the Aircraft Condition Survey reports on Apache aircraft ZJ207, ZJ188, ZJ179 ZJ218 and XJ233.

These reports, which relate to the Apache helicopters which flew from HMS Ocean during Operation Ellamy, contain details which may reveal effectiveness of operational equipment used by our Armed Forces and therefore I have decided not to release. The reports identify higher than normal levels of corrosion due to the maritime environment the aircraft had been flown in, but in all cases were within normal tolerance levels and the aircraft remained fully airworthy.

A copy of this letter will be placed in the Library of the House.

Lynx Helicopters

Mr Ellwood: To ask the Secretary of State for Defence what air-to-ground weapon systems will be used by the Royal Navy's version of the AW159 Lynx Wildcat. [130658]

Mr Dunne *[holding answer 29 November 2012]:* The Royal Navy variant of the Lynx Wildcat helicopter will be equipped with the General Purpose Machine Gun 7.62 mm, Heavy Machine Gun 12.7 mm and the Future Anti-Surface Guided Weapon as air-to-surface weapons. It will also be equipped with the Sting Ray Torpedo and Mk 11 depth charge for use in an anti-submarine role.

Military Alliances

Andrew Rosindell: To ask the Secretary of State for Defence (1) what the cost to his Department was of military aviation collaboration projects in the EU in the last year; [130010]

(2) what the cost to his Department was of military aviation collaboration projects with non-EU countries, excluding the US, in the last year; [130011]

(3) what the cost to his Department was of military aviation collaboration projects with the US in the last year. [130013]

Mr Dunne: Ministry of Defence expenditure on military aviation collaboration projects for the financial year 2011-12 is shown in the following table. The expenditure includes airframes, engines and other systems intrinsic to the aircraft. It does not include airborne weapons fitted to aircraft.

Aviation collaboration projects	*Expenditure (£ million)*
EU	2,291.3
Non-EU	19
US	377

One project includes a collaboration of EU, non-EU countries and the US. This explains the cost in the 'non-EU' category above.

Andrew Rosindell: To ask the Secretary of State for Defence what steps he is taking to ensure that collaborative defence projects in which the UK participates work on competitiveness principles without discrimination as to the countries involved. [130404]

Mr Dunne: The National Security Through Technology White Paper (CM 8277), published in February 2012, stated that when the UK participates in a multinational programme our preference for doing so will be on a bilateral basis, as this offers the best balance of advantages and disadvantages. In these cases, we will adopt a "best athlete" approach, to ensure principles of competitiveness are pursued.

Wherever possible, we will also ensure that the principles of open competition are followed in multinational programmes in which the UK participates.

Andrew Rosindell: To ask the Secretary of State for Defence what steps he is taking to ensure that future collaborative defence projects are, wherever possible, bilateral collaborations to ensure efficiencies. [130409]

Mr Dunne: As stated in the National Security Through Technology White Paper (CM 8277), our preference is to work on a bilateral basis, particularly with the US and France, to develop technology, equipment, and support arrangements that meet our mutual defence and security needs.

Andrew Rosindell: To ask the Secretary of State for Defence what his policy is on extending collaborative defence projects to include collaboration on *(a)* mid-life up-dates of the equipment produced through the project, *(b)* repairs and maintenance of such equipment and *(c)* training on such equipment; and if he will make a statement. [130410]

Mr Dunne: In order to improve the management of projects and programmes, and achieve best value for money for the UK, the Ministry of Defence adopts a through-life management approach to acquisition, including when we collaborate with our international partners.

Each programme is assessed on a case-by-case basis to ensure that they are managed in the most effective and efficient way possible.

Reviews

Gemma Doyle: To ask the Secretary of State for Defence what reviews are taking place in his Department. [131045]

Mr Francois *[holding answer 30 November 2012]:* Following the strategic defence and security review, we are delivering one of the most ambitious transformation programmes ever undertaken, including implementing the defence reform review. Progress is reported annually to Parliament.

Transforming Defence is driving wide-ranging change to the organisation and the way we work at all levels across almost all of Defence. Much of this, in accordance with the spirit of Lord Levene's recommendations, is being taken forward locally by the relevant delegated authority.

Work in progress includes:

establishing the way forward for Defence equipment and support;

transforming how defence infrastructure will be delivered in future;

reviewing Army basing developing our reserve forces; and

modernising the offer we make to our people, under the new employment model for service personnel, and as part of civil service reform.

Scotland

Angus Robertson: To ask the Secretary of State for Defence what communications the Minister of State for the Armed Forces has had with the Scottish Minister for Transport and Veterans since 4 September 2012. [131227]

Mr Robathan: I have received one letter since 4 September 2012.

Type 26 Frigates

Penny Mordaunt: To ask the Secretary of State for Defence what progress has been made on export negotiations in respect of the Type 26 Frigate. [129571]

Mr Dunne: Bilateral conversations are ongoing with a number of potential international partners to explore opportunities for co-operation, with respect to the Type 26 Global Combat Ship itself and systems destined to be fitted to it.

It is not appropriate to comment until we are in a position to make a firm announcement.

Thomas Docherty: To ask the Secretary of State for Defence what his most recent estimate is of the *(a)* total cost and *(b)* unit cost of the new Type 26 Global Combat Ships to be purchased by his Department. [131036]

Mr Dunne *[holding answer 30 November 2012]:* The Type 26 Global Combat Ship programme is in it's assessment phase. The total programme and unit costs will be determined at the main investment decision, which is expected in the middle of the decade. Given the status of the project, I am withholding the information on costs as its disclosure would risk prejudicing the Ministry of Defence's commercial position.

Unmanned Air Vehicles

Mr Ellwood: To ask the Secretary of State for Defence what recent assessment he made of his Department's Maritime Unmanned Aerial Systems Strategy; and if he will make a statement. [130660]

Mr Dunne *[holding answer 29 November 2012]:* The Ministry of Defence is in the process of developing a strategy paper considering maritime Unmanned Air Systems; it is expected that this will be completed in the first quarter of 2013. Elements of the paper are likely to be classified.

Zac Goldsmith: To ask the Secretary of State for Defence what recent steps the Reaper squadron has taken to tackle illegal piracy and fishing in areas beyond national jurisdiction. [130735]

Mr Robathan: UK Reaper Remotely Piloted Air System is certified for use only in support of ground forces in Afghanistan. For further details I refer the hon. Member to the answer given by the Minister for Defence Equipment, Support and Technology, my hon. Friend the Member for Ludlow (Mr Dunne), during the Westminster Hall debate on 6 November 2012, *Official Report*, column 203WH.

Written Questions: Government Responses

Mr Ellwood: To ask the Secretary of State for Defence when he plans to answer question 130504 from the hon. Member for Bournemouth East, tabled on 22 November 2012 for answer on 25 November 2012. [131280]

Mr Dunne: PQ 130504 was tabled on 23 November 2012 for answer on 28 November 2012. I refer the hon. Member to the answer I gave on 29 November 2012, *Official Report*, column 457W.

CULTURE, MEDIA AND SPORT

Arts Council

Dan Jarvis: To ask the Secretary of State for Culture, Media and Sport how much funding her Department provided to the Arts Council in *(a)* 2009-10, *(b)* 2010-11 and *(c)* 2011-12; and how much such funding she plans to provide in (i) 2012-13, (ii) 2013-14 and (iii) 2014-15. [131397]

Mr Vaizey: I refer the hon. Member to the answer I gave to the right hon. and learned Member for Camberwell and Peckham (Ms Harman) on 9 November 2012, *Official Report,* column 815W.

Arts: Ethnic Groups

Stephen Timms: To ask the Secretary of State for Culture, Media and Sport what assessment she has made of whether the Creative Industries Council might play a role in improving ethnic diversity in the media and creative industries as a means of fulfilling its remit to encourage growth and competitiveness in those industries. [131165]

Mr Vaizey: I refer the hon. Member to the answer I gave him on 30 November 2012, *Official Report,* column 535W.

Broadband

Alun Cairns: To ask the Secretary of State for Culture, Media and Sport what assessment she has made of the role of Ofcom in the negotiation of the 4G network rollout; and if she will make a statement. [129378]

Mr Vaizey: Ofcom has no role in the negotiation of 4G network rollout, although was involved in the discussions between Government and other interested parties about speeding up the process of making that spectrum available. 4G network roll-out is a commercial matter within the scope of the requirements appropriate to the relevant licence.

Domestic Visits

Dan Jarvis: To ask the Secretary of State for Culture, Media and Sport how many *(a)* libraries, *(b)* galleries and *(c)* museums she has visited in her official capacity. [131175]

Mr Vaizey: Since her appointment, the Secretary of State for Culture, Media and Sport and Minister for Women and Equalities, my right hon. Friend the Member for Basingstoke (Maria Miller), has visited a number of different venues and institutions related to her official duties. She looks forward to further visits in the future.

Football: Tickets

Mrs Hodgson: To ask the Secretary of State for Culture, Media and Sport (1) what advice the Premier League has sought from her Department on the resale of tickets to Premier League football matches through secondary ticketing websites; [131245]

(2) what discussions she has had on ensuring that the resale of tickets to Premier League football matches through secondary ticketing websites does not allow individuals banned from football grounds to acquire match tickets; [131246]

(3) what recent discussions *(a)* Ministers and *(b)* officials of her Department have had with secondary ticketing organisations regarding the resale of tickets to Premier League football matches. [131355]

Hugh Robertson: None. For reasons related purely to public order, the resale of tickets for football matches is illegal under section 166 of the Criminal Justice and Public Order Act 1994, unless the resale is authorised by the organiser of the match.

Local Government

Dan Jarvis: To ask the Secretary of State for Culture, Media and Sport how many meetings Ministers in her Department have had with leaders of local authorities since May 2010. [131176]

Hugh Robertson: The Department publishes details of all ministerial meetings with external organisations on its transparency website, at the following link:

http://www.transparency.culture.gov.uk/category/other/meetings/

COMMUNITIES AND LOCAL GOVERNMENT

Council Tax Benefits

Andrew Griffiths: To ask the Secretary of State for Communities and Local Government what analysis he undertook of the potential effect on incentives to work of his proposed localisation of council tax support. [130839]

Brandon Lewis: The design of and levels of council tax support are matters for each individual local authority. To support local authorities in designing schemes which provide positive work incentives, the Department has published guidance, which it will shortly be re-issuing, setting out the key considerations relating to work incentives which local authorities will want to take into account in designing their schemes.

https://www.gov.uk/government/publications/localising-support-for-council-tax-taking-work-incentives-into-account-guidance

The Department has also set out, in the regulations prescribing the Default Scheme, an approach to taking into account universal credit which helps to support work incentives. The Explanatory Note for these provisions explains that this approach could help limit combined marginal deduction rates to 81% taking into account a person's tax and national insurance contributions.

The draft Default Scheme regulations are available here:

http://www.legislation.gov.uk/uksi/2012/2886/contents/made

The explanatory note on the universal credit provisions is available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14822/expan_note_univ_credit_2245014.pdf

Enterprise Zones: Corby

Andy Sawford: To ask the Secretary of State for Communities and Local Government if he will make it his policy to reopen applications for enterprise zone status in order that Corby can apply to become an enterprise zone. [130758]

Mr Prisk: We have no current plans to invite bids to create additional Enterprise Zones. The Government is committed to supporting the current 24 Enterprise Zones in delivering their ambitions.

Many of the key benefits are now available for local areas to use without any special designation from Government. For example, local authorities can bring speed, certainty and reduced costs to the planning process through the use of Local Development Orders, they can offer business rate discounts according to local circumstances. And from April 2013, they will also benefit from the local retention of Business Rates too—a strong incentive to go for growth.

Housing

Tim Loughton: To ask the Secretary of State for Communities and Local Government how much demand he estimates there will be for additional housing by 2030 by type of demand. [131178]

Mr Prisk: The Department does not estimate demand for housing. However, the Department publishes household projections, which are a trend-based view of the number of households that would form given projected population and previous demographic trends.

The most recent household projections are 2008-based. The projected household numbers are disaggregated by household type and are published at the following link:

https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/household-projections

Tim Loughton: To ask the Secretary of State for Communities and Local Government what proportion of additional housing need he estimates will result from family breakdown, in the next 20 years. [131179]

Mr Prisk: The Department does not have this information.

Housing and Council Tax Benefits

Ms Buck: To ask the Secretary of State for Communities and Local Government what estimate he has made of the number of households who will be affected by both the housing benefit under-occupation penalty and a restriction of council tax benefit *(a)* nationally and *(b)* in each English region. [131347]

Brandon Lewis: The Department for Communities and Local Government published an updated impact assessment in June 2012, setting out its assessment of the potential impacts of the localisation of support for council tax in England. The updated impact assessment can be found on the Government website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8465/2158675.pdf

Welfare reform is vital to tackle the budget deficit we have inherited from the last Administration, under which council tax benefit and housing benefit expenditure doubled.

The localisation of council tax support will also give councils stronger incentives to support local firms, cut fraud, promote local enterprise and get people back into work.

Non-domestic Rates

Chris Huhne: To ask the Secretary of State for Communities and Local Government pursuant to the answer of 22 November 2012, *Official Report*, column 571W, on non-domestic rates, how many business rate revaluations took place in each of the last five years; what the total rateable value was in each such year; what the average percentage increase was in rateable value for those properties that were re-rated in each such year; and what the reasons were for rateable value reassessments in addition to a redevelopment of the site. [131392]

Brandon Lewis: The Valuation Office Agency undertakes a revaluation of all non-domestic property periodically in accordance with the legislation. The last revaluation took effect from the 1 April 2010.

During the period between revaluations the Valuation Office Agency is under statutory obligation to maintain the rating lists making amendments to the list on a frequent basis. This could be due to a number of reasons such as new properties, properties being demolished, and changes in properties including extensions and alterations. Changes are also made following successful appeals.

Official Statistics on total rateable value are only available from 2009-10 onwards. The total rateable value for each local rating lists as at 31 March for each of the last three financial years is as follows:

	Rateable value (£ million)	
Financial year	*2005*	*2010*
2009-10	48,992	n/a
2010-11	48,543	59,449
2011-12	48,374	59,708

The agency typically makes between 175,000 and 275,000 alterations to the England and Wales 2010 local rating lists annually. A summary of list changes (new, amended and deleted entries) is published on their website in the following location:

2011-12 financial year:

http://www.voa.gov.uk/corporate/statisticalReleases/120524_LocalRatingListChanges.html

2010-11 financial year:

http://www.voa.gov.uk/corporate/statisticalReleases/localRatingListSummary.html

2005-06 to 2009-10 financial years:

http://webarchive.nationalarchives.gov.uk/20110320170052/http://www.voa.gov.uk/publications/statistical_releases/changes-to-rating-list.html

Planning Permission: Appeals

Hilary Benn: To ask the Secretary of State for Communities and Local Government what percentage of planning appeals relating to major applications made to the Planning Inspectorate in each of the last five years were *(a)* heard and *(b)* decided within 13 weeks. [130515]

Nick Boles *[holding answer 28 November 2012]:* Local planning authorities should decide planning applications within the statutory time limits (13 weeks for major applications, eight weeks for other applications); there is a right of appeal for non-determination if a decision is not made in that period.

78% of planning applications were determined within statutory time limits in 2011-12. However, over a fifth of applications for major development took more than half a year to determine, and 9% took more than a year; any subsequent appeal against a refusal of permission would add further time. Consequently, in the recent consultation paper, "Planning performance and the planning guarantee", we proposed that very poor performance be classified as councils failing to determine 30% or fewer of major applications within the statutory period.

There is no 13 week timetable for appeals: appeals are typically more complex and controversial than the generality of planning applications.

However, our Planning Guarantee states that no application should spend more than 26 weeks either with the local authority or by the Planning Inspectorate; this is to ensure that the consideration of applications does not take more than one year from start to finish.

In 2011-12, the Planning Inspectorate decided 97% of appeals within its target of 26 weeks. This is considerably better performance than was under the last Administration.

The reasons for the small number of appeals taking longer than 26 weeks are outlined in the "Planning Guarantee Monitoring Report" published by my Department on 28 September; the most common reason was postponement due to one of the interested parties (i.e. the applicant or the local authority) being unavailable.

Planning Permission: Mole Valley

Gavin Shuker: To ask the Secretary of State for Communities and Local Government when he expects to report on planning inquiry number 2172145 concerning The Glade in Mole Valley District local authority. [131343]

Nick Boles: The three planning appeals and eight enforcement appeals heard at the inquiry to which the hon. Member refers are still under consideration and a decision letter will be issued as soon as possible.

Private Rented Housing

Mr Ellwood: To ask the Secretary of State for Communities and Local Government what recent assessment he has made of the powers available to local authorities to regulate the length of time letting agents are allowed to retain letting signs outside properties once the property is off the market. [131279]

Nick Boles: Estate agents have deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to display sale or letting boards on relevant premises. It is a condition of the consent that the advertisement must be removed within 14 days after the completion of a sale or the grant of a tenancy. If the advertisement is not removed within 14 days, it is being displayed without consent, which is an offence punishable by a fine of up to £2,500 in the magistrates court.

If there is a proliferation of estate agents' boards in a particular area the local planning authority may apply to the Secretary of State for a direction to restrict the deemed consent and require that all boards must have express consent. As well as dealing with proliferation that may have an adverse effect on the amenity of an area, the requirement for express consent allows the local planning authority to monitor boards more closely and enforce the conditions, including the requirement to remove the board once the need for it has passed.

Wind Power: Planning Permission

Zac Goldsmith: To ask the Secretary of State for Communities and Local Government if he will consider further ways of safeguarding *(a)* landscape character and *(b)* visual amenity in the planning process for onshore wind farm development. [131322]

Nick Boles: I refer the hon. Member to the answer of 22 October 2012, *Official Report, House of Lords,* column WA13.

BUSINESS, INNOVATION AND SKILLS

Apprentices

Steve Rotheram: To ask the Secretary of State for Business, Innovation and Skills how many apprenticeships have been created in *(a)* Liverpool, Walton constituency, *(b)* Merseyside and (c) England for people aged (i) 16 to 24, (ii) 25 to 49 and (iii) 50 years in each of the last five years. [130693]

Matthew Hancock: The following table shows the number of Apprenticeship programme starts in *(a)* Liverpool Walton parliamentary constituency, *(b)* Knowsley, Liverpool, Sefton, St Helens and Wirral local education authorities, and *(c)* England by age. Final data are shown for the 2006/07 to 2010/11 academic years and provisional data are shown for the 2011/12 academic year.

We publish apprenticeship starts at region, local education authority and parliamentary constituency levels of geography, therefore data for Merseyside are not presented.

Provisional data for the 2011/12 academic year provide an early view of performance and will change as further data returns are received from further education colleges and providers. They should not be directly compared with final year data from previous years. Figures for 2011/12 will be finalised in January 2013.

Apprenticeship programme starts by geography and age, 2006/07 to 2011/12 (provisional)

				Final			Provisional
Geography	*Age*	*2006/07*	*2007/08*	*2008/09*	*2009/10*	*2010/11*	*2011/12*
Liverpool Walton constituency	16 to 24	630	720	550	680	890	870
	25 to 49	—	40	100	200	580	670
	50+	—	—	10	20	80	160
	All age	630	760	660	900	1,550	1,700
Knowsley local education authority	16 to 24	830	910	950	1,200	1,600	1,500
	25 to 49	—	80	160	220	840	1,150
	50+	—	—	20	20	140	220
	All age	830	990	1,130	1,430	2,580	2,860
Liverpool local education authority	16 to 24	2,410	2,480	2,250	2,730	3,630	3,710

Apprenticeship programme starts by geography and age, 2006/07 to 2011/12 (provisional)

				Final			Provisional
Geography	*Age*	*2006/07*	*2007/08*	*2008/09*	*2009/10*	*2010/11*	*2011/12*
	25 to 49	—	140	440	670	2,450	2,880
	50+	—	20	50	80	380	550
	All age	2,410	2,640	2,740	3,470	6,470	7,140
Sefton local education authority	16 to 24	1,440	1,370	1,160	1,560	1,830	1,800
	25 to 49	—	100	280	360	1,270	1,580
	50+	—	10	40	40	280	370
	All age	1,440	1,470	1,480	1,970	3,370	3,750
St Helens local education authority	16 to 24	760	810	710	1,050	1,260	1,320
	25 to 49	—	50	150	190	690	1,210
	50+	—	—	10	20	130	240
	All age	760	860	870	1,260	2,070	2,760
Wirral local education authority	16 to 24	1,620	1,710	1,380	1,870	2,500	2,560
	25 to 49	—	210	380	300	1,360	1,750
	50+	—	30	50	50	280	380
	All age	1,620	1,950	1,810	2,210	4,140	4,680
England	16 to 24	184,170	197,610	184,080	230,540	275,130	282,680
	25 to 49	250	24,550	50,490	44,280	152,600	186,660
	50+	10	2,610	5,380	4,860	29,480	33,210
	All age	184,400	224,800	239,900	279,700	457,200	502,500

Notes:
1. All figures are rounded to the nearest 10 except for England totals which are rounded to the nearest 100.
2. "—" indicates a base value of less than five.
3. Age is based on age at the start of the programme. A small number of learners aged under 16 are included in the 16 to 24 age category.
4. Geographic breakdowns are based upon the home postcode of the learner.
5. Figures are based on the geographic boundaries as of May 2010.
6. Provisional data for 2011/12 should not be directly compared with data for earlier years.

Source:
Individualised Learner Record

Information on the number of apprenticeship starts by Geography is published in a supplementary table to a quarterly Statistical First Release (SFR). The latest SFR was published on 11 October 2012:

http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current

http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_supplementary_tables/Apprenticeship_sfr_supplementary_tables/

Boilers

Graham Stringer: To ask the Secretary of State for Business, Innovation and Skills what information his Department holds on the proportion of *(a)* oil fired, *(b)* gas fired and *(c)* biomass boilers that were manufactured (i) inside and (ii) outside the UK in the latest year for which figures are available. [131223]

Michael Fallon: The Department for Business, Innovation and Skills does not hold this information.

Copyright

Helen Goodman: To ask the Secretary of State for Business, Innovation and Skills what estimate he has made of the likely cost of implementing the recommendations of the Hooper report on copyright works published in July 2012. [131336]

Jo Swinson: As Richard Hooper notes in his report, the recommendations he makes are intended for industry to take forward. The Government has made no analysis of the likely cost of implementing these recommendations.

Export Controls

Mr Blunt: To ask the Secretary of State for Business, Innovation and Skills with reference to the introduction of Council Regulation (EU) 388/2012, on dual-use items, if he will make an assessment of whether the Export Control Organisation is meeting its performance targets; and if he will make a statement. [129379]

Michael Fallon: Council Regulation (EU) 388/2012 amended Annex I of Council Regulation (EC) 428/2009 which is the list of dual-use items subject to export control from the EU. This was a technical amendment which did not change the overall scope of the EU dual-use controls and has had no impact on the performance of the Export Control Organisation (ECO) against its Government targets.

The ECO's primary target is to finalise 70% of Standard Individual Export Licence applications within 20 working days. As at 12 November 2012, the ECO's performance for 2012 was 71% and so it is currently meeting the

target. This is a significant improvement on 2011 and 2010 where the corresponding figures were 65% and 63% respectively.

Manufacturing Industries

Mr Iain Wright: To ask the Secretary of State for Business, Innovation and Skills how many companies have been awarded funds as part of his Department's Sustainable Manufacturing for the Processing Industry initiative for *(a)* research and development projects and *(b)* feasibility projects in the latest period for which figures are available; what the value was of each such award; how many such companies have received the full amount awarded; how many such companies have completed the work; and what assessment he has made of the effect of the initiative on (i) economic performance, (i) innovation in manufacturing and (iii) the environment. [131029]

Mr Willetts *[holding answer 30 November 2012]:* The Sustainable Manufacturing for the Process Industry (SMPI) competition was delivered by the Technology Strategy Board as part of its collaborative R&D programme. The Technology Strategy Board is a BIS sponsored body and is the Government's prime channel for supporting business-led technology innovation.

Under its SMPI competition the Technology Strategy Board has offered grants to seven companies in support of feasibility projects and is in the process of offering grants to 17 companies in support of R&D projects. The value of grant awards ranged from £36,000 to £75,000 for feasibility projects and will range from £67,000 to £604,000 for R&D projects.

The Technology Strategy Board expects all companies to receive the full amount awarded overtime. However, the projects have start dates ranging from November 2012 to January 2013 and so I am not able at this time to comment on the project work or assess the effectiveness of the initiative on economic performance, innovation in manufacturing or the environment.

New Businesses: Worcestershire

Karen Lumley: To ask the Secretary of State for Business, Innovation and Skills how many new businesses were created in Worcestershire in the last 12 months; and what plans his Department has to help businesses in Worcestershire export more goods and services to fast growing economies. [130563]

Michael Fallon: According to Worcestershire county council there were 2,175 business start ups in 2010. The figures for 2011 are due for release on 13 December 2012.

Worcestershire companies were invited to the events during the recent Export Week which included an Explore Export Event attended by over 60 commercial officers from embassies and consulates around the world, including South Africa, Turkey, Egypt, Brazil, India, Thailand and Russia. UK Trade and Investment and the Herefordshire and Worcestershire Chamber of Commerce are working with Worcester Local Enterprise Partnership on a major export event on 5 March 2013. Plans are being developed in the west midlands for events and trade missions in 2013/14 including visits to Russia, China and Hong Kong, India, South Africa, Brazil, Thailand and many other export markets. These opportunities will be promoted widely to companies in Worcestershire along with other regionally and nationally organised events and trade missions such as the Asia Task Force Events planned for March 2013 with the aim of getting more companies to trade internationally especially to the faster growing economies.

Royal Mail: Trade Unions

Mr Raab: To ask the Secretary of State for Business, Innovation and Skills for which trades union Royal Mail allowed staff *(a)* time to work on trade union duties and *(b)* facility time in (i) 2010-11 and (ii) 2011-12; how many full-time equivalent staff were allowed that time in each such year, by trade union; and how much Royal Mail paid to trades union in each such year. [131097]

Michael Fallon: This is an operational matter for Royal Mail.

I have therefore asked the chief executive of Royal Mail, Moya Greene, to respond directly to my hon. Friend and a copy of her reply will be placed in the Libraries of the House.

Science: Research

Chi Onwurah: To ask the Secretary of State for Business, Innovation and Skills what progress he has made on implementation of his Department's Strategy for Life Sciences published on 5 December 2011; and if he will make a statement. [131298]

Mr Willetts: Further to my reply on 18 June 2012, *Official Report,* column 702W, details of progress to date in implementing the strategy were sent to stakeholders in a letter dated 20 August 2012. The letter was published on the Department for Business, Innovation and Skills website at:

http://www.bis.gov.uk/assets/biscore/innovation/docs/l/12-1123-life-sciences-strategy-update-august-2012.pdf

A 'One Year On' report updating on progress in implementing the Strategy for UK Life Sciences will be published shortly.

Students: Loans

Mr Marsden: To ask the Secretary of State for Business, Innovation and Skills whether a marketing budget will be made available to publicise the introduction of 24+ advanced learner loans. [131291]

Matthew Hancock: In preparation for the introduction of 24+ Advanced Learning Loans, the Department has been developing a range of communication materials to inform learners about the introduction of loans. The messages have been developed with feedback from learners.

In conjunction with learner-facing materials, the Skills Funding Agency, the Student Loans Company and the Learning and Skills Improvement Service have produced a range of communication materials for colleges and training organisations. There were a series of successful events in July for colleges and training organisations and a further series of events are currently taking place around the country.

We are continuing to track awareness and understanding of providers, learners and employers to inform our future communication activities. We are also looking at further marketing activities that would be appropriate to support the introduction of loans. The level of marketing activity needs to be proportionate to the number of learners affected by the introduction of loans and the activity needs to be targeted effectively.

Mr Marsden: To ask the Secretary of State for Business, Innovation and Skills pursuant to the contribution of the then Minister of State for Further Education and Skills, of 17 July 2012, *Official Report,* column 260WH, whether an online application system will be in operation for the 24+ advanced learner loans first year of operation; and from when that system will be available. [131292]

Matthew Hancock: An online application system will be available from the beginning of April 2013, for those wishing to apply for a 24+ Advanced Learning Loan for courses starting from 1 August 2013.

A paper based application form will also be available for those learners who wish to apply for a 24+ Advanced Learning Loan, but are unable to do so online.

Teesside University

Tom Blenkinsop: To ask the Secretary of State for Business, Innovation and Skills how many UK students studying at Teesside university have yet to receive a student finance payment for this financial year. [131290]

Mr Willetts: Student finance is paid to students by academic years (AY) not financial years (FY). The following table provides a breakdown of payments for AY 2012/13 on or before the 28 November made by Student Finance England to Teesside university students domiciled in England and entitled to maintenance support. (Figures for payments to UK-wide students are not easily available).

Description	*Applications to Teesside university for AY 2012/13*
Applications prepared for payment with maintenance support entitlement:	7,700
Of which:	
Attendance confirmed and first payment made	7,290
Of which:	
First payment made to those studying away from the institution (medical course, placement etc.)	70
Of which:	
Attendance confirmed and first payment will be made at term start date or is currently in the banking system	50
Of which:	
Awaiting confirmation of attendance from the institution	280
Of which:	
Attendance confirmed but first payment withheld	[1]10

[1] Payments are withheld in exceptional cases for example where the bank details provided by the applicant have been found to be invalid or where the NINO has not yet been validated.

Tom Blenkinsop: To ask the Secretary of State for Business, Innovation and Skills how many students whose home address is in Middlesbrough South and East Cleveland constituency and are registered for study at Teesside university had outstanding student finance applications on *(a)* 24 September 2012, *(b)* 8 October 2012, *(c)* 22 October 2012, *(d)* 5 November 2012 and *(e)* 19 November 2012. [131340]

Mr Willetts: Table 1 as follows sets out the total number of Teesside university student finance applications from Middlesbrough South and East Cleveland students submitted to Student Finance England on the specified dates, along with those not yet processed. Table 2 provides a breakdown of the outstanding applications.

For students that apply near the start of term, or for those who have not yet supplied the required evidence of household income, SLC will do everything it can to ensure they get at least the basic non means-tested maintenance loan and tuition fee loan so that the student can start their course, and will pay any additional amounts due as soon as possible after the start of term.

Table 1: Middlesbrough South and East Cleveland students

	24 September 2012	*8 October 2012*	*22 October 2012*	*5 November 2012*	*19 November 2012*
Total number of applications for academic year 2012/13	610	630	640	640	650
Total number of student finance application outstanding	100	80	50	50	30

Table 2: Breakdown of outstanding applications

	24 September 2012	*8 October 2012*	*22 October 2012*	*5 November 2012*	*19 November 2012*
Applications awaiting signatures from applicant	50	40	20	20	10
Applications awaiting further details or evidence	30	20	20	20	10
Applications currently being assessed	20	20	10	10	10

Vocational Training

Mr Marsden: To ask the Secretary of State for Business, Innovation and Skills (1) with reference to the announcement made by the Parliamentary Under-Secretary of State for Skills on 20 November 2012, at the Association of Colleges Annual Conference 2012, whether the new traineeship scheme will be in operation and open to all applicants in time for the 2013-14 academic year; [131293]

(2) with reference to the announcement made by the Parliamentary Under-Secretary of State for Skills on 20 November 2012, at the Association of Colleges Annual Conference 2012, what the academic and training content of the new traineeships will be; [131294]

(3) whether he will be prioritising any sector frameworks in his introduction of traineeships; and if so, if he will publish those sectors. [131295]

Matthew Hancock: The Government is considering how a new Traineeships programme could be implemented as part of our overall offer for young people. We expect that Traineeships will include a rigorous core of work preparation, a work placement, and English and maths.

We plan to issue a discussion document shortly and will invite employers, providers and other partners to support us in formulating the detail of Traineeships, building on effective practice and experience.

HEALTH

Accident and Emergency Departments

Andy Sawford: To ask the Secretary of State for Health how many general hospitals in England provide accident and emergency services which include major injury and trauma; and how many beds there are at each such hospital. [130756]

Anna Soubry: Injury and trauma patients occupy beds in many specialties across all acute national health service hospitals, including:

orthopaedics;
plastic surgery;
general surgery;
ear;
ENT;
maxillofacial surgery;
ophthalmology;
neurosurgery;
cardiothoracic;
intensive care;
general medicine and others.

In each service they will occupy a variable proportion of the bed complement dependent on the unpredictable case load on any particular day. The remainder of the beds are occupied by other emergency cases and elective surgery patients. There is therefore no specific bed complement for injury and trauma; it is a demand-led service.

As of April 2012 in NHS England there are 26 designated major trauma centres, with locations determined by NHS strategic health authorities. They are the hub of regional trauma networks composed of all the local hospitals and are also linked up to specialist services (such as burns, spinal cord injury, paediatrics) as required. Major trauma beds are located in different specialities and vary according to the mix of patients with different injuries at that time.

Andy Sawford: To ask the Secretary of State for Health whether his Department has *(a)* issued guidance and *(b)* (i) conducted and (ii) commissioned any research or studies on travel times to accident and emergency departments since May 2010. [130757]

Anna Soubry: The Department has neither issued any guidance on travel times to accident and emergency departments nor has it commissioned or conducted any research or studies on travel times since May 2010. It is a matter for the local national health service to ensure that there is appropriate provision of urgent and emergency services that are responsive to people's needs.

Arthritis

Sir Bob Russell: To ask the Secretary of State for Health what the average waiting time was for patients with rheumatoid arthritis to see a rheumatology nurse specialist following their initial diagnosis in the last year for which figures are available; and if he will make a statement. [130740]

Norman Lamb: We are not aware that this information is held in the Department.

Sir Bob Russell: To ask the Secretary of State for Health what assessment his Department has made of the use of the Commissioning for Quality and Innovation scheme in improving the quality of care for patients with musculoskeletal conditions, including rheumatoid arthritis; and if he will make a statement. [130742]

Norman Lamb: Local commissioners are responsible for commissioning services to meet the needs of their local populations and for determining the priority for service improvements. The Commissioning for Quality and Innovation (CQUIN) scheme is one way through which local commissioners can incentivise improvements in quality for local clinical priorities, which could include services for people with musculoskeletal conditions. There is no national monitoring of local CQUIN schemes.

Care Homes: Learning Disability

Andy Burnham: To ask the Secretary of State for Health what proportion of people with learning disabilities whose care is paid for by the NHS are being cared for in facilities owned by private companies. [131230]

Norman Lamb: The Care Quality Commission "Count Me In" national census of in-patients and patients on supervised community treatment in mental health and learning disability services in England and Wales found that in 2010 of a total of 3,376 patients with learning disabilities, 1,072 (29.4%) were with independent providers.

Genito-urinary Medicine

Andy Burnham: To ask the Secretary of State for Health when his Department plans to publish its proposed sexual health policy document. [131229]

Anna Soubry: The sexual health policy document will set out the framework for improving all aspects of sexual health in England. We plan to publish the document before the end of the year.

Health Services

Sir Bob Russell: To ask the Secretary of State for Health (1) whether the planned national clinical audit will include analysis examining the provision of personal care plans and access to treatments; and if he will make a statement; [130738]

(2) what the expected publication date is for the national clinical audit on rheumatoid arthritis. [130739]

Norman Lamb: An invitation to tender for the delivery of the national clinical audit on rheumatoid and early inflammatory arthritis was published in November 2012 by the Healthcare Quality Improvement partnership (HQIP). A contract for this work is expected to be awarded by HQIP in April 2013. Details of the publication schedule for this audit will be published following the commencement of this contract.

Details to tender for the planned national clinical audit will depend on the supplier selected following the procurement process. The specification for this audit was developed following a meeting of stakeholders to discuss the audit proposal. Minutes of this meeting can be fund on the HQIP website:

www.hqip.org.uk/arthritis

Health Services: Reciprocal Arrangements

Andy Sawford: To ask the Secretary of State for Health in which EU countries UK citizens are required to have a European health insurance card to access health services by reciprocal arrangements. [130762]

Anna Soubry: The European Health Insurance Card entitles the holder to access clinically necessary, state-funded medical treatment while on a temporary visit to another European Economic Area (EEA) country on the same basis as a resident of that country.

The card is accepted in all 31 EEA countries:

Austria
Belgium
Bulgaria
the Czech Republic
Cyprus
Denmark
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Norway
Poland
Portugal
Romania
Spain
Sweden
Slovakia
Slovenia
Sweden
Switzerland
the Netherlands
the United Kingdom.

Health: Disadvantaged

Lyn Brown: To ask the Secretary of State for Health what steps his Department is taking to tackle health inequality. [130754]

Anna Soubry: The Government is committed to reducing health inequalities as part of a wider focus on fairness and social justice and improving health outcomes for all. As well as helping people live longer, healthier and more fulfilling lives, our aim is to improve the health of the poorest fastest.

As a result of the Health and Social Care Act 2012, we are introducing the first specific legal duties on health inequalities for NHS commissioners and the Secretary of State. The duties include:

the NHS Commissioning Board and clinical commissioning groups will have a duty to have regard to the need to reduce inequalities in access to, and the outcomes of, health care, and;

the Secretary of State will have a wider duty, to have regard to the need to reduce inequalities relating to the health service (including both NHS and public health, and relating to all the people of England).

We believe that the provisions in the Act will be a powerful force for tackling health inequalities and improving the health of those with greater health needs.

The Government supports the Institute of Health Equity, based at University College London and led by Professor Sir Michael Marmot, which helps promote the findings of the "Fair Society, Healthy Lives" review of health inequalities across the NHS, public health and local government.

Within a broad strategy to tackle health inequalities across the country, we are also exploring how to address the health needs of those most vulnerable to poor health outcomes, through the Inclusion Health programme.

Latex: Allergies

Jonathan Lord: To ask the Secretary of State for Health (1) what steps his Department is taking to reduce the difficulties experienced by patients in hospitals diagnosed with severe latex allergies; [130842]

(2) what recent estimate he has made of the number of people in *(a)* Surrey and *(b)* England who have latex allergies. [130845]

Norman Lamb: The Medicines and Healthcare products Regulatory Agency has issued general advice on its website in relation to latex reactions (allergies) and medical devices, which can be found at the following address:

www.mhra.gov.uk/Safetyinformation/Generalsafetyinformationandadvice/Product-specificinformationandadvice/Product-specificinformationandadvice-G-L/Latexreactions(allergies)andmedicaldevices/index.htm

The National Patient Safety Agency published advice in May 2005 which can be found at the following address:

www.nrls.npsa.nhs.uk/resources/?entryid45=59791

Information on the number of people in Surrey and England who have latex allergies is not held centrally.

Medical Treatments

Mr Reed: To ask the Secretary of State for Health what steps his Department has taken to prevent cost-based rationing of treatments since June 2012. [131288]

Anna Soubry: The Department is clear that commissioners must comply with their legal requirements when taking commissioning decisions. Last year, the medical director of the national health service, Professor Sir Bruce Keogh, wrote to medical directors in strategic health authorities to remind them that, in particular, commissioners must ensure they:

do not introduce outright blanket bans for interventions or treatments;

are sensitive to individual circumstances, clinical need and take account of those circumstances in any decisions;

have systems in place to enable exceptional case reviews; and

have robust policies in place which can support clear and defensible decisions on whether access to services will or will not be possible.

Where the Department has been made aware of suggested cases of rationing, it has worked through strategic health authorities to investigate. No evidence of rationing has been found through these investigations.

Mental Health Services

Mr Reed: To ask the Secretary of State for Health how many people waited for mental health services on the Improving Access to Psychological Therapies programme for more than *(a)* 18 and *(b)* 28 days in the last quarter for which figures are available. [131287]

Norman Lamb: Not all of the information requested is collected. However, the number of people waiting more than 28 days for Improving Access to Psychological Therapies programme services in the last reporting quarter (Q1 2012-13—1 April-30 June) is 119,343.

Paul Burstow: To ask the Secretary of State for Health how much he has spent on training therapists through the Improving Access to Psychological Therapies programme by *(a)* cognitive behaviour therapy (CBT) at step 2, *(b)* CBT at step 3, *(c)* counselling for depression, *(d)* couples therapy for depression, *(e)* dynamic interpersonal therapy and *(f)* interpersonal psychotherapy in each year since 2008; and if he will make a statement. [131393]

Norman Lamb: The following table gives estimates for the amount spent on Improving Access to Psychological Therapies programme (IAPT) training fees in each year from 2008-09 to 2011-12 for each modality of therapy.

£

Therapy	*2008-09*	*2009-10*	*2010-11*	*2011-12*
Step 2 Cognitive Behaviour Therapy (CBT)	2,190,000	4,430,000	2,620,000	2,680,000
Step 3 CBT	4,870,000	10,040,000	6,230,000	2,910,000
Counselling for Depression	—	—	192,000	204,000
Couple Therapy for Depression	—	—	44,000	[1]207,000
Brief Dynamic Interpersonal Therapy	—	—	189,000	81,000
Interpersonal Psychotherapy	—	—	258,000	246,000

[1] Includes training fees for the National Institute for Health and Clinical Excellence approved Behavioural Couples Therapy

In addition, to increase the CBT work force within the national health service we have paid the salaries of CBT trainees for the training year. The following table sets out the estimated expenditure in each year.

£

Therapy	*2008-09*	*2009-10*	*2010-11*	*2011-12*
Step 2 CBT	9,863,000	19,951,000	11,799,000	6,845,000
Step 3 CBT	15,382,000	31,711,000	19,677,000	7,391,000

Methadone

Andrew Griffiths: To ask the Secretary of State for Health (1) how many and what proportion of individuals in receipt of methadone prescriptions are *(a)* entitled and *(b)* not entitled to free prescriptions; [130687]

(2) what rate is paid to chemists and pharmacists for methadone on prescription in each primary care trust area; [130688]

(3) what the cost to the NHS was of prescribing methadone as an opiate substitute in each of the last five years. [130690]

Norman Lamb: Information is not held centrally on the number of people prescribed particular medicines or the medical condition being treated. The NHS Prescription Services does however hold information on the number of methadone prescription items dispensed in England, supplied free of charge or paid for at the point of dispensing. Information for the latest complete calendar year is provided as follows.

Payment status of methadone items, prescribed in the United Kingdom and dispensed, in the community, in England—2011[1,2]

	Charged	*Exempt from charge at the point of dispensing*[3]
Quantity (Thousand)	63.0	2,904.5
Percentage	2.1	97.9

[1] Data has been supplied for methadone products listed under British National Formulary (BNF) section 4.7.2 (Opioid Analgesics) and 4.10.3 (Opioid Dependence). Medicines listed under BNF section 3.9.1 which relates to cough mixtures containing methadone have been excluded. It is not possible from the information collected from prescriptions to be sure whether a particular prescription was for pain relief or substance dependence.
[2] The data excludes items dispensed in prisons, hospital and private prescriptions, but does include dental, prison and hospital NHS prescriptions, which are dispensed in the community.
[3] Figure may include prescriptions issued to holders of prepayment certificates. The NHS Prescription Services cannot provide any further information about the number of prescriptions issued to holders of prepayment certificates as exemption category data is not available at product level.
Source:
NHS Prescriptions Services Base data.

For dispensing oral liquid methadone on prescription, contractors are paid a professional fee (90p) and a Schedule 2 controlled drug (CD) fee (128p) for each dispensing episode. Contractors are also paid a fee of £4.05 per prescription. For other formulations of methadone, the contractor is only paid the professional fee and Schedule 2 CD fee for each dispensing episode.

Fees are agreed nationally as part of funding for the community pharmacy contractual framework. They are not set by individual primary care trusts.

The net ingredient cost of methadone for the most recent complete five years is provided in the following table. These figures do not include dispensing fees or any other costs associated with prescribing methadone, which can be provided only at a disproportionate cost.

Net ingredient cost (NIC) of methadone prescription items written in the UK and dispensed, in the community, in England (Thousnd)[1]

	NIC (£)
2007	29,143.2
2008	34,472.0
2009	36,314.4
2010	37,535.4
2011	29,903.6

[1] Data has been supplied for methadone products listed under British National Formulary (BNF) section 4.7.2 (Opioid Analgesics) and 4.10.3 (Opioid Dependence). Medicines listed under BNF section 3.9.1 which relates to cough mixtures containing methadone have been excluded. It is not possible from the information collected from prescriptions to be sure whether a particular prescription was for pain relief or substance dependence.
Source:
Prescription Cost Analysis (PCA) system supplied by the NHS Information Centre.

Andrew Griffiths: To ask the Secretary of State for Health what proportion of those who have completed a methadone course and who are no longer prescribed methadone have subsequently used *(a)* heroin, *(b)* crack cocaine, *(c)* cannabis, *(d)* alcohol, *(e)* amphetamine, *(f)* cocaine and *(g)* MDMA. [130689]

Anna Soubry: This information is not collected centrally.

Muscular Dystrophy

Mr Betts: To ask the Secretary of State for Health what estimate he has made of the amount spent by the NHS on unplanned emergency admissions to hospitals for people with muscular dystrophy and related neuromuscular conditions; and if he will make a statement. [130971]

Norman Lamb: Information on the cost of unplanned emergency admissions to hospital for people with muscular dystrophy and related neuromuscular conditions is not collected centrally.

Musculoskeletal Disorders

Sir Bob Russell: To ask the Secretary of State for Health if he will consider introducing a national musculoskeletal conditions patient experience survey; and if he will make a statement. [130737]

Norman Lamb: Information on the experience of patients with musculoskeletal conditions is available from a number of sources. The 2011 Health Survey for England included a module on chronic pain, including pain of musculoskeletal origin, and results will be published in the near future together with those of the first national pain audit.

One of the overarching indicators in the NHS Outcomes Framework will give information on the quality of life for people with long-term conditions, and earlier work indicates that the experience of people with musculoskeletal conditions will make a major contribution to this indicator.

The NHS Commissioning Board will be held accountable for improving the quality of life for people with long-term conditions, including those with musculoskeletal disease, and it will be for the board to determine what additional information they may need in order to meet this responsibility.

NHS: Procurement

Penny Mordaunt: To ask the Secretary of State for Health what review of NHS tariffs has been undertaken in the last 12 months; and if he will make a statement. [129570]

Dr Poulter: The national Payment by Results tariffs are subject to ongoing development. The Department works with a number of clinical and technical advisory groups that provide advice on the structure and scope of the tariff.

The draft tariff for 2012-13 was shared with clinicians and a number of national health service organisations in October 2011 for 'sense checking'. This is a key stage in tariff development where prices are reviewed so that any anomalies or perverse clinical incentives can be identified and addressed. The 2012-13 tariff was subsequently published for 'road testing' in December 2011, and the final tariff package for 2012-13 was published in February 2012.

The draft tariff for 2013-14 was shared for 'sense checking' in September and October 2012, and the tariff will be published for 'road testing' in December 2012.

NHS: Public Appointments

Jim Dowd: To ask the Secretary of State for Health (1) on what basis Tim Higginson has been appointed chief executive-designate of a trust which does not exist; and from which budget the cost of appointment and any salary arising from that appointment will be paid prior to the formal creation of any such trust; [130819]

(2) who is responsible for the authorisation of any expenditure incurred by the appointment of a chief executive-designate to a putative new trust. [130820]

Anna Soubry: Tim Higginson has been asked by the chief executive of London Strategic Health Authority, Ruth Carnall, to lead a piece of exploratory planning work with regard to the possible bringing together of Lewisham Healthcare NHS Trust and Queen Elizabeth Hospital in Woolwich.

This planning work is being undertaken as part of Mr Higginson's existing duties and remuneration. No decisions have been taken about the future of these two hospitals. The Trust Special Administrator (TSA) appointed to South London Healthcare NHS Trust (SLHT) continues to seek views and ideas to help improve his draft recommendations through the current consultation process. The Secretary of State for Health, my right hon. Friend the Member for South West Surrey (Mr Hunt), has an open mind on the future of SLHT and on other related matters which are the subject of draft recommendations by the TSA. The Secretary of State will make his decision on what action should be taken in relation to SLHT within the specified statutory period following receipt of the final report from the TSA.

North Cumbria University Hospitals NHS Trust

Sir Tony Cunningham: To ask the Secretary of State for Health when he expects the planned acquisition of the North Cumbria Trust by the Northumbria Healthcare Trust to be complete. [131286]

Dr Poulter: The acquisition of North Cumbria University Hospitals NHS Trust by Northumbria Healthcare NHS Foundation Trust is a matter for the local national health service.

The hon. Member may wish to contact the chief executive at North Cumbria University Hospitals NHS Trust about this issue.

Palliative Care

Heidi Alexander: To ask the Secretary of State for Health who *(a)* was invited and *(b)* attended his Department's roundtable discussion on the Liverpool Care Pathway held on 26 November 2012. [131098]

Norman Lamb: I hosted a roundtable meeting to discuss the Liverpool Care Pathway on 26 November 2012. Organisations invited were:

Age UK
Association for Palliative Medicine
British Geriatrics Society
Care Not Killing Alliance
Help the Hospices
Macmillan
Marie Curie Cancer Care
Medical Ethics Alliance
National Council for Palliative Care (NCPC)
National End of Life Care Programme
NHS Commissioning Board
Royal College of General Practitioners
Royal College of Nursing
Royal College of Physicians
University of Liverpool

Invitations were also sent to patient and family representatives.

Those attending were

Tony Bonser—Chair of the People in Partnership Group of NCPC

Fiona Bruce MP

Dr Patrick Cadigan—Consultant Cardiologist Sandwell Hospital; Registrar Royal College of Physicians of London

Denise Charlesworth-Smith—patient and families representative

Amanda Cheesley—Long Term Conditions Adviser Royal College of Nursing

Dr Anthony Cole JP FRCPE FRCPCH—Chairman Medical Ethics Alliance

Dr Jane Collins—CEO Marie Curie Cancer Care

Professor John Ellershaw—University of Liverpool

Claire Henry—Director, National End of Life Care Programme

Ruthe Isden—Public Services Programme Manager, Age UK

Baroness Knight of Collingtree

Professor Patrick Pullicino—Consultant Neurologist, East Kent Hospitals University NHS Foundation Trust, Professor of Clinical Neuroscience, University of Kent, Canterbury

Stephen Richards—Director of England, Macmillan Cancer Support

Eve Richardson—Chief Executive, The National Council for Palliative Care and Dying Matters Coalition

Dr Heather Richardson—National clinical lead, Help the Hospices

Dr Peter Saunders—Campaign Director of the Care Not Killing Alliance

Professor Keri Thomas—Clinical Expert in End of Life Care, Royal College of General Practitioners; National Clinical Lead, the Gold Standards Framework (GSF) Centre for End of Life Care

De Bee Wee—President, the Association for Palliative Medicine of Great Britain and Ireland

Dr Martin Vernon—Consultant Geriatrician, Manchester; British Geriatrics Society Spokesperson for End of Life Care

Heidi Alexander: To ask the Secretary of State for Health further to his announcement of an independent review into the Liverpool Care Pathway, what the timetable is for appointing a chair of the review; how the review will provide a clear and transparent mechanism for patients, patient representative groups and other stakeholders to submit evidence to it; and if he will make a statement. [131099]

Norman Lamb: I hope to announce the chair for the independent review of the use and experience of the Liverpool Care Pathway (LCP) very shortly.

The review will draw together the work of the National End of Life Care Programme, the Association for Palliative Medicine and Dying Matters which are each investigating different aspects of the LCP. Patients, families and patient groups are already contributing to Dying Matters's

user engagement work on LCP. The National End of Life Care Programme is undertaking a review of hospital complaints relating to integrated care pathways for end of life care and has commissioned a literature review from Nottingham university. The APM will run a survey of health professionals to explore their experience and views of integrated care pathways including the LCP.

Patients, patient representatives groups and other stakeholders will be able to submit evidence to the independent chair directly.

Prostate Cancer

Tom Blenkinsop: To ask the Secretary of State for Health what recent estimate he has made of the amount spent on funding research into prostate cancer by *(a)* the Government and *(b)* the third sector in each of the last 10 years. [131297]

Dr Poulter: Estimated figures for total expenditure on prostate cancer research by Government and by the third sector in each of the last 10 years are not available.

Prior to the establishment of the National Institute for Health Research (NIHR) in April 2006, the main part of the Department's total health research expenditure was devolved to and managed by national health service organisations. From April 2006 to March 2009, transitional research funding was allocated to these organisations at reducing levels. The organisations have accounted for their use of the allocations they have received from the Department in an annual research and development report. The reports identify total, aggregated expenditure on national priority areas, including cancer. They do not provide details of research into particular cancer sites.

The NIHR funds research infrastructure for clinical studies in prostate cancer through the NIHR Cancer Research Network, and experimental cancer medicine centres funded jointly with Cancer Research UK. Data for NIHR spend on prostate cancer research through these infrastructure funding streams cannot be disaggregated from total expenditure on the funding streams.

South London Healthcare NHS Trust

Jim Dowd: To ask the Secretary of State for Health what recent steps he has taken to ensure that the work of the Trust Special Administrator for South London Healthcare NHS Trust takes place with appropriate scrutiny, oversight and authority. [130821]

Anna Soubry: The Secretary of State has issued statutory guidance for Trust Special Administrators (TSAs) appointed to national health service trusts in England, to which they must have regard in carrying out their duties under Chapter 5A of the NHS Act 2006. A copy of the guidance, entitled "Statutory Guidance for Trust Special Administrators appointed to NHS Trusts", has been placed in the Library and is available at:

www.dh.gov.uk/health/2012/07/statutory-guidance-tsa/

It is the Secretary of State who will take the final decision about the action to be taken in relation to South London Healthcare NHS Trust, following receipt of the final report from the TSA.

Thalidomide

Mr Tom Harris: To ask the Secretary of State for Health pursuant to the answer of 17 October 2012, *Official Report*, columns 309-10W to the hon. Member for North Cornwall, on thalidomide, when he plans to make an announcement on the future funding of thalidomide survivors. [130630]

Norman Lamb: An announcement on future funding for thalidomide survivors will be made shortly.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Animals: Exports

Huw Irranca-Davies: To ask the Secretary of State for Environment, Food and Rural Affairs (1) what assessment he has made of trends in the *(a)* distance travelled and *(b)* time taken to travel by live animals exported from the UK in the last five years; [131368]

(2) whether he has made an estimate of the *(a)* average and *(b)* longest time taken on travel and transportation for live animals exported from the UK in the latest period for which figures are available. [131369]

Mr Heath: There has been no assessment of time travelled or distance. The EU legislation lays down the maximum journey time limits and the Animal Health and Veterinary Laboratories Agency checks returned journey logs to ensure that these journey time limits have been observed. If not, they will take proportionate enforcement action against the transporter.

Ash Dieback Disease

Mary Creagh: To ask the Secretary of State for Environment, Food and Rural Affairs when he expects the findings of the Forestry Commission survey of conditions in ash woodlands to be published. [130067]

Mr Heath: The Forestry Commission published information on the health of ash trees in Great Britain on 31 October 2012. This was information that had been summarised from the results from a total of 6,896 one hectare squares surveyed between November 2009 and October 2012 in the National Forest inventory field survey programme.

Findings from the Rapid Survey to determine if Chalara fraxinea was present in the wider environment have been published on the Forestry Commission website in map format. This map shows the general location of confirmed infected sites. Although the Rapid Survey was concluded on 7 November 2012, the map is being updated on a regular basis as new information becomes available.

Bovine Tuberculosis

Mr Jim Cunningham: To ask the Secretary of State for Environment, Food and Rural Affairs if he will estimate the potential cost of vaccinating all calves for tuberculosis. [130778]

Mr Heath: We are not currently able to estimate the potential cost of vaccinating all calves for tuberculosis as a vaccine is not available for use in the field. However, we remain committed to developing affordable and usable vaccines and are investing significantly in this work.

How and where cattle vaccine is deployed will be an important consideration, bearing in mind that vaccination should be used alongside other measures to maximise its effectiveness. Vaccinating all cattle or all calves throughout England may not therefore be the most efficient use of vaccination.

Mr Jim Cunningham: To ask the Secretary of State for Environment, Food and Rural Affairs (1) if he will estimate the potential cost of testing cows for tuberculosis before culling them; and if he will make a statement; [130779]

(2) if his Department will consider developing a policy to ensure that healthy cows are not killed for being at risk of having tuberculosis. [130780]

Mr Heath: In 2009-10 the TB cattle testing programme in England cost the Government around £30 million. Nearly all of the cattle slaughtered for TB control reasons have reacted positively to a fully validated diagnostic test. In some circumstances cattle identified as being at higher risk will be slaughtered with the owner's agreement.

Mr Jim Cunningham: To ask the Secretary of State for Environment, Food and Rural Affairs (1) what estimate his Department has made of the potential cost of trapping and testing badgers for tuberculosis; [130781]

(2) if he will consider developing a policy to ensure that only infected badgers are killed in the process of controlling tuberculosis in badgers. [130782]

Mr Heath: The cost of cage-trapping and testing badgers for tuberculosis has not been estimated. However, the cost of cage-trapping and vaccinating badgers is estimated to be £2,250 per sq km per year. The cost of cage-trapping and shooting badgers is estimated to be £2,500 per sq km per year. These costs are set out in the impact assessment available online at:

http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/documents/bovine-tb-impact-assessment.pdf

Ideally, a culling strategy would be selective, i.e. culling only infected badgers, or badgers in a sett where bovine TB has been detected. However, this requires a diagnostic test that is sensitive enough to detect reliably a high proportion of infected animals. Any infected badgers that were not detected and therefore left behind, could pose an increase in disease risk through perturbation. There is no diagnostic test yet available that is both sufficiently sensitive and practical for use in the field. Therefore a policy of selective culling cannot currently be pursued.

DEFRA is continuing to fund research and development of diagnostic tests for TB in badgers, including tests for individual animals and those that could be used on a whole sett basis.

Cats

Mr Mike Hancock: To ask the Secretary of State for Environment, Food and Rural Affairs what recent assessment he has made of trends in the number of abandoned cats being dealt with by animal welfare charities; and what plans he has to tackle irresponsible cat breeding. [130275]

Mr Heath: There has been a reported rise in the number of abandoned cats, which may be due in part to the economic situation. The Government urges anyone who is considering acquiring a cat to fully understand what it involves and what it costs. We also advise owners to neuter their cats if they are not seriously considering breeding from it. Lastly, all owners and keepers of cats must provide for the welfare needs of their animals, as required by the Animal Welfare Act 2006.

Livestock: Animal Welfare

Robert Flello: To ask the Secretary of State for Environment, Food and Rural Affairs if he will make it his policy that concentrated animal feeding operations should not be permitted in the UK; and if he will make a statement. [130950]

Mr Heath: The UK's animal welfare and environmental standards are among the highest in the world and apply equally to all livestock farms, regardless of scale.

DEFRA recognises that the UK should seek to produce more food to meet growing demand, deliver consumer choice and be competitive on domestic, EU and global markets.

All methods of production can support this at any scale as long as those welfare and environmental standards are met.

Livestock: Transport

Caroline Lucas: To ask the Secretary of State for Environment, Food and Rural Affairs if he will instruct Animal Health to permit the RSPCA to inspect all vehicles passing through UK ports; and if he will make a statement. [130535]

Mr Heath: The RSPCA has no statutory powers to undertake inspections under the welfare in transport legislation. In relation to those transporters being inspected, AHVLA inspectors cannot insist that RSPCA inspectors take part in this inspection activity, whether at UK ports or at any other place of rest or transfer.

Meat: Imports

Miss McIntosh: To ask the Secretary of State for Environment, Food and Rural Affairs what statistics he holds and what checks are made on imports from the EU of *(a)* all mechanically-stripped meat and *(b)* Baader meat; and if he will make a statement. [130335]

Mr Heath: Import statistics do not separately identify either mechanically separated meat, desinewed meat or 'Baarder' meat from other types of boneless meat.

With regard to checks on imports from the EU, the UK Government cannot routinely detain items moving in 'free circulation' within the European single market, as this contravenes the principles of the single market. The Food Standards Agency continues to work closely with industry to identify potentially mislabelled material.

Plastics: Packaging

Mark Pawsey: To ask the Secretary of State for Environment, Food and Rural Affairs (1) how many responses he received from *(a)* the plastics manufacturing industry *(b)* environmental organisations and *(c)* other stakeholders to the Consultation on the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012; [129052]

(2) what representations he has received from the plastics manufacturing industry in respect of the consultation on the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012; [129050]

(3) what meetings he held with representatives of the plastics manufacturing industry on the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012. [129051]

Richard Benyon: The consultation on higher packaging recovery and recycling targets for 2013-17 ran from 16 December 2011 until 10 February 2012. During this period DEFRA officials held 15 different meetings with groups of interested parties, including representatives of the plastics manufacturing industry.

The consultation attracted three formal responses from plastic manufacturers (Nampak, RPC, BPI). There were three responses from trade associations representing the plastic manufacturing sector (BPF, PAFA, Plastics 2020).

There were two responses from trade associations representing the wider plastic sector (Recoup, BPF Recycling Group) and six from plastic reprocessors (Closed Loop, Revalue Tech, Axion Polymers, PlasRecycle, SGL Fibers).

87 responses were received from stakeholders representing the other materials included in the consultation (paper, glass, aluminium, steel and wood), local authorities, trade associations, packaging compliance schemes and reprocessors. There were no responses from environmental NGOs.

After the decision on targets was announced in this year's Budget in March, the Department received a number of letters and other correspondence from representatives of the plastics manufacturing industry regarding the regulations. Officials also spoke at the BPF Recycling Seminar "Achieving Plastics Recycling Targets" on 11 October.

The Under-Secretary of State, my noble Friend Lord de Mauley, met with representatives of the British Plastics Federation, the Packaging and Film Association and PlasticsEurope on 8 November to discuss the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012.

Following this meeting, officials met with the British Plastics Federation, the Packaging and Film Association and PlasticsEurope on 13 November.

Waste Management

Gavin Shuker: To ask the Secretary of State for Environment, Food and Rural Affairs how many officials of his Department worked under the Head of Waste in *(a)* 2010, *(b)* 2011 and *(c)* 2012 to date. [128988]

Richard Benyon: The following table gives the number of employees who worked in core DEFRA's waste programme on the dates shown in 2010, 2011 and 2012.

	Headcount	*Full-time equivalent (FTE)*
31 March 2010	64	61.99
31 March 2011	81	78.23
31 March 2012	57	54.42
31 October 2012	61	57.61

Zoos: Animal Welfare

Mr Tom Harris: To ask the Secretary of State for Environment, Food and Rural Affairs (1) what steps he plans to take to protect the welfare of animals in zoos that host concerts, fireworks displays, festivals or similar events following the publication of the revised Standards of Modern Zoo Practice; [129200]

(2) whether the zoo inspection process allows inspectors to recommend a maximum number of visitors allowed at each zoo; [129201]

(3) what assessment he has made of the effectiveness of the system of licensing and inspection of zoos in protecting the welfare of animals in zoos that host concerts, fireworks displays, festivals or similar events; [129202]

(4) what assessment he has made of the effectiveness of the Zoo Licensing Act 1981 in protecting the welfare of animals when zoos and safari parks host concerts, fireworks displays, festivals and corporate events. [129203]

Mr Heath: Good animal welfare standards are achieved in the vast majority of zoos, in accordance with the requirements of the Zoo Licensing Act 1981. The Secretary of State's Standards of Modern Zoo Practice set out the overarching standards against which zoos are regularly inspected. These require that animals are kept in suitable accommodation that allows them to express their most normal behaviour. The animals must also receive proper health care and protection from fear and distress. The Zoo Licensing Act does not contain specific provisions which require zoo operators to restrict visitor numbers.

Responsibility for the licensing, inspection and oversight of the day-to-day operation of zoos rests with local authorities. The Act provides local authorities with powers to ensure that zoos comply with the terms of their licences, should the need arise.

While any negative impact these events may have on animal welfare is to be deplored, the Government believes that sufficient powers and procedures are already in place to ensure good welfare standards and that a detailed separate assessment of their impacts would be disproportionate.

All animals kept in captivity are also subject to protection under the Animal Welfare Act 2006. This Act imposes a broad duty of care on anyone responsible for an animal to take reasonable steps to ensure that the animal's needs are met.

WORK AND PENSIONS

Comet Group

John Robertson: To ask the Secretary of State for Work and Pensions if he will take steps to assist people in *(a)* Glasgow North West constituency, *(b)* Glasgow, *(c)* Scotland and *(d)* the UK who lose their jobs as a result of the closure of Comet shops. [130979]

Mr Hoban: The Department for Work and Pensions (DWP), through Jobcentre Plus, offers a free at the point of contact Rapid Response Service (RRS) that aims to minimise the impact of redundancies by supporting people back into work and helping them navigate their way through the benefit system.

Jobcentre Plus is working in partnership with Comet's appointed administrators, Deloitte, to provide support to employees affected by the store closures.

In Scotland, Jobcentre Plus operates in conjunction with Partnership Action for Continuing Employment (PACE), a Scottish Government initiative. PACE is a framework for a consistent and co-ordinated public sector response to dealing with companies in difficulty, including redundancy. The key aim of PACE is to help people who have been made redundant into alternative employment or training, as quickly as possible. PACE is working in partnership with Deloitte to provide support to Comet employees affected by the store closures. In Glasgow North West constituency, Glasgow and Scotland this support has commenced through local engagement with Comet by phone and in person. PACE guides have also been made available to employees and one to one support will also be offered.

The DWP National Employer Service Team (NEST) are working with both Deloitte and Comet to provide a co-ordinated national approach to ensure that the work force receives support to enable to them to find new jobs.

Jobcentre Plus RRS teams will make contact with local stores as they are announced for closure to discuss providing support at a local level, within the constraints of the store closure process.

For larger sites at Clevedon, Hull, Skelmersdale and Harlow, NEST will facilitate local links between Jobcentre Plus and Comet to agree any face to face arrangements either on site or at an agreed location, to talk to employees directly about the help and support available.

In addition to this NEST are providing affected employees with:

A DWP RRS Employee Factsheet, to be issued along with redundancy notice, directing employees to available support; and

Job focused products explaining job search techniques, CV preparation, online recruitment and Universal Jobmatch.

Deloitte and Comet have also agreed their own package of support which includes:

A dedicated employee helpline;

An employee help sheet, explaining the administration process;

An established relationship with 35 national retailers and facilitating connection with employees; and

A Comet network on LinkedIn with jobs feed.

Council Tax Benefits

Ms Buck: To ask the Secretary of State for Work and Pensions how many people aged under 65 are in receipt of passported and non-passported council tax benefit in each local authority area. [131348]

Steve Webb: The requested information will be placed in the Library.

Disability Living Allowance

Ms Buck: To ask the Secretary of State for Work and Pensions what estimate he has made of the number of households affected by the benefit cap where at least one member is in receipt of disability living allowance. [131169]

Mr Hoban: All households who receive disability living allowance are exempt from the benefit cap.

Employment and Support Allowance

Steve McCabe: To ask the Secretary of State for Work and Pensions how many and what proportion of people in receipt of employment and support allowance died in each calendar year since 2010. [128973]

Mr Hoban: The Department has published ad hoc statistics on Incapacity Benefits: Deaths of recipients on 9 July 2012. This covers ESA figures for 2010-11 (latest figures available) and can be found at:

http://statistics.dwp.gov.uk/asd/asd1/adhoc_analysis/index.php?page=adhoc_analysis_2012_q3

Epilepsy

Kate Hoey: To ask the Secretary of State for Work and Pensions how many people with epilepsy his Department has helped into employment since May 2010. [130084]

Esther McVey: Between 1 May 2010 and 30 June 2012, 1,480 individuals in Great Britain were helped by the Access to Work programme and whose reported primary medical condition was epilepsy.[1]

Between 1 June 2011 and 31 July 2012, 20 individuals in receipt of employment and support allowance/incapacity benefit, whose reported primary medical condition was epilepsy, achieved a job outcome as part of the Work programme.[2]

Primary health condition is recorded only for employment and support allowance/incapacity benefit claimants. Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. Medical condition is based on evidence provided and this in itself does not confer entitlement to employment support allowance/incapacity benefit.

Figures are not available for those on the Work programme in receipt of jobseeker's allowance (JSA). Disabling conditions for individuals on JSA are taken from the Labour Market System (LMS) database. Epilepsy is not one of the self-reported conditions recorded on LMS.

Sources:

[1] Access to Work database. Figures are rounded to the nearest 10.

[2] DWP Information, Governance and Security Directorate (IGS). Figures are cumulative and are rounded to the nearest 10.

Future Jobs Fund

Gregg McClymont: To ask the Secretary of State for Work and Pensions what evidence on effectiveness and cost-effectiveness was taken into consideration when the decision was made to discontinue the Future Jobs Fund. [131147]

Mr Hoban: At up to £6,500 per person the Future Jobs Fund was five times more expensive than some other elements of the previous Government's Young Person's Guarantee. The fund did not ensure sustainable employment for young people; it created short-term jobs; and the grants did not include any incentives to move people into permanent posts. Reducing the scope of the programme saved up to £290 million to help the Government tackle the unprecedented £156 billion deficit.

Hyperactivity

Kate Hoey: To ask the Secretary of State for Work and Pensions what discussions his Department have had with attention deficit hyperactivity disorder disability organisations with regard to personalised independence payment. [131483]

Esther McVey: Throughout the development of personal independence payment we have engaged and consulted with a wide range of disability organisations. This engagement has included one informal and three formal consultations.

As part of our engagement we have met with groups representing the interests of children and young people such as Every Disabled Child Matters.

Incapacity Benefit

Katy Clark: To ask the Secretary of State for Work and Pensions (1) how many people who were on incapacity benefit and were previously in receipt of invalidity benefit have been transferred to contributions-based employment and support allowance; [130627]

(2) what estimate his Department has made of the number of people who were on incapacity benefit and were previously in receipt of invalidity benefit who will be transferred to contributions-based employment and support allowance by April 2014; [130628]

(3) what assessment he has made of the effect that the payment of income tax on employment and support allowance will have on the incomes of people who have been transferred to that benefit from incapacity benefit and who had previously been in receipt of invalidity benefit. [130629]

Mr Hoban: The Department recently released official statistics on the outcomes of claimants undergoing the incapacity benefits reassessment (IBR) process. The publication can be found at:

http://research.dwp.gov.uk/asd/workingage/index.php?page=esa_ibr

Information on the number of claimants going through IBR who were previously transferred to incapacity benefit from invalidity benefit has not been provided as it would be available only at a disproportionate cost to the Department.

Jobseeker's Allowance

Alison McGovern: To ask the Secretary of State for Work and Pensions pursuant to the answer of 21 January 2011, *Official Report*, columns 1015-16W, on jobseeker's allowance, what the *(a)* jobseeker's allowance claimant count, *(b)* jobseeker's allowance claimant count for people aged 16 to 24 years old, *(c)* average weekly jobseeker's allowance payment and *(d)* average weekly jobseeker's allowance payments to claimants aged 16 to 24 years old was in 2011-12; and what his Department projects such figures to be in (i) 2012-13, (ii) 2013-14 and (iii) 2014-15. [130941]

Mr Hoban: The information requested can be found in the following table:

	2011-12	*2012-13*	*2013-14*	*2014-15*
Claimant count—total	1,523,000	1,607,000	1,559,000	1,436,000
Claimant count—16 to 24-years-old	454,000	423,000	370,000	310,000
Average weekly jobseeker's allowance—total (£)	64.03	66.35	68.73	71.33
Average weekly jobseeker's allowance—16 to 24-years-old (£)	54.86	57.53	58.84	60.23

Sources:

1. 2011-12: DWP statistical data and NOMIS official labour market statistics.
2. 2012-13 onwards: OBR claimant count forecasts published at the March 2012 Budget, combined with DWP projections of caseloads and average amounts by age of claimant, underpinning the OBR's March 2012 fiscal forecasts.

Pension Funds

Gregg McClymont: To ask the Secretary of State for Work and Pensions with reference to the research paper from the Financial Services Authority entitled Conflicts of Interest between Asset Managers and their Customers, published in November 2012, what steps he is taking to ensure that research funding attributed by asset managers to pension scheme funds is not being used to cross-subsidise research for other clients. [130709]

Sajid Javid: I have been asked to reply on behalf of the Treasury.

This is a matter for the Financial Services Authority (FSA), whose day-to-day operations are independent

from government control and influence. This question has been passed on to the FSA, which will reply to the hon. Member directly by letter, A copy of the response will be placed in the Library of the House.

Personal Independence Payment

John Robertson: To ask the Secretary of State for Work and Pensions if he will provide an information service for people preparing to apply for personal independence payments. [130976]

Esther McVey: There will be a range of support available for those applying for personal independence payment. This will include online information at gov.uk, information leaflets and support from a helpline.

We recognise the key role of disability organisations and continue to work to build awareness. We will provide them with information and signposting advice to help them support their customers.

Poverty

Alison McGovern: To ask the Secretary of State for Work and Pensions how many people were in work and in poverty in *(a)* Wirral South constituency, *(b)* Wirral, *(c)* Merseyside, *(d)* the North West and *(e)* the UK in each of the last five years. [130942]

Mr Hoban: Estimates of the number of working age adults in work and the number of working age adults in poverty are published in the Households Below Average Income (HBAI) series. HBAI measures poverty both before housing costs (BHC) and after housing costs (AHC).

The requested information cannot be provided for *(a)* Wirral south *(b)* Wirral or *(c)* Merseyside; as data are not available below regional level. The requested information can be provided for the north west, and for the UK.

Number of working age individuals with at least one adult in the family in work falling below 60% of net equivalised median income, before housing costs (BHC) and after housing costs (AHC), 2006-07 to 2010-11, for the UK and the north west region

Millions

	Number in low income and in work BHC	*Number in low income and in work AHC*
Figures for the UK		
2006-07	2.6	3.8
2007-08	2.8	4.1
2008-09	3.0	4.3
2009-10	2.8	4.1
2010-11	2.8	4.1
Figures for the north west region (3 year averages)		
2004-05 to 2006-07	0.3	0.4
2005-06 to 2007-08	0.3	0.4
2006-07 to 2008-09	0.3	0.4
2007-08 to 2009-10	0.3	0.4
2008-09 to 2010-11	0.3	0.5

Notes:
These statistics are based on households below average income (HBAI) data sourced from the 2009-10 Family Resources Survey (FRS). This uses disposable household income, adjusted using modified OECD equivalisation factors for household size and composition, as an income measure as a proxy for standard of living.
2. Net disposable incomes have been used to answer the question. This includes earnings from employment and self-employment, state support, income from occupational and private pensions, investment income and other sources. Income tax payments, national insurance contributions, council tax/domestic rates and some other payments are deducted from incomes.
3. Figures have been presented on a before housing cost and an after housing cost basis. For before housing costs, housing costs are not deducted from income, while for after housing costs they are.
4. All estimates are based on survey data and are therefore subject to a degree of uncertainty. Small differences should be treated with caution as these will be affected by sampling error and variability in non-response.
5. The reference period for HBAI figures is the financial year.
6. Three survey years have been combined to produce regional estimates because single year estimates are not considered to be sufficiently reliable.
7. Numbers of working-age adults have been rounded to the nearest hundred thousand working-age adults.
Source:
HBAI 2004-05 to 2010-11.

Social Security Benefits

Chris Skidmore: To ask the Secretary of State for Work and Pensions how many *(a)* non-UK nationals and *(b)* all other nationals received benefits in excess of the total benefit cap introduced in 2012 in each financial year since 1997-98; and what the total cost of such benefits was in each year. [130578]

Mr Hoban: This information is not available. Please note that the benefit cap will be introduced in April 2013.

Chris Skidmore: To ask the Secretary of State for Work and Pensions how many people who will be affected by the proposed benefits cap have never worked in the UK. [130579]

Mr Hoban: This information is not available.

Ms Buck: To ask the Secretary of State for Work and Pensions what the reason is for the difference between the Government's impact assessment which states that 56,000 households will be affected by the household

benefit cap and the actual number of 89,000 households contacted by his Department and advised that they may be affected. [131344]

Mr Hoban: The 89,000 households is the total number of households contacted by mail out at three different points in time. In April 2012 initial contact was made with those who would be potentially impacted by the benefit cap in April 2013. This comprised 63,000 households. The exercise was repeated in July 2012 and again in September 2012. Only additional households who were not identified in the initial exercise were then included in this total.

Over time households have changes of circumstances that result in changes to benefit payments, thus a larger number of contacted households reflects these changes. It does not indicate an increase in the number of potentially capped households.

The reason that the number of 89,000 contacted is different from the 56,000 estimated in the impact assessment is that it is a cumulative figure therefore is not comparable to the 56,000, which is a snapshot of the number potentially impacted at one point in time. Figures underpinning the Impact Assessment include adjustments for certain exemptions such as the grace period for employment, that the direct mail was not able to incorporate.

Social Security Benefits: Polygamy

Chris Skidmore: To ask the Secretary of State for Work and Pensions what benefits can currently be claimed by individuals in polygamous marriages; and what the total cost of each benefit to people in such relationships has been in each financial year since 1997. [130571]

Mr Hoban: Claimants in polygamous marriages can claim income-related benefits such as income support, income-based jobseeker's allowance, income-related employment and support allowance, pension credit. In these cases the household are awarded the couple rate for the husband and first wife plus an additional sum for each subsequent wife. These benefits are only payable for wives residing in Great Britain.

Housing benefit and council tax benefit entitlement for polygamous families is limited to those living in one property. There are no special rules for a husband to claim housing benefit for more than one property if his wives live separately.

Contributory benefits make no provision for polygamous marriages. A member of a polygamous marriage can claim a contributory or income-related benefit in their own right where they satisfy the relevant conditions of entitlement.

Information regarding the cost and number of polygamous households is not available.

Work Capability Assessment

Chris Skidmore: To ask the Secretary of State for Work and Pensions how many people in each *(a)* parliamentary constituency and *(b)* Jobcentre Plus area have failed to attend a work capability assessment (WCA) appointment arranged by Atos Healthcare and subsequently had benefits stopped since the introduction of the WCA; and what the median length of time is that such people have been on incapacity benefits. [130575]

Mr Hoban: The information required is not available.

Work Programme

Stephen Timms: To ask the Secretary of State for Work and Pensions (1) with reference to the invitation to tender, whether it is still his policy that five per cent is the appropriate level for year 1 non-intervention performance on the Work programme for *(a)* JSA 18 to 24, *(b)* JSA 25 and over and *(c)* ESA flow; and if he will make a statement; [131166]

(2) whether he now assesses the appropriate levels for year 2 non-intervention performance on the Work programme to be *(a)* 30 per cent for JSA 18 to 24, *(b)* 25 per cent for JSA 25 and over and *(c)* 15 per cent for ESA flow, as set out in the invitation to tender; and if he will make a statement. [131170]

Mr Hoban: We are considering these issues. Performance has built up more slowly than our initial assumptions suggested; this is because participants are building towards job outcomes through multiple periods of shorter term employment. Providers are also taking longer than expected to track and claim outcomes. Our aspiration for the total levels of outcomes to be achieved by providers remains the same.

Stephen Timms: To ask the Secretary of State for Work and Pensions how many incentive payments his Department has made to Work programme providers since June 2011. [131168]

Mr Hoban: The Youth Contract, including wage incentives, went live on April 2012. From this point any young person attached to the Work programme could be placed into work with a wage incentive being offered to the employer.

From late July 2012, in selected 'youth unemployment hotspots', wage incentives became available via Jobcentre Plus to employ eligible 18 to 24-year-olds. In most cases the wage incentives element of the Youth Contract are paid after a young person has been in work continuously for 26 weeks.

Following the collection and quality assurance of this data, the first set of Official Statistics on the wage incentive should be available from early 2013.

Stephen Timms: To ask the Secretary of State for Work and Pensions if he will make it his policy to publish the key performance measures, as defined in the Work programme invitation to tender, alongside future releases of Work programme performance data; and when he next plans to publish such data. [131171]

Mr Hoban: We have committed to publishing outcome statistics on a six monthly basis; the next publication will be on 28 May 2013. The key performance measure can be found in the invitation to tender.

Stephen Timms: To ask the Secretary of State for Work and Pensions what assessment he has made of the reasons why his Department's expectation, set out in the Work programme invitation to tender, that providers will significantly exceed the minimum levels there specified has not been fulfilled. [131213]

Mr Hoban: Performance has built up more slowly than our initial assumptions suggested; this is because participants are building towards job outcomes through multiple periods of shorter term employment. Providers are also taking longer than expected to track and claim outcomes. Our aspiration for the total levels of outcomes to be achieved by providers remains the same.

EDUCATION

Open Access Scheme: Sutton Trust

16. **Mr Burley:** To ask the Secretary of State for Education whether he has made an assessment of the Sutton Trust's Open Access scheme to democratise entry to independent schools; and if he will make a statement. [130886]

Michael Gove: The Sutton Trust is a brilliant organisation. The aims of Open Access are admirable. But our focus must be on transforming all state schools. Through the expansion of the Academies programme and the introduction of free schools, we are increasing the number of good school places—many of them in disadvantaged areas.

Dedicated Schools Grant

17. **George Eustice:** To ask the Secretary of State for Education what assessment he has made of the effect on small primary schools of his Department's recent funding reform of the dedicated schools grant. [130887]

Mr Laws: The current school funding system is unfair and out-of-date. It has resulted in similar schools across the country receiving vastly different levels of funding. We want a system which targets funding to pupils on a fair and transparent basis, regardless of where they go to school. This means that the majority of funding will be based on the needs of pupils and not the size or circumstances of schools.

We recognise that small schools often play an important in local communities and, as we implement our funding reforms, we will ensure that the viability of good, small schools is not compromised.

Early Years Education

19. **Damian Hinds:** To ask the Secretary of State for Education how he plans to improve the quality of early years education. [130890]

Elizabeth Truss: We will soon announce plans to improve the quality of early years education in response to Cathy Nutbrown.

I am clear that the number one factor is recruiting and retaining high quality staff.

All evidence suggests this is what makes an impact on children's development.

Enterprise and Business Skills

21. **Toby Perkins:** To ask the Secretary of State for Education what plans he has to encourage enterprise and business skills through teaching in schools; and if he will make a statement. [130892]

Matthew Hancock: Many schools already engage brilliantly with local enterprise, with students working with, and even setting up, their own business. From September 2013 the new 16 to 19 study programmes and funding reforms will encourage schools to offer all students work-related learning including enterprise projects or work experience. But there is more to do to encourage businesses to engage with local schools and colleges, and we are determined to do it.

Anti-smoking Initiatives

Andrew Stephenson: To ask the Secretary of State for Education what recent assessment his Department has made of anti-smoking initiatives in schools. [130889]

Elizabeth Truss: The Government does not assess anti-smoking initiatives in schools.

Pupils are taught about effect of tobacco on health as part of the National Curriculum for Science. In addition teachers can cover the facts about, and consequences of, smoking in non-statutory Personal, Social, Health and Economic (PSHE) education.

Child Protection

Jenny Chapman: To ask the Secretary of State for Education what plans he has for child protection; and if he will make a statement. [130891]

Mr Timpson: Despite well-intentioned reforms over the years, the current child protection system is not working as well as it could or should be. That is why we are currently undertaking a major reform of child protection based on the widely welcomed Munro Review. We are reducing central prescription on social workers so they can focus more on the needs of the individual child, investing in social work reform so we have the best professionals working with our most vulnerable children and are strengthening local safeguarding children boards and inspection regimes so that we can hold local agencies to account.

Vocational Education

Chris Evans: To ask the Secretary of State for Education what plans he has for vocational education; and if he will make a statement. [130893]

Matthew Hancock: This Government commissioned, and have been implementing, Professor Wolf's ground-breaking review of vocational education. We have already announced major changes to vocational qualifications and their teaching in schools and colleges. The expansion of apprenticeships and technical education is well under way and last week I announced plans for a new traineeship programme. Our reform programme will benefit almost half of young people and transform the quality and status of vocational education.

Children: Day Care

Bridget Phillipson: To ask the Secretary of State for Education pursuant to the answer of 9 November 2012, *Official Report*, column 762W, on children: day care, whether there is a minimum staff:child ratio for children with special educational needs attending formal child care. [130048]

Elizabeth Truss *[holding answer 27 November 2012]:* All registered child care providers are required to abide by minimum staff:child ratios. The ratios vary depending on the age of the children; the type of provider and the qualifications of carers, but apply equally to children with special needs as they do to all other children. However, the law also requires that providers deploy their staff in a way that caters for the needs of all children in their care and ensures their safety. They must also promote equality of opportunity for children in their care, including support for children with special educational needs or disabilities.

Children: Nutrition

Andrew Rosindell: To ask the Secretary of State for Education what steps his Department is taking to promote to children the importance of eating breakfast. [130400]

Elizabeth Truss: I understand the importance of children having a healthy breakfast. However, neither this Department nor schools have any influence or control over the food children and their parents choose to eat at home or outside of the school day. Many schools provide breakfast clubs, which parents and pupils can choose to use if they wish.

Health Education

Karen Lumley: To ask the Secretary of State for Education what plans he has to *(a)* improve awareness of the importance of healthy eating in schools and *(b)* provide more cookery lessons dedicated to healthy eating. [130562]

Elizabeth Truss: The Government believes that it is very important that children and young people learn about the importance of eating healthily and acquire the knowledge that will equip them to prepare healthy meals.

Although teaching about healthy eating does not form part of the compulsory curriculum, schools play an important role in supporting the health and wellbeing of children and young people. Often this is done through personal, social, health and economic (PSHE) education at primary and secondary schools, where, for example, pupils learn about how a balanced diet and making choices for being healthy contribute to their personal well-being. In order to help schools plan health and well-being improvements for their pupils and to select activities which will help, we have developed the Healthy Schools toolkit, which is available at:

http://tinyurl.com/healthyschoolskit

Food technology, within which healthy eating can also be taught, is part of the design and technology curriculum, which is—and will remain—a compulsory national curriculum subject in maintained primary schools. We are currently considering what should be covered within design and technology in the new national curriculum and will make an announcement in due course. Secondary schools are able to choose whether to offer food technology or the study of textiles.

Home Education

Daniel Kawczynski: To ask the Secretary of State for Education what financial support his Department provides to local authorities to support parents who wish to home-school their children. [127529]

Elizabeth Truss *[holding answer 8 November 2012]:* Parents who home educate their children have always taken on the full responsibility for their education. The Department does not provide local authorities with financial support for home educated children except where a child has special educational needs. Where local authorities provide significant support to a home educated child with special educational needs, they can claim funding through the Dedicated Schools Grant.

Daniel Kawczynski: To ask the Secretary of State for Education if he will commission a study into the benefits of home-schooling, including an assessment of experiences of home-schooling in *(a)* Europe and *(b)* the US. [127530]

Elizabeth Truss *[holding answer 8 November 2012]:* The Secretary of State for Education, my right hon. Friend the Member for Surrey Heath (Michael Gove), has no plans to commission a study into the benefits of home education.

Daniel Kawczynski: To ask the Secretary of State for Education what recent representations he has received on home schooling. [127531]

Elizabeth Truss *[holding answer 8 November 2012]:* The Department for Education has received correspondence on home education from home educating parents and children, local authorities, and members of the public.

Outdoor Education

Nic Dakin: To ask the Secretary of State for Education if he will take steps to ensure that secondary school leaders and senior managers recognise the value of, and support the provision of, high-quality fieldwork in *(a)* geography, *(b)* science and *(c)* other practical subjects. [129494]

Elizabeth Truss: The Government recognises the positive contribution that fieldwork can make to the study of geography, science and other practical subjects. However, it is for individual schools to determine how they should use such experiences to enhance the teaching of these subjects.

Nic Dakin: To ask the Secretary of State for Education if he will take steps to ensure that the professional development of future school leaders and senior managers through the National College for School Leadership includes training to support the teaching of high-quality fieldwork in *(a)* geography, *(b)* science and *(c)* other practical subjects. [129495]

Mr Laws: The Department does not set the detailed content of professional development courses. In the case of leadership development, content is determined

by the National college in consultation with high performing school leaders and with reference to evidence on effective school leadership practice.

The National college's leadership development provision is now delivered through a modular curriculum. The aim of the modules is to ensure that leaders have the skills and knowledge to lead a broad and balanced curriculum that responds to pupil needs and national priorities, to constantly improve the quality of teaching and to ensure a safe and orderly environment. The modules include significant content and activities on curriculum leadership and relevant aspects of health and safety (including safeguarding, risk assessment and risk registers). In addition to its leadership development provision the college is working with teaching schools and their alliances to support high quality initial teacher training and continuous professional development for school staff.

Primary Education: School Meals

Andrew Rosindell: To ask the Secretary of State for Education how many primary schools in England and Wales provide optional breakfasts for pupils. [130622]

Elizabeth Truss: Since April 2011, former Standards Fund allocations for extended services have been mainstreamed into the dedicated schools grant, which is the main funding route for all maintained schools. Schools have freedom and flexibility across all their budgets, and can decide what, if any, extended services such as breakfast clubs they wish to provide.

The Department does not collect information on the number of schools which choose to operate a breakfast club.

Pupils: Per Capita Costs

Jeremy Lefroy: To ask the Secretary of State for Education how he plans to improve the system of per pupil funding for schools in England. [130884]

Mr Laws: The current system for funding schools is unfair and out-of-date. In March the Secretary of State announced our intention to introduce a new national funding formula which would redistribute funding on a fair, transparent and pupil-led basis.

It is important that we reform the system at a pace that is manageable for schools and so our intention is to simplify the local funding system from 2013-14 before introducing a national funding formula during the next spending review period.

Science: Education

Andrew Rosindell: To ask the Secretary of State for Education what recent steps his Department has taken to promote the teaching of science in schools. [130385]

Elizabeth Truss: Science education is at the heart of the Government's key education reforms. The review of the National Curriculum aims to ensure that the new primary and secondary curricula will focus on the essential knowledge that pupils need to be taught in science. Details of the draft new primary science programmes of study were published in June 2012 and a formal consultation on both the new primary and secondary science curriculum content will take place in early 2013. The Department is also currently consulting on a new suite of world class qualifications replacing GCSEs in core academic subjects, to be called English Baccalaureate Certificates (EBCs). The first teaching of EBCs in science, mathematics and English will be in 2015 with the first exams taken in 2017. The inclusion of science GCSEs in the English Baccalaureate will also help improve take up of these important subjects.

The Department is continuing to support programmes that aim to promote better science teaching in schools. The national network of science learning centres provides science teachers and technicians with access to high quality professional development opportunities. The Stimulating Physics Network, delivered by the Institute of Physics, aims to support better physics teaching in schools so that more pupils, particularly girls, consider studying physics at A level. The Triple Science Support Programme provides advice and support to those schools that are not currently offering GCSE triple science or that have very few pupils taking studying all three sciences.

The Department is taking action to recruit more specialist science teachers. This includes attracting the best graduates into science teaching through bursaries of up to £20,000. The Department has also teamed up with the Institute of Physics and the Royal Society of Chemistry to offer £20,000 scholarships to the most gifted aspiring physics and chemistry teachers.

Surveys

John McDonnell: To ask the Secretary of State for Education when his Department plans to publish the results of its recent survey of conditions and staff attitudes. [130849]

Elizabeth Truss: The Department for Education is participating in the 2012 Cabinet Office People Survey, which will provide an engagement index score for the Department. In line with Cabinet Office guidelines, the results will be published on the external departmental website by 31 January 2013. In addition, the Cabinet Office will publish the results on their own website

www.data.gov.uk

on 1 February 2013.

Teachers: Standards

Rehman Chishti: To ask the Secretary of State for Education how he plans to reward good teachers and remove bad teachers from the classroom. [130888]

Mr Laws: The Government has made it easier for schools to tackle underperformance with new appraisal and capacity arrangements. I have also asked the School Teachers' Review Body to make recommendations on how teachers pay could be more effectively linked to performance.

Tees Valley

Tom Blenkinsop: To ask the Secretary of State for Education what assessment he has made of the effect on the Tees Valley's sub-regional labour market of the proposed closure of his Department's regional offices. [130489]

Elizabeth Truss *[holding answer 26 November 2012]:* While the Department will leave the Mowden Hall site in Darlington, it has committed to retaining an office in the North East. We are exploring options for where this will be located and will consider the implications on labour markets as part of that process.

JUSTICE

Community Orders

Mr Ruffley: To ask the Secretary of State for Justice what the cost to his Department was of community sentences for those aged *(a)* under 18 and *(b)* over 18-years-old in each of the last four years; and if he will make a statement. [130566]

Jeremy Wright: The information is as follows.

(a) Local authorities have a statutory duty to deliver youth justice services through youth offending teams (YOTs). The Ministry of Justice contributes to these costs by funding the Youth Justice Board which makes youth justice grants to YOTs. This contribution represents around a third of YOT costs. The Ministry of Justice's contribution to the youth justice grant over the last four years is:

	£ million
2012-13	101
2011-12	101
2010-11	107
2009-10	109

This funding covers all youth justice costs of which the delivery of community sentences is part. YOTs do not record the specific cost of community sentences within their reporting to the Youth Justice Board so this information is not available centrally.

The National Offender Management Service (NOMS) spent almost £4 million on Attendance Centres which can be a requirement of a community or suspended sentence order. These costs cover those aged under 18 years and adults.

(b) In 2011-12 the fully apportioned spend through Probation Trust budgets on Community Orders or Suspended Sentence Orders for those aged 18 years and over was £437 million. In addition, NOMS spent £47 million on electronic monitoring of curfew requirements.

This excludes central NOMS overheads and costs to other Government Departments, such as drug, alcohol and mental health treatment.

These data have been supplied by the National Offender Management Service (NOMS). 2011-12 is the first year for which the spend through Probation Trust budgets can be broken down to provide a cost for Community Orders or Suspended Sentence Orders.

Mr Ruffley: To ask the Secretary of State for Justice how many people sentenced to community payback in each of the last four years were *(a)* under 18, *(b)* 18 to 30, *(c)* 30 to 45 and *(d)* over 60-years-old. [130695]

Jeremy Wright: The following table shows the number of unpaid work requirements commenced under Community Orders, Suspended Sentence Orders and Youth Rehabilitation Orders from 2008 to 2011 (latest full year available).

Number of unpaid work requirements commenced under Community Orders, Suspended Sentence Orders and Youth Rehabilitation Orders[1], by age, 2008 to 2011, England and Wales

Age	*2008*	*2009*	*2010*	*2011*
Under 18	0	0	1,701	2,867
18 to 29	60,404	62,590	61,156	57,076
30 to 44	27,777	28,411	28,622	27,973
45 to 59	7,600	8,426	8,946	9,396
60 and over	647	760	821	846
All	96,428	100,187	101,246	98,158

[1] The Youth Rehabilitation Order was introduced in the Criminal Justice and Immigration Act 2008 and implemented on 30 November 2009. Data were collected from 2010 onwards.

These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Mr Ruffley: To ask the Secretary of State for Justice how many people who have been placed on the community payback scheme have not completed their scheme in each year since the inception of the scheme, by probation trust. [130696]

Jeremy Wright: The following table shows the number of unpaid work requirements terminated without successful completion under community orders, suspended sentence orders and youth rehabilitation orders by probation trusts from 2005 to 2011 (latest full year available). Requirements may be terminated without reaching their successful completion due to a variety of reasons, including failure to comply with conditions, further offences being committed, or for other more 'neutral' reasons such as a change in the offender's circumstances or the death of the offender.

These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Number of unpaid work requirements terminated without successful completion under community orders, suspended sentence orders and youth rehabilitation orders[1], by probation trust, 2005 to 2011, England and Wales

	2005[2]	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*
Avon and Somerset	33	350	524	668	582	653	855

Number of unpaid work requirements terminated without successful completion under community orders, suspended sentence orders and youth rehabilitation orders[1], by probation trust, 2005 to 2011, England and Wales

	2005[2]	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*
Bedfordshire	15	153	221	272	289	329	266
Cambridgeshire	15	162	291	487	452	431	515
Cheshire	25	205	537	570	515	433	461
Durham Tees Valley	55	348	718	912	744	512	583
Cumbria	24	219	346	385	326	304	302
Derbyshire	20	262	449	495	472	493	499
Devon and Cornwall	70	375	542	461	531	480	434
Dorset	4	153	330	291	210	215	203
Essex	30	305	698	830	742	919	928
Gloucestershire	15	101	171	235	243	199	180
Hampshire	88	498	868	846	706	810	794
West Mercia	25	242	396	458	493	467	473
Hertfordshire	30	240	348	395	394	373	328
Humberside	61	339	559	571	504	480	547
Kent	54	414	732	875	838	948	913
Lancashire	60	617	1,178	1,264	1,046	1,069	1,077
Leicestershire	36	303	521	517	419	462	448
Lincolnshire	20	172	353	333	303	280	295
Greater Manchester	164	1,237	2,289	2,202	2,006	1,958	1,837
Merseyside	57	484	876	423	646	834	748
Norfolk and Suffolk	52	423	718	724	735	815	735
Northamptonshire	14	98	258	243	281	282	323
Northumbria	49	448	794	969	957	932	887
Nottinghamshire	80	494	678	641	593	561	727
Thames Valley	10	352	689	993	1,010	965	977
Staffordshire and West Midlands	97	855	1,792	2,013	2,566	2,406	2,236
Surrey and Sussex	47	460	720	926	928	927	841
Warwickshire	10	112	210	272	251	239	223
Wiltshire	12	129	232	266	237	249	253
North Yorkshire	42	267	383	357	385	375	353
South Yorkshire	67	499	766	824	889	891	868
West Yorkshire	114	860	1,401	1,346	1,418	1,569	1,654
Wales	116	969	1,672	1,817	1,677	1,689	1,757
London	171	1,589	2,890	3,647	3,996	4,241	4,175

[1] The Youth Rehabilitation Order was introduced in the Criminal Justice and Immigration Act 2008 and implemented on 30 November 2009. Data were collected from 2010 onwards.
[2] These orders were introduced for offences committed after 4 April 2005.

Criminal Injuries Compensation: Northern Ireland

Lady Hermon: To ask the Secretary of State for Justice if he will list the meetings where he discussed with the Northern Ireland Justice Minister the recent reforms to the Criminal Compensation Scheme; and if he will make a statement. [130994]

Mrs Grant: Ministers have not met with the Northern Ireland Justice Minister about the recent reforms to the Criminal Injuries Compensation Scheme. However, there has been correspondence with the First Minister and Deputy First Minister of Northern Ireland regarding reforms to the scheme.

The then Secretary of State for Justice first wrote in January 2012, at the time that the consultation document "Getting it Right for Victims and Witnesses" was published, to set out the Government's proposals for reform. He wrote again in May 2012, once the consultation responses had been considered, setting out the Government's plans for reforms to the Criminal Injuries Compensation Scheme 2012 and the Victims of Overseas Terrorism Scheme 2012.

Drugs: Misuse

Nick de Bois: To ask the Secretary of State for Justice pursuant to the answer of 30 October 2012, *Official Report*, column 125W, on drugs: misuse, if he will take steps to universally define the term drug dealer in *(a)* his Department and *(b)* its associated public bodies; and if he will make a statement. [131221]

Jeremy Wright: There are no plans for the Ministry of Justice or its arm's length bodies to provide a universal definition for the term 'drug-dealer'. While there is not a statutory definition, there is a common understanding of what constitutes drug-dealing, informed by the offences in the Misuse of Drugs Act 1971 and associated legislation. As drug dealing is considered to be a form of drug supply, I consider that the statutory provisions in place are adequate.

Grants

Margaret Curran: To ask the Secretary of State for Justice what grant-giving programmes are operated by *(a)* his Department and *(b)* the bodies for which he is responsible; and which such programmes award grants in Scotland. [129148]

Mrs Grant: During the financial year 2011-12, the following grant giving programmes were operated by the Ministry of Justice and other bodies for which the Secretary of State for Justice is responsible. Where these programmes award grants which affect Scotland, this has been noted.

Business area	*Name and purpose of programme(s)*	*Does the programme award grants in Scotland?*
Ministry of Justice Headquarters	Victims & Witnesses General Fund—Providing support to victims and witnesses of crime	No
	Rape Support Fund—Providing direct, specialist support to victims of rape and other forms of sexual assault, including both recent and historic abuse	No
	Homicide Fund—Providing support for families bereaved by homicide	No
	Victim Support—Grant in aid	No
	Independent Domestic Violence Advisers	No
	Reducing Reoffending Voluntary Sector Infrastructure funding—Supporting the existence of a collaborative, accountable and effective national infrastructure representing and supporting diverse frontline voluntary and community organisations and social enterprises working to reduce youth and adult reoffending	No
	Telephone advice and supporting services for International Child Abduction and International Contact	No
	Supporting self represented parties within the court system	No
	Supporting pro bono work	No
	Funding for National Debt Line	Yes. 5% of total funding for National Debt Line supports services in Scotland
	Strengthening the rule of law internationally—Supporting the John Smith Memorial Trust Fellowship Programme	No[1]
National Offender Management Service (NOMS)	NOMS Reducing Reoffending Voluntary Sector Grant Funding—Grant funding to build voluntary sector capacity, capability and infrastructure to reduce reoffending and support delivery of programmes to offenders	No
Youth Justice Board for England and Wales (YJB)	Youth Justice Grant—Principal funding path from YJB to Youth Offending Teams (YOTs)	No
	Resettlement Consortia—A number of programmes with grants paid to small number of YOTs, and other organisations, taking part in bespoke work to deliver projects supporting the resettlement of young people into the community following custodial sentences	No
	Restorative Justice Training—Paid to all YOTs to help fund training of two individuals within each YOT who will then train colleagues on aspects of Restorative Justice	No
	Intensive Fostering—This is a grant paid to a small number of YOTs who runs schemes to provide placements for young people with foster carers. These carers who have been trained in the Multi Dimensional Treatment Foster Care Model. Intensive fostering is offered as part of a supervision order	No
	Pathfinder—This is a bespoke grant to small groups of YOTs who are working on Pathfinder pilots to look at reducing the use of custody within their area	No
	Academy Development—A grant is paid to an organisation and is used to develop academies for dance-led interventions with young offenders and young people at risk. This programme supports the work that the YJB is carrying out to engage disadvantaged young people and reduce their offending and risk of offending, particularly those engaged in knife and gang culture	No
Legal Services Commission (LSC)	Community Legal Service Grants—Core funding supporting the development of the legal advice provider base	No
	Training Contract Grants—Funding to support the recruitment and retention of the next generation of legal aid lawyers	No

[1] MOJ part funds the John Smith Memorial Trust's Fellowship Programme for Fellows representing the Commonwealth of Independent States (CIS). The John Smith Fellowship Programme is an intensive, annual three-week programme, the focus of which is good governance, social justice and rule of law. It is aimed at the next generation of leaders from Armenia, Azerbaijan, Georgia, Kyrgyzstan, Moldova, Russia and Ukraine—young people working in politics, local government or civil society with an established interest in promoting democratic reform. Those who complete the programme are known as 'Fellows'.
The Fellows spend a week of the programme in Scotland, so a proportion of the award that the John Smith Memorial Trust receives from both Government and the private sector to run this programme is spent on a range of goods and services provided during that week. These goods and services include venue hire and hotel accommodation.

Prisoners: Repatriation

Gareth Johnson: To ask the Secretary of State for Justice what assessment he has made of how many other EU member states are ready to implement the EU Prisoner Transfer Agreement; and by what date each member state not ready to do so expects to complete its preparations to implement the agreement. [130707]

Jeremy Wright: We are aware that 11 member states other than the UK, have already implemented the EU PTA. The remaining member states are expected to implement by 2014. Further information is available on the Council of the European Union's website.

Prisons: Drugs

Andrew Griffiths: To ask the Secretary of State for Justice what recent estimate he has made of the level of illegal drug use in prisons; and what steps he has taken to reduce this figure. [130784]

Jeremy Wright: Estimating the extent of a covert activity such as drug use in prisons is by nature very difficult. One measure is the proportion of prisoners testing positive under the random mandatory drug testing programme. In 2011-12, 7% of prisoners tested were positive, down from 24.4% in 1996-97.

NOMS has a comprehensive range of measures to tackle drugs. These include drug detection dogs, procedures to tackle visitors who seek to smuggle drugs and phones into prisons, and mobile phone detection technology. NOMS is also increasing the number of drug free wings in prisons, rolling out a networked IT intelligence system and providing prisons with short range mobile phone blockers which will help prisons prevent prisoners using mobile phones, which is often associated with drug supply.

Andrew Griffiths: To ask the Secretary of State for Justice how many searches for narcotics among the prison population resulted in finds of *(a)* heroin and *(b)* needles used for drug taking in each of the last 10 years; and how many people serving a custodial sentence tested positive for heroin use in each such year. [130788]

Jeremy Wright: The following table shows the number of seizures of heroin in prisons across England and Wales for the period 1 January to 31 December in each year requested.

	Seizures
2002	1,365
2003	1,237
2004	1,391
2005	1,332
2006	1,283
2007	1,152
2008	820
2009	696
2010	474
2011	330
2012 (12 October)	208
Total	10,288

The following table shows the number of needles found used for drug taking in prisons across England and Wales for the period 1 January to 31 December in each year requested.

	Authentic needles	*Improvised needles*
2002	32	0
2003	43	1
2004	52	1
2005	64	1
2006	87	0
2007	96	4
2008	73	1
2009	117	1
2010	112	1
2011	148	1
2012 (12 October)	122	2
Total	946	13

The following table shows the number of positive tests for opiates in prison across England and Wales for the period 1 January to 31 December in each year requested. It is important to note that the number of tests does not equal the number of prisoners tested positive as some prisoners may be tested more than once.

NOMS tests for opiates abuse include heroin within all opiates. It is not possible to disaggregate the figure to identify heroin alone.

	Number of positive opiates tests
2011	2,040
2010	3,442
2009	4,965
2008	5,836
2007	7,284
2006	6,308
2005	6,266
2004	5,579
2003	4,247
2002	4,936
Total	50,903

All figures have been drawn from live administrative data systems which may be amended at any time. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system. The data are not subject to audit.

Prisons: Drugs and Alcoholic Drinks

Andrew Griffiths: To ask the Secretary of State for Justice (1) what estimate he has made of the number of prisoners addicted to *(a)* heroin and *(b)* alcohol in each prison; [130633]

(2) how many people serving a custodial sentence died of an overdose of heroin while in prison in each of the last 10 years; [130786]

(3) how many people serving a custodial sentence participated in *(a)* maintenance-based and *(b)* abstinence-based drug treatment programmes in each of the last 10 years. [130787]

Anna Soubry: I have been asked to reply on behalf of the Department of Health.

No recent estimate has been made by the Department on the number of prisoners addicted to heroin or alcohol as a nationwide total or by prison. However, further analysis of data from the Office for National Statistics (ONS) survey of psychiatric morbidity among prisoners in England and Wales carried out for the Department in 1997 showed that, in the year before prison, 29% of male remand prisoners and 21% of male sentenced prisoners reported heroin use. The ONS data showed 41% of female remand prisoners and 26% of female sentenced prisoners reported heroin use.

ONS data also showed that in the 12 months before coming into prison, 30% of male sentenced prisoners and 30% of male remand prisoners reported alcohol dependency. For female prisoners, 20% of sentenced prisoners and 19% of female remand prisoners reported alcohol dependency. Alcohol dependency was measured by ONS as a score of 16 or more on the Alcohol Use Disorders Identification Test.

Data is not collected by the Department about the number of people serving custodial sentences who died from a heroin overdose while in prison.

Data is available on the number of clinical interventions for opioid dependence since 2001 in prisons and is shown in the following table. It is only possible to

disaggregate maintenance prescriptions from detoxifications since 2007-08 and caution should be shown when using this data because it refers to the total number of clinical interventions, not the number of prisoners receiving these treatments. Individual prisoners may receive more than one clinical intervention in any given year.

Number of clinical interventions for opioid (heroin) dependence among prisoners in England between 2001-02 and 2011-12: Maintenance-based prescription and abstinence-based detoxification programmes, male and female all ages

	Total number of in-year maintenance prescriptions	*Total number of individual in-year detoxification treatments provided*	*Aggregate number of In-year clinical drug interventions*
2011-12	33,198	31,718	64,916
2010-11	30,650	30,459	61,109
2009-10	23,744	36,323	60,067
2008-09	19,632	45,135	64.767
2007-08	12,518	46,291	58,809
2006-07	—	—	51,520
2005-06	—	—	53,773
2004-05	—	—	53,903
2003-04	—	—	57,891
2002-03	—	—	50,701
2001-02	—	—	41,765

Source:
National Offender Management Service

Public Expenditure

Sadiq Khan: To ask the Secretary of State for Justice how much funding from the Treasury Reserve his Department received in *(a)* 2010-11 and *(b)* 2011-12. [131285]

Jeremy Wright: The Department received funding of £193.4 million in 2010-11 and £286.0 million in 2011-12 from the Treasury Reserve.

Re-offenders

Mr Ruffley: To ask the Secretary of State for Justice how many and what proportion of people given *(a)* community and *(b)* custodial sentences reoffended in each of the last four years by police force area. [130694]

Jeremy Wright: This question has been answered using the Ministry of Justice's published proven re-offending statistics for England and Wales, broken down further by police force area. These statistics are published on a quarterly basis and the latest bulletin, for the period January to December 2010, was published on 25 October 2012.

The tables show the number of adult offenders in England and Wales who were released from custody or commenced a court order, by police force area, in each year from 2007 to 2010; and the proportion that committed a proven re-offence within a one year follow-up period (i.e. the one year proven re-offending rate).

Please note that 2010 is the latest full calendar year for which data are available.

A proven re-offence is defined as any offence committed in a one year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow-up. Following this one year period, a further six month waiting period is allowed for cases to progress through the courts.

Proven re-offending rates by sentence type should not be compared to assess their effectiveness as there is no control for known differences in offender characteristics.

Please note that proven re-offending statistics are available from the Ministry of Justice website at:

www.justice.gov.uk/statistics/reoffending/proven-re-offending

Number of adult offenders in England and Wales who were released from custody or commenced a court order, by police force area, in each year from 2007 to 2010; and the proportion that committed a proven re-offence within a one year follow-up period

	2007			*2008*		
Police Force Area[1]	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*
Court Order[3]						
Avon and Somerset	2,741	988	36.0	3,046	1,120	36.8
Bedfordshire	1,168	393	33.6	1,266	390	30.8
Cambridgeshire	1,920	665	34.6	1,963	681	34.7
Cheshire	2,888	894	31.0	2,886	911	31.6
City of London	214	63	29.4	250	90	36.0
Cleveland	2,328	1,062	45.6	2,529	1,176	46.5
Cumbria	1,639	623	38.0	1,720	664	38.6
Derbyshire	2,664	867	32.5	2,994	889	29.7
Devon and Cornwall	2,633	940	35.7	2,654	922	34.7
Dorset	1,377	474	34.4	1,508	487	32.3
Durham	1,982	785	39.6	2,040	782	38.3
Dyfed-Powys	1,124	397	35.3	1,046	380	36.3
Essex	4,118	1,331	32.3	3,891	1,298	33.4
Gloucestershire	1,125	415	36.9	1,257	525	41.8
Greater Manchester	9,262	3,308	35.7	9,088	3,185	35.0
Gwent	1,638	617	37.7	1,606	580	36.1
Hampshire	4,527	1,461	32.3	4,830	1,645	34.1
Hertfordshire	2,427	732	30.2	2,466	808	32.8
Humberside	2,725	1,000	36.7	2,826	1,044	36.9
Kent	3,637	1,168	32.1	3,766	1,282	34.0
Lancashire	4,799	1,889	39.4	4,907	1,868	38.1
Leicestershire	2,754	842	30.6	2,652	784	29.6

Number of adult offenders in England and Wales who were released from custody or commenced a court order, by police force area, in each year from 2007 to 2010; and the proportion that committed a proven re-offence within a one year follow-up period

	2007			*2008*		
Police Force Area[1]	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*
Lincolnshire	1,376	499	36.3	1,482	559	37.7
Merseyside	4,450	1,433	32.2	4,629	1,636	35.3
Metropolitan Police	16,281	5,679	34.9	17,263	6,050	35.0
Norfolk	1,851	690	37.3	1,845	681	36.9
North Wales	1,981	688	34.7	2,069	742	35.9
North Yorkshire	1,924	683	35.5	1,997	744	37.3
Northamptonshire	1,566	478	30.5	1,573	518	32.9
Northumbria	4,532	2,129	47.0	4,694	2,172	46.3
Nottinghamshire	3,488	1,366	39.2	3,424	1,249	36.5
South Wales	4,237	1,623	38.3	4,622	1,749	37.8
South Yorkshire	4,271	1,707	40.0	4,385	1,593	36.3
Staffordshire	2,764	953	34.5	2,759	860	31.2
Suffolk	1,423	464	32.6	1,465	508	34.7
Surrey	1,589	503	31.7	1,649	529	32.1
Sussex	3,458	1,153	33.3	3,401	1,109	32.6
Thames Valley	4,113	1,416	34.4	4,124	1,450	35.2
Warwickshire	1,175	397	33.8	1,153	404	35.0
West Mercia	2,640	993	37.6	2,552	925	36.2
West Midlands	8,907	3,185	35.8	8,383	2,950	35.2
West Yorkshire	6,828	2,731	40.0	6,711	2,588	38.6
Wiltshire	1,100	354	32.2	1,131	378	33.4
British Transport Police	908	363	40.0	1,109	421	38.0
Total	140,552	50,401	35.9	143,611	51,326	35.7
Custody						
Avon and Somerset	1,424	805	56.5	1,552	822	53.0
Bedfordshire	600	265	44.2	628	284	45.2
Cambridgeshire	726	344	47.4	826	424	51.3
Cheshire	1,234	608	49.3	1,274	647	50.8
City of London	166	70	42.2	186	73	39.2
Cleveland	916	487	53.2	939	534	56.9
Cumbria	615	331	53.8	649	356	54.9
Derbyshire	1,199	541	45.1	1,379	658	47.7
Devon and Cornwall	1,133	551	48.6	1,234	676	54.8
Dorset	639	306	47.9	599	301	50.3
Durham	585	330	56.4	623	337	54.1
Dyfed-Powys	327	152	46.5	333	159	47.7
Essex	1,633	788	48.3	1,760	896	50.9
Gloucestershire	375	182	48.5	453	242	53.4
Greater Manchester	3,986	1,898	47.6	4,289	2,076	48.4
Gwent	565	281	49.7	593	289	48.7
Hampshire	1,729	799	46.2	1,903	880	46.2
Hertfordshire	834	403	48.3	772	370	47.9
Humberside	1,395	729	52.3	1,515	731	48.3
Kent	1,409	615	43.6	1,536	699	45.5
Lancashire	1,750	843	48.2	1,789	845	47.2
Leicestershire	957	428	44.7	1,027	489	47.6
Lincolnshire	473	249	52.6	532	237	44.5
Merseyside	2,194	1,059	48.3	2,344	1,101	47.0
Metropolitan Police	8,625	4,056	47.0	9,768	4,637	47.5
Norfolk	781	370	47.4	862	398	46.2
North Wales	820	372	45.4	873	444	50.9
North Yorkshire	670	352	52.5	699	364	52.1
Northamptonshire	758	336	44.3	876	371	42.4
Northumbria	1,329	739	55.6	1,453	849	58.4
Nottinghamshire	1,370	710	51.8	1,380	707	51.2
South Wales	1,762	909	51.6	2,004	1,060	52.9
South Yorkshire	1,973	1,007	51.0	2,260	1,103	48.8

Number of adult offenders in England and Wales who were released from custody or commenced a court order, by police force area, in each year from 2007 to 2010; and the proportion that committed a proven re-offence within a one year follow-up period

	2007			*2008*		
Police Force Area[1]	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*
Staffordshire	1,276	571	44.7	1,453	670	46.1
Suffolk	606	304	50.2	604	299	49.5
Surrey	581	282	48.5	614	294	47.9
Sussex	1,374	662	48.2	1,478	676	45.7
Thames Valley	1,732	857	49.5	1,887	888	47.1
Warwickshire	378	159	42.1	409	186	45.5
West Mercia	1,015	493	48.6	1,097	511	46.6
West Midlands	4,548	2,353	51.7	4,791	2,504	52.3
West Yorkshire	2,815	1,422	50.5	2,883	1,433	49.7
Wiltshire	313	136	43.5	353	170	48.2
British Transport Police	491	264	53.8	572	301	52.6
Total	60,081	29,418	49.0	65,051	31,991	49.2

	2009			*2010*		
Police Force Area[1]	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*
Court Order[3]						
Avon and Somerset	3,334	1,170	35.1	3,467	1,197	34.5
Bedfordshire	1,328	374	28.2	1,300	373	28.7
Cambridgeshire	1,863	648	34.8	2,017	705	35.0
Cheshire	2,960	908	30.7	2,871	870	30.3
City of London	206	68	33.0	204	59	28.9
Cleveland	2,643	1,167	44.2	2,494	1,165	46.7
Cumbria	1,480	536	36.2	1,502	527	35.1
Derbyshire	2,894	827	28.6	2,714	797	29.4
Devon and Cornwall	2,717	912	33.6	2,590	857	33.1
Dorset	1,470	503	34.2	1,359	433	31.9
Durham	1,981	784	39.6	2,034	890	43.8
Dyfed-Powys	1,164	424	36.4	1,119	417	37.3
Essex	4,354	1,381	31.7	4,080	1,350	33.1
Gloucestershire	1,184	453	38.3	1,106	355	32.1
Greater Manchester	9,185	3,123	34.0	9,880	3,292	33.3
Gwent	1,593	585	36.7	1,513	544	36.0
Hampshire	4,544	1,539	33.9	4,860	1,618	33.3
Hertfordshire	2,444	833	34.1	2,580	823	31.9
Humberside	2,866	1,055	36.8	2,923	991	33.9
Kent	3,946	1,318	33.4	3,841	1,301	33.9
Lancashire	5,001	1,947	38.9	5,070	1,957	38.6
Leicestershire	2,486	749	30.1	2,466	768	31.1
Lincolnshire	1,477	479	32.4	1,437	483	33.6
Merseyside	4,471	1,522	34.0	4,178	1,471	35.2
Metropolitan Police	18,237	6,196	34.0	17,581	5,821	33.1
Norfolk	1,871	680	36.3	1,927	679	35.2
North Wales	2,201	776	35.3	2,225	749	33.7
North Yorkshire	2,258	794	35.2	2,076	757	36.5
Northamptonshire	1,602	489	30.5	1,756	513	29.2
Northumbria	4,991	2,172	43.5	4,695	2,027	43.2
Nottinghamshire	3,528	1,270	36.0	3,649	1,300	35.6
South Wales	4,717	1,753	37.2	4,859	1,756	36.1
South Yorkshire	4,548	1,576	34.7	4,500	1,594	35.4
Staffordshire	2,823	776	27.5	2,986	831	27.8
Suffolk	1,534	544	35.5	1,390	505	36.3
Surrey	1,769	552	31.2	1,542	483	31.3
Sussex	3,421	1,154	33.7	3,496	1,108	31.7
Thames Valley	3,757	1,260	33.5	4,009	1,331	33.2
Warwickshire	1,235	375	30.4	1,094	302	27.6
West Mercia	2,716	933	34.4	2,569	932	36.3

	2009			2010		
Police Force Area[1]	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*	*No. of offenders in cohort*[2]	*No. of re-offenders*	*Proportion of offenders who re-offend (%)*
West Midlands	8,753	2,736	31.3	7,709	2,275	29.5
West Yorkshire	7,357	2,554	34.7	7,459	2,610	35.0
Wiltshire	1,123	388	34.6	1,094	373	34.1
British Transport Police	1,266	473	37.4	1,238	447	36.1
Total	147,298	50,756	34.5	145,459	49,636	34.1
Custody						
Avon and Somerset	1,429	728	50.9	1,311	690	52.6
Bedfordshire	658	289	43.9	577	258	44.7
Cambridgeshire	850	421	49.5	830	407	49.0
Cheshire	1,238	620	50.1	1,104	532	48.2
City of London	157	66	42.0	173	74	42.8
Cleveland	900	485	53.9	763	436	57.1
Cumbria	696	340	48.9	560	297	53.0
Derbyshire	1,239	556	44.9	1,105	508	46.0
Devon and Cornwall	1,341	615	45.9	1,192	571	47.9
Dorset	648	300	46.3	544	254	46.7
Durham	576	311	54.0	584	320	54.8
Dyfed-Powys	381	167	43.8	341	161	47.2
Essex	1,733	815	47.0	1,407	685	48.7
Gloucestershire	489	231	47.2	385	186	48.3
Greater Manchester	4,021	1,826	45.4	3,498	1,620	46.3
Gwent	648	312	48.1	583	298	51.1
Hampshire	1,747	850	48.7	1,670	821	49.2
Hertfordshire	846	384	45.4	760	355	46.7
Humberside	1,406	710	50.5	1,218	676	55.5
Kent	1,536	695	45.2	1,370	619	45.2
Lancashire	1,647	768	46.6	1,566	744	47.5
Leicestershire	994	443	44.6	858	380	44.3
Lincolnshire	589	223	37.9	522	227	43.5
Merseyside	2,036	922	45.3	1,751	863	49.3
Metropolitan Police	10,006	4,564	45.6	8,652	3,931	45.4
Norfolk	873	404	46.3	668	334	50.0
North Wales	963	484	50.3	873	406	46.5
North Yorkshire	731	345	47.2	672	349	51.9
Northamptonshire	907	368	40.6	914	374	40.9
Northumbria	1,370	775	56.6	1,224	692	56.5
Nottinghamshire	1,412	702	49.7	1,343	674	50.2
South Wales	2,150	1,106	51.4	1,990	1,064	53.5
South Yorkshire	2,028	953	47.0	1,651	763	46.2
Staffordshire	1,398	593	42.4	1,292	546	42.3
Suffolk	628	279	44.4	524	260	49.6
Surrey	604	261	43.2	608	272	44.7
Sussex	1,370	632	46.1	1,324	561	42.4
Thames Valley	1,839	855	46.5	1,663	787	47.3
Warwickshire	406	187	46.1	360	153	42.5
West Mercia	1,017	466	45.8	922	419	45.4
West Midlands	4,577	2,087	45.6	3,517	1,599	45.5
West Yorkshire	2,714	1,234	45.5	2,464	1,139	46.2
Wiltshire	341	147	43.1	294	126	42.9
British Transport Police	693	338	48.8	657	309	47.0
Total	63,832	29,857	46.8	56,284	26,740	47.5

[1] The Police Force Area relates to the police force that recorded the offence which lead to an offender's inclusion in the offender cohort (i.e. the group of offenders for which re-offending is being measured).
[2] This does not represent all offenders—offenders who were released from custody or commenced a court order are matched to the police national computer database and a certain proportion of these offenders who cannot be matched are excluded from the offender cohort.
[3] Court Orders include Community Orders and Suspended Sentence Orders which were introduced in the Criminal Justice Act 2003 and came into force in April 2005.

Repossession Orders: Suffolk

Mr Ruffley: To ask the Secretary of State for Justice how many court orders have been issued for the repossession of homes in *(a)* Bury St Edmunds constituency and *(b)* Suffolk county council area in each of the last five years. [130320]

Mrs Grant: The table shows the numbers of claims leading to orders being made for the repossession of property by mortgage lenders and landlords in *(a)* Bury St Edmunds constituency and *(b)* Suffolk county between 2007 and 2012. The Ministry of Justice does not hold information at the local level on the total numbers of repossessions of property (including where keys are handed back voluntarily).

These figures represent the numbers of claims leading to orders being made. This is more accurate than the number of orders, removing the double-counting of instances where a single claim leads to more than one order. It is also a more meaningful measure of the number of home owners who are subject to court repossession actions.

These figures do not indicate how many properties have actually been repossessed. Repossessions can occur without a court order, such as where borrowers hand the keys back to the lender. Also, not all possession orders result in repossession. Many orders are suspended and if the borrower complies with the repayment arrangements set out in the suspended order the property will not be repossessed.

The most recent data for claims leading to orders figures for all regions and local authority areas in England and Wales were recently published on 8 November 2012. This statistical bulletin is available from the Ministry of Justice website at:

http://www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm

In addition, statistics on mortgage and landlord possession claims leading to orders made in the county courts of England and Wales, 2000-11—breakdown by parliamentary constituencies is available in the House of Commons Library.

Number of mortgage[1] and landlord[2, 3] possession claims leading to orders made[4, 5, 6] for properties in (a) Bury St Edmunds constituency[7, 8, 9] and (b) Suffolk county council, 2007-11

Number

	Mortgage possession claims leading to an order made		*Landlord possession claims leading to an order made*	
	Bury St Edmunds constituency	*Suffolk county council*	*Bury St Edmunds constituency*	*Suffolk county council*
2007	65	700	100	820
2008	105	925	150	890
2009	70	700	145	1,095
2010	55	545	130	890
2011	65	525	140	1,110

[1] Includes all types of mortgage lenders.
[2] Includes all types of landlord whether social or private.
[3] Landlord actions include those made under both standard and accelerated procedures. Landlord actions via the accelerated procedure enables the orders to be made solely on the basis of written evidence for shorthold tenancies, when the fixed period of tenancy has come to an end.
[4] The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period.
[5] The court, following a judicial decision, may grant an order for possession immediately. This entitles the claimant to apply for a warrant to have the defendant evicted. However, even where a warrant for possession is issued, the parties can still negotiate a compromise to prevent eviction.
[6] Includes outright and suspended orders, the latter being where the court grants the claimant possession but suspends the operation of the order. Provided the defendant complies with the terms of suspension, which usually require the defendant to pay the current mortgage or rent instalments plus some of the accrued arrears, the possession order cannot be enforced.
[7] Due to constituency boundary changes after 6 May 2012 UK parliamentary general election, the figures prior to 2010 Q1 (January to March) are based on the old boundaries.
[8] All figures are rounded to the nearest 5.
[9] All 2011 figures for Bury St Edmunds are provisional.
Source:
Ministry of Justice.

Working Hours: EU Law

Andrea Leadsom: To ask the Secretary of State for Justice how many narrative verdicts by coroners have found the European Working Time Directive to be contributing to the cause of death. [131220]

Mrs Grant: The Ministry of Justice publishes annual statistics on the work of coroners in England and Wales, including inquest verdicts returned by coroners. Although this includes the number of narrative verdicts, details of individual verdicts are not always provided or are not provided in sufficient detail to determine how many find the European working time directive to be contributing to the cause of death.

ORAL ANSWERS

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WRITTEN MINISTERIAL STATEMENTS

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