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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 23 January 2015**



# House of Commons

*Friday 23 January 2015*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

9.34 am

**Mr Dominic Grieve** (Beaconsfield) (Con): On a point of order, Mr Speaker. I am mindful of the fact that my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) yesterday raised the point that the Report stage of the Local Government (Review of Decisions) Bill had been scheduled ahead of the HS2 Funding Referendum Bill this morning. You will not be surprised to learn that I wish to participate in the debate on the HS2 Funding Referendum Bill of my hon. Friend the Member for Christchurch (Mr Chope). I fully understand why the Report stage of the other Bill should come in first, but does this not highlight the fact that we ought to find a better way for our Standing Orders to operate? The HS2 Funding Referendum Bill has been first on the Order Paper for the past few days, and this unpredictability results in the inability of MPs to make sensible plans, particularly on a working constituency Friday, because of having to juggle being present in the House for an important debate with serving their constituents' interests. This is a continuing problem.

**Mr James Arbuthnot** (North East Hampshire) (Con): Further to that point of order, Mr Speaker. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) has made an entirely sensible point. I have tabled one or two amendments to the first Bill, but I very much hope that they will not take up too much time and that my right hon. and learned Friend will have ample time in which to discuss the important matters that he wishes to raise.

**Mr Speaker:** That is characteristically solicitous of the right hon. Gentleman, and I am sure that it will be appreciated by the right hon. and learned Member for Beaconsfield (Mr Grieve) and the right hon. Member for

Chesham and Amersham (Mrs Gillan), not to mention the hon. Member for Christchurch (Mr Chope). In answer to the right hon. and learned Member for Beaconsfield, I note his point and it is certainly something that the Procedure Committee could usefully consider. I know that he will not take it the wrong way when I say that he might not have had cause to raise this point before now, but because the way in which this operates affects him adversely, it is now a source of grievance in a way that it might not previously have been. However, that does not automatically negate its value, and it might even be thought that he has done us a public service in highlighting it. I hope that the hon. Member for Broxbourne (Mr Walker) will be similarly minded when he hears of the right hon. and learned Gentleman's concern.

**Mr Mark Spencer** (Sherwood) (Con): I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163).*

*The House divided: Ayes 1, Noes 37.*

**Division No. 136]**

**[9.36 am**

### AYES

Rees-Mogg, Jacob

**Tellers for the Ayes:**  
Sir George Young and  
Mr Mark Spencer

### NOES

Arbuthnot, rh Mr James  
Bingham, Andrew  
Bottomley, Sir Peter  
Brennan, Kevin  
Chope, Mr Christopher  
Cunningham, Mr Jim  
Davies, Philip  
Dobson, rh Frank  
Eagle, Maria  
Ellwood, Mr Tobias  
Evennett, Mr David  
Featherstone, rh Lynne  
Gillan, rh Mrs Cheryl  
Goodman, Helen  
Grant, Mrs Helen  
Greatrex, Tom  
Greenwood, Lillian  
Grieve, rh Mr Dominic  
Gyimah, Mr Sam  
Hayes, rh Mr John

Heath, Mr David  
Hinds, Damian  
Hollobone, Mr Philip  
Jenrick, Robert  
Jones, Susan Elan  
Lamb, rh Norman  
Leigh, Sir Edward  
McVey, rh Esther  
Miller, Andrew  
Mordaunt, Penny  
Randall, rh Sir John  
Reynolds, Emma  
Rogerson, Dan  
Seabeck, Alison  
Slaughter, Mr Andy  
Swayne, rh Mr Desmond  
Swinson, Jo

**Tellers for the Noes:**  
Mel Stride and  
Alun Cairns

*Question accordingly negated.*

## Local Government (Review of Decisions) Bill

*Consideration of Bill, not amended in the Public Bill Committee*

### Clause 1

DECISION INVOKING HEALTH OR SAFETY: NOTIFICATION, REASONS AND REVIEW

9.48 am

**Mr James Arbuthnot** (North East Hampshire) (Con): I beg to move amendment 1, page 2, line 2, at end insert—

“( ) The authority must ensure that any such decision as is referred to in subsection (1) above is made as soon as reasonably practicable, and the authority shall not unreasonably or unnecessarily delay a decision in a way which has the effect of preventing or rendering impracticable a review taking place in good time to allow the event to be held.”

I congratulate my hon. Friend the Member for Sherwood (Mr Spencer) on his excellent Bill. I do not wish to delay or frustrate its passage, but I want to question, in a gentle and probing way, one or two aspects of whether it goes far enough, or perhaps a bit too far.

To explain amendment 1, I need to set out—in a way that I hope will not displease my hon. Friend—the Bill's purpose. In Committee on Wednesday, he said that the Bill

“seeks to assist those who are charitably minded, who are community champions and who want to raise money and hold social functions in their communities by protecting them from over-enthusiastic members of local authorities who might want to stop that activity, using health and safety as a reason for doing so.”—[*Official Report, Local Government (Review of Decisions) Public Bill Committee*, 21 January 2015; c. 3.]

While he was being a little unfair by characterising people in local authorities as wanting to stop an activity, amendment 1 is even more unfair, as it perpetuates that characterisation and even takes it a step further. That is one of the reasons that the amendment is only a probing amendment, rather than a calculated attempt to strengthen the Bill. Let me explain why.

Clause 1, which my first amendment is designed to alter, sets out that if a decision is taken by or on behalf of a local authority which, for reasons which include health or safety, has the effect of stopping the holding of an event or of imposing restrictions or conditions upon the event, within a defined time limit from the taking of that decision the authority must give notice to the person who is organising the event. Then, as we can see from the terms of the Bill, there is provision for a review of the decision. This is an entirely excellent idea, and I applaud my hon. Friend for bringing it forward. In doing so, he is putting into effect one of the recommendations of the report called “Common Sense, Common Safety” by my noble Friend Lord Young of Graffham in 2010.

If my hon. Friend is correct in implying that there are people in local authorities just waiting for the opportunity to leap out from behind a pillar and ban things, and drumming up spurious excuses for doing so—personally, I do not think that, by and large, that is what happens, although obviously occasionally it might—then I believe the Bill contains a gap, which my amendment is designed to plug in the following way.

Let us call this malicious person a jobsworth for the purposes of this argument, who finds that if he bans something on the grounds of health or safety after the passing of this Bill he will be now required to provide written reasons for doing so within a time limit that might allow the event to go ahead, which of course he wants to avoid. What then will he do? He is a clever sort of jobsworth, so he will work out that the most effective way of banning the event is not to take the decision at all until so near the intended time of the event that even putting the reasons in writing would make it impossible in practice to hold a review. Therefore the purpose of the amendment is to ensure that the original decision is taken speedily. The decision must be made

“as soon as reasonably practicable, and the authority shall not unreasonably or unnecessarily delay a decision”.

This is not an elegant amendment. It does not deal with the consequences of a decision not being made as soon as reasonably practicable. It might not be enforceable, but it raises an issue that might not have been covered by the Bill. If my hon. Friend or the Minister tell us to take it away and to get a life, I shall cheerfully do so. In fact, I shall probably do so whether they tell me to do so or not.

**Helen Goodman** (Bishop Auckland) (Lab): It is pure chance that I am here today, but I am very glad that I am because the Bill is of great interest and significance in my constituency. Everybody here has heard of the miners gala, but what people probably do not know is that before the big gala in the city of Durham, every village around the county of Durham can have, and traditionally does have, its own mini-gala. This involves a parade with the local brass band behind the banner of the local mine. This is a long-standing tradition; it has been going on for more than 150 years.

The problem nowadays is that the organising committees for these mini-events throughout the county have to secure the agreement of the police and of the local council. The organisers are required, on health and safety grounds, to put up traffic notices three weeks before and those have to be paid for by the local organising committee. The committee must go to a professional firm to have new traffic notices made for each village with the date, the time and so forth. The cost might be several hundred pounds, but in some villages it is over £1,000. This cost is so great that organising committees are deciding not to bother. Villagers are getting on the bus and going straight into Durham for the big gala, rather than having their own little galas.

At the other end of my constituency, which is very rural, a number of traditional carnivals take place. People there face a similar dilemma: they have to get traffic notices for children's fancy dress parades—there will probably be a brass band and there may be a carousel and so on. Such obligations are crippling these village events.

The situation is completely counter-productive. A village is a community in which people do things together—and the more they do together, the better and stronger the community will be. The police's attitude is completely counter to their own crime reduction strategy. People are much more likely to notice a stranger or criminal who turns up if they know everybody in their village and if everybody feels connected and that they can rely on each other. The situation is totally perverse.

The amendment tabled by the right hon. Member for North East Hampshire (Mr Arbuthnot) is sensible—speeding things up will make it easier for local organising committees—but what I am not clear about is whether the Bill will tackle the issue of cost, which is the inhibitor on these local community events that we all find so valuable. In 2006 I did a survey of all parish councils in County Durham, so I know that the costs are leading to the end of events across our county. That is greatly regretted by people in County Durham.

**Mr Mark Spencer** (Sherwood) (Con): I should like to speak briefly about the amendment. It is important that the Bill should remain fairly simple. Although it might be enjoyable and good sport to criticise our district councils and local authorities, it is worth putting on the record that the majority of them do a fantastic job in assisting community groups to put on these events. The Bill is designed to prevent situations in which that goes wrong and the system breaks down.

I understand the desire of my right hon. Friend the Member for North East Hampshire (Mr Arbuthnot), who tabled the amendment, to make the process speedy. In the Bill there is provision for the local government ombudsman to review and turn around decisions rapidly. However, I am personally keen that we should leave those processes and decisions about review and how an appeal may take place to local authorities. I do not want to put undue financial pressure on local authorities. It is important that we should leave it to local authorities to consider how they review these decisions. If things go wrong, there is provision in the Bill for the local government ombudsman to step in quickly and make sure that the authorities understand where they may have gone wrong.

**Emma Reynolds** (Wolverhampton North East) (Lab): I congratulate the hon. Member for Sherwood (Mr Spencer), as I did on Second Reading at the end of last year, on bringing forward the Bill. All Members present have an interest in community events in our constituencies.

I thank the right hon. Member for North East Hampshire (Mr Arbuthnot) for his interest in the Bill and his amendment, which he moved so eloquently and elegantly. However, I rather agree with the hon. Member for Sherwood about the amendment. As I said on Second Reading, and as my hon. Friend the Member for Corby (Andy Sawford) said in Committee on Wednesday, we are sympathetic to the overall objective of the Bill. We feel that the right hon. Gentleman's amendment takes what is perhaps an unfair and unkind view of local authorities. I do not think there are jobsworths in local authorities trying to prevent community events from going ahead. There is already sufficient provision in the Bill, in that it requires, on the day the refusal has been made or on the next working day, a written justification for the decision. The Bill also provides for a review to take place within a two-week period, and then, if there are still problems, there is scope to appeal to the local government ombudsman.

10 am

I agree with the hon. Member for Sherwood that the Bill already sets out sufficient provisions to prevent local authorities from stopping events that should go ahead. Local authorities do not take these decisions

lightly; they have a duty to protect their citizens and to promote health and safety. We are sympathetic to the objectives of the Bill, but we think that the amendment goes too far and that we should, as the hon. Gentleman explained, leave it to local authorities themselves to decide how they undertake a review if there is some dispute about the refusal.

In the light of this discussion, we will not support the amendment, but we look forward to the rest of the debate on this Bill.

**The Parliamentary Under-Secretary of State for Communities and Local Government (Penny Mordaunt)**: I, too, put on record my congratulations and thanks to my hon. Friend the Member for Sherwood (Mr Spencer) for the sterling work he has done on introducing this important Bill. I thank my right hon. Friend the Member for North East Hampshire (Mr Arbuthnot) for his interest in the Bill and for giving me the opportunity to explain the Government's position.

Local authorities should act in a reasonable, accountable and transparent manner. The Government have already taken action to make local authorities more accountable by improving town hall transparency in decision making—for instance, by allowing the public to report on town hall meetings by tweeting, blogging, and even, in some cases, filming those proceedings. This Bill adds to that transparency. It requires local authorities to put their health-and-safety related decisions about events in writing. We would already expect them to do that anyway. It is reasonable to expect that if an authority is advising someone of something, it does so in an e-mail or a letter.

This Bill adds to the accountability of local authorities. It gives the person who received the decision or the event organiser, if that is a different person, the right to request a review that the local authority must complete in no more than 15 days.

**Mr David Heath** (Somerton and Frome) (LD): One potential omission is that, I believe, the Bill applies to local authorities but not to the police. Local authorities will often take the advice of the police. It cannot be sufficient, can it, for a local authority merely to give the reason that it was following police advice without giving the substance of that advice.

**Penny Mordaunt**: The hon. Gentleman makes an important point. The Bill strengthens accountability. All the considerations that needed to be taken into account when making these decisions should be put in writing as opposed to not being so; that is where concerns have arisen. It is right that the event organiser should be able to challenge decisions. As we have heard, many local authorities and individuals working within them operate in a very pragmatic and common-sense way and have good transparency. However, we want these assurances to be provided because, fundamentally, we all want our communities to be able to put on these events without being worried about the bureaucracy or any other concerns.

We consider that this is a proportionate approach. It puts in place a sensible structure—

**Helen Goodman**: I hear what the Minister says, but, as I have explained, the problem is the costs of complying with the health and safety legislation. What is the Bill going to do to address that underlying problem?

**Penny Mordaunt:** I thank the hon. Lady for raising the particular problem in her constituency. This is a narrow Bill that addresses a particular problem. Perhaps she would like to write to me. There have been a number of events over the course of this Parliament, such as the Jubilee, and a huge amount of good practice is available on how people have been able to speed up decisions with particular agencies they have to work with and on how to reduce costs. It sounds like the example from the hon. Lady's constituency is an annual event and that different villages face a similar situation. There is probably some pragmatic advice available that could be of assistance. If the hon. Lady wishes to write to me, I would be happy to look at the matter.

**Mr Arbuthnot:** We could consider cost and compensation issues when we come to discuss, immediately after this debate, the other couple of amendments I have tabled. The Minister might be able to help then.

**Penny Mordaunt:** I thank my right hon. Friend. Amendments 2 and 3 do indeed touch on the issue, but I would be very happy to look at what pragmatic advice and good practice are already available to assist the residents of Bishop Auckland.

We expect local authorities to think carefully about health and safety decisions—not just the sort of careful consideration mentioned on Second Reading, with local authorities ensuring that they take a sensible approach to health and safety and avoid an over-zealous, risk-averse approach, but how they go about getting the decision to those organising the event in good time. I think that we can rely on local authorities to act reasonably and ensure that decisions are made in good time, especially as this Bill puts in place a mechanism for a review of decision making that must take no longer than 15 days to complete.

I am also concerned that the amendment might lead to local authorities being unfairly penalised if, for instance, they have to make a decision about an event close to the date of that event because they have just been made aware of it. We should not deny local authorities the ability to move quickly and flexibly when there is a need to do so.

I am confident that local authorities will recognise their obligations resulting from the Bill's provisions; recognise that the review process is as much part of the Bill as issuing the original decision in writing; and be mindful of the time frame in which they should operate to ensure that they are able to comply with the provisions. I am also hopeful that local authorities will wish to work with their communities to ensure that events in their area are successful and safe.

This is a well-intentioned but unnecessary amendment. The Bill as drafted is both sensible and proportionate, and it ensures that local authorities are held accountable for their decisions without placing an undue burden on them. I would never tell my right hon. Friend to get a life, but I hope, with those reassurances, he is willing to withdraw his amendment.

**Mr Arbuthnot:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

## Clause 2

### PROCEDURE FOR INVESTIGATIONS BY LOCAL GOVERNMENT OMBUDSMAN

**Mr Arbuthnot:** I beg to move amendment 2, page 2, line 43, at end insert—

( ) For the purposes of this Act the Local Commissioner shall have power to instruct the authority to pay compensation for any costs or inconvenience caused by the authority's having unreasonably attempted to restrict or block an event.

( ) Any compensation payable under subsection ( ) above in relation to inconvenience shall not exceed the total amount that it would have cost to put on the event."

**Mr Speaker:** With this it will be convenient to discuss amendment 3, page 2, line 43, at end insert—

( ) Section 25 of the Local Government Act 1974 (Authorities subject to investigation) is amended as follows—

( ) In subsection (1) after "(a)", insert "( ) parish councils."

**Mr Arbuthnot:** Amendment 2 would allow the local government ombudsman to award compensation in cases covered by the Bill. Under existing legislation, the decisions of the ombudsman on cases of maladministration are not binding on local authorities. The ombudsman can recommend that a council should give compensation, but ultimately it is up to the council to decide whether to do so. When that happens, it is understandable that a constituent who is already aggrieved becomes absolutely infuriated. It was for that reason that in 2008-09 the previous Labour Government held a redress review, which floated the idea of mandatory compensation payments when local public services went wrong. Nothing ever came of that and it was all kicked into the long grass, as, of course, were the previous Labour Government.

Amendment 2 is designed to give the ombudsman an explicit power to instruct a local authority to pay compensation for costs wasted and inconvenience caused by the unreasonable hindering or blocking of an event. Again, the proposal arises out of the report by my noble Friend Lord Young of Graffham, which recommended:

"If it transpires that the local authority officials banned an event without a legitimate reason, the Government should give individuals and organisations a route for redress where they can challenge those decisions and, if appropriate, compensate them."

It continued:

"If appropriate, the Ombudsman may award damages where it is not possible to reinstate an event. If the Ombudsman's role requires further strengthening, then legislation should be considered."

The amendment provides for precisely that compensation.

Lord Young's recommendation is not contained in the Bill and my probing amendment is intended to discover whether the Government think it might be needed at some stage. My purpose in providing for compensation is not to ensure that local authorities are penalised or put out of pocket, but to ensure that the inhibiting jobsworth behaviour does not happen in the first place.

Amendment 3 would extend the requirement for a review to parish councils. At the moment, the ombudsman cannot investigate parish councils, but they can be just as overzealous as anyone else in applying what they think are the health and safety rules, so why should the legislation not apply to them too?

**Emma Reynolds:** The Opposition are not convinced that amendment 2 is necessary. As the hon. Member for Sherwood (Mr Spencer) and the Minister stated on Second Reading, the ombudsman already has the power to recommend compensation. It is true that that happens in only a small number of cases, but given the mechanisms in the Bill to accelerate decisions on health and safety grounds, to provide more transparency, as the Minister has set out this morning, and to provide the opportunity for a review, I think it unlikely that the ombudsman will have to recommend compensation. Indeed, we would regard it as unnecessary in most cases.

In addition, the amendment might increase the amount of any potential compensation to the total costs of holding the event, rather than just the costs that had been incurred up to that point. In our view, that would levy a disproportionate cost burden on local authorities.

Amendment 3 would add parish councils to the list of local authorities that are subject to investigation. That may be a worthwhile addition, but between the completion of the Committee stage on Wednesday this week and today, we have not had sufficient time to think it through or to consult parish councils. We would therefore prefer not to include the amendment in the Bill.

**Penny Mordaunt:** I thank my right hon. Friend the Member for North East Hampshire (Mr Arbuthnot) for giving us this further opportunity to discuss the Bill.

The local government ombudsman is a valued and respected part of the democratic process. The role of the ombudsman is generally to consider complaints from individual members of the public who consider that they have suffered personal injustice arising from the maladministration of the local authority. The remit of the ombudsman extends to district, borough, city and county councils, as well as to certain other authorities such as national park authorities. Their remit does not extend to parish or town councils for good reason, and I shall touch on that in a moment.

Amendment 2 would give the local government ombudsman the power to compel a local authority to pay compensation when it found that the local authority had acted unreasonably to prevent an event from taking place. It states that the compensation shall not exceed the cost of staging the event, so it is essentially a cancellation fee.

I am concerned that the amendment may do more harm than good. The local government ombudsman may not issue binding decisions; instead it makes recommendations to local authorities, which can include the paying of compensation by the local authority to members of the public who have suffered an injustice arising from maladministration. There is almost total compliance with the recommendations of the local government ombudsman, and making recommendations is central to the way that it carries out investigations. Because the process will not result in a binding decision, the starting point between a local authority and the local government ombudsman is not adversarial, which means that the investigation can progress more quickly and comprehensively than might otherwise be the case.

10.15 am

My other concern is that the amendment would unduly fetter the discretion of the ombudsman. As the Bill is drafted, the ombudsman can recommend the

remedy that it feels appropriate. Capping compensation at the amount it would have cost to stage the event in question may seem reasonable at first glance, particularly if we are talking about taxpayers' money, but we should be mindful of other potential recipients of compensation, for instance in relation to events that may be staged to raise funds for charity. Such cases may involve community-minded members of the public, companies and others that give their time and resources for free. The cancellation of such an event may not involve great cost to the organiser, but may result in lost donations to the charity in question. The Bill as drafted intends to ensure that local authorities consider carefully their decisions on health and safety at events, meaning that any decision will be proportionate and reflect the right balance of risk.

If there is a problem with the initial decision, the review process is expected to address that at local level, and only if no redress is available would the local government ombudsman become involved. We expect that to be a rare occurrence, but where it does happen, the discretion of the ombudsman in recognising redress should not be fettered. As I said, the ombudsman's remit does not extend to parish or town councils for two good reasons. The first is a practical one. There are 9,000 such councils in England. Although they do not have the powers of a principal local authority such as a district council, they still decide on local matters and there will, of course, be people who do not agree with those decisions. Tasking the ombudsman with considering complaints about parish councils would mean—if I may understate the challenge—considerably and unnecessarily adding to the work load of that organisation.

The second reason that the ombudsman's remit does not extend to parish and town councils is that democracy is more immediate and the council more accessible. These are smaller communities than those served by district councils, and if an event organiser does not agree with a decision about their event, they are more likely to be able to take the matter up with the council directly.

My right hon. Friend's amendment seeks only to extend the remit of the ombudsman to parish councils so far as those local authorities are making decisions about health and safety-related matters at events, but I argue that that is unnecessary, given the accessibility of those councils at local level. I hope that with those reassurances, he will be willing to withdraw his amendment.

**Mr Arbuthnot:** In view of those helpful assurances, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Third Reading*

10.19 am

**Mr Spencer:** I beg to move, That the Bill be now read the Third time.

I am delighted to have got the Bill to this stage. I put on record my thanks to colleagues who have been supportive at previous hurdles it has jumped, including in Committee.

The Bill is necessary. It is an important albeit simple piece of legislation. It will make local authorities accountable for the health and safety decisions they make. It will engage them with the communities and charitable

[Mr Spencer]

champions in our communities who put on fundraising and local community events to raise money for local charities. The Bill will ensure that health and safety is adhered to, but not applied with too much enthusiasm and an over-zealous hand. If by chance that happens, there is a redress process so that those affected can go back to the local authority and say, “Think again. Please look at this. You are being over-enthusiastic.” Even if the process breaks down at that point, there is recourse through the local government ombudsman, which is allowed to treat such cases with great speed and rapidly, and turn them around so that the event can still take place.

It is a common-sense Bill. Mr Nigel Cosway, a constituent, congratulated me on the Bill and said, “At last, we are getting common sense into politics.” I think he was a little disingenuous—many colleagues would argue that there is a lot of common sense in this building, although perhaps members of the media would disagree. The Bill is a step in the right direction. It will help members of the public to do what they want to do, and to do good things for their community.

I do not intend to delay the House unduly—I am aware that many colleagues want to discuss other Bills—but it is worthy of note that my hon. Friend the Member for Christchurch (Mr Chope) is in the Chamber. He started the Bill process a long time ago. It was one of his ideas and he introduced the same Bill on another occasion. I hope he is as delighted as I am that we can make progress.

I do not intend to bring to the House the many stories of where health and safety has gone wrong. I am sure all hon. Members have examples of people being over-enthusiastic—schoolchildren have been encouraged to wear goggles to play conkers, and there are other bizarre occurrences.

We are there, Mr Speaker. We have made good progress and the Bill is a good one. It is worthy of support. I wish it speedy progress and hope it does not get delayed in another place.

10.23 am

**Emma Reynolds:** As I set out on Second Reading, and as my hon. Friend the Member for Corby (Andy Sawford) set out in Committee, the Opposition are sympathetic to the overall objective of the Bill. It introduces more transparency with regard to such decisions, and a right of rapid appeal when a local authority proposes to prevent an event being held, or seeks to impose restrictions on such events, on health and safety grounds.

The Bill places on local authorities a requirement for a written justification for such refusal, either on the day the refusal is made or the next working day. When an applicant requests that the authority review its decision, it must do so within two weeks. Following that, there is scope to appeal to the local government ombudsman.

It is worth underlining the fact that the Opposition do not believe that local authorities go out of their way to restrict or block events. They have a duty to their communities to preserve health and safety and ensure that people are always safe. When an authority decides that it must restrict or prevent an event taking place, it is a serious matter. Local authorities do not take such

decisions lightly. In saying that, we are sympathetic to the idea of fast-tracking the appeal mechanisms and promoting transparency, because we think it is right to give communities and those who organise community events more certainty and a better process to follow.

I raised on Second Reading, and my hon. Friend the Member for Corby raised in Committee, the concerns of the Local Government Association. In Committee, the Under-Secretary of State for Communities and Local Government, the hon. Member for Keighley (Kris Hopkins), suggested that he was willing to discuss the Bill with the LGA and other parts of the sector, and would ensure that it was on the agenda for their next meeting. I would be grateful if the Under-Secretary of State, the hon. Member for Portsmouth North, could confirm that that is still the Government’s intention and whether she has an idea of when the meeting is likely to take place.

In Committee, my hon. Friend the Member for Corby asked the Under-Secretary, the hon. Member for Keighley, whether the Government had had discussions with the local government ombudsman. The Minister provided some clarification on the role—and, as the Minister said today, on the discretion—of the ombudsman, but he did not say specifically whether the ombudsman had been consulted. It would be useful to know whether that consultation has taken place.

The Opposition are sympathetic to the overall objective of the Bill and will not stand in the way of its progress. I congratulate the hon. Member for Sherwood (Mr Spencer) on getting the Bill this far, and wish him well for the next stages.

10.26 am

**Mr Arbuthnot:** None of us is against health; none of us is against safety. As my right hon. Friend the Prime Minister wrote, as the first sentence of his foreword to Lord Young’s report:

“Good health and safety is vitally important.”

Now, I confess that if I had been my right hon. Friend the Prime Minister, I might have been tempted to write, “Good health and safety are vitally important”, but how wrong I would have been. By writing “is” the Prime Minister was highlighting the fact, obviously intentionally, that over the years health and safety have been merged into one large excuse for the avoidance of taking risks.

In my constituency, I once came across a matter on which health and safety were diametrically opposed. The pedestrian crossing of a railway track near Bentley was used by people late at night, occasionally after having drunk a small amount of alcohol. The interests of the residents of Bentley, for the good of their sleep and health, required that train drivers should not sound their horns late at night. The interests of the safety of those returning from the pub required that the train drivers should sound their horns. With my help, the issue was gloriously resolved—but for the life of me I cannot remember how, and then I lost Bentley as part of my constituency in boundary changes, so I am afraid the House will never know.

Over the years, health and safety have become lumped together not only as an issue, but as a phrase to mock. There are entire websites devoted to “health and safety gone mad”. The *Daily Mail* loves these stories, so it

came as a bit of a shock yesterday to discover it running a story complaining about Ladybird books, citing as an example:

“A brother and sister can be seen working together to light a fire using a magnifying glass in one picture, which shows little regard for safety as the boy bends over the flames and the girl holds a frying pan of hot fat.”

On every level this article was complete gibberish—when one is standing down from Parliament, one can say that sort of thing with impunity: first, until the fire was lit, I think it is optimistic to think that the fat was hot; secondly, and most importantly, how essential it is that children have adventures, do mildly dangerous things, take risks, make mistakes and, yes, occasionally burn themselves. We must spread both the word and the law that encouraging people, especially children, to take proportionate risks, and thus begin to learn what is proportionate, is good. It is bad parenting and bad teaching to protect children from everything. We must ease people away from the notion of protection towards a notion of understanding risk and acceptance of personal responsibility.

I entirely approve of the Bill, but I still have one or two concerns and questions about it that I hope might be considered by the Minister in due course. First, what if an event is restricted or refused not ostensibly because of health and safety but because, for example, of an authority’s desire to avoid the risk of being sued or the risk of a rise in its insurance premiums? Could an authority avoid the consequences of the Bill by avoiding using the words “health” or “safety” in its reasons for refusal, or does the Bill cover that?

Secondly, might not authorities be right in some cases that they would be at risk of being sued? Do we need further legislation to restrict litigiousness, or perhaps guidance for judges or training for schools and parents? Then we really are getting into the nanny state.

Thirdly, might local authorities be able to say that the decision was not theirs but that of the police, as we have already heard, or of a head teacher who might perhaps reasonably wish to avoid personal liability? In so doing, might they avoid the requirement for a review?

Those are points that my hon. Friend the Minister might wish to consider in due course, but having raised them I repeat my congratulations to my hon. Friend the Member for Sherwood (Mr Spencer) and wish his Bill well.

10.31 am

**Mr Heath:** It is a pleasure to follow the right hon. Member for North East Hampshire (Mr Arbuthnot). I think the most remarkable thing he said was that he read the *Daily Mail* expecting to find an article that was not pure gibberish. As he says, that is the sort of thing we can say with impunity knowing that we are about to leave the House.

I welcome the Bill. It is good, if modest, as the hon. Member for Sherwood (Mr Spencer) recognised. I particularly congratulate him on having taken it to this stage. As I said last Friday, that is something that has escaped me in the 18 years of my parliamentary career. I have never taken a private Member’s Bill to this level of completion and he has done very well to do so.

The Bill deals with some of the excesses of what is described as the “health and safety culture”. Let me say from the start that an awful lot of what we read about

things being stopped on health and safety grounds is in fact apocryphal. It is largely not the consequence of local authorities taking decisions on the basis of Health and Safety Executive advice, but of people at a much lower level of responsibility deciding for themselves what the law might say and overreacting to it. I am afraid that the Bill will not help with the over-zealous head teacher or the extraordinarily risk-averse scout leader who prevent people from doing perfectly sensible things, but I hope that it will provide a level of consistency through transparency, in that local authorities will be required to give their reasons, and through the review process. I hope that that requirement will mean that when an authority is clearly out of line with authorities elsewhere in its interpretation of the rules that will be brought to light and will, perhaps, result in a change of decision.

I want to raise one specific issue, to which I alluded in my intervention on the Minister, and that is police advice. An awful lot of what a local authority does in its licensing of public events is based on police advice and the Bill does not apply to the police. The police can therefore say whatever they like. They will of course act responsibly, because the police do that, but the advice might be wildly inconsistent. I hope that when local authorities are giving reasons they will not hide behind the fact that they have received advice from the police to a particular effect, but will set out what that advice is so that we have transparency and the ability to see whether the advice is consistent across the country.

I say that with a particular example in mind, from my own constituency and my own county. The hon. Member for Bishop Auckland (Helen Goodman) talked about the galas in County Durham. In Somerset we have one of the largest series of public events in the country, of which no one has ever heard: the Somerset illuminated carnivals. They have been going for 400 years, and they are the biggest illuminated carnivals in the world. They attract a large number of people—the Bridgwater carnival attracts up to 100,000, and sometimes more—and they probably bring about £40 million into the local economy each year. They have also raised about £2 million in charitable street collections. So they are very, very big.

Over the years, I have had to come back to the House repeatedly to draw attention to regulatory challenges to the Somerset carnivals—not because anyone has deliberately set out to harm them, but simply because no one has thought of how certain regulations apply to them. I had to do that during the passage of the Bill that became the Licensing Act 2003, for instance. One of the key factors is the intervention of the police, in the form of road closure orders, vehicle special orders, and the interpretation of rules governing who may drive a tractor pulling a large float, which changes periodically. All those factors are fed into the licensing process.

Over the years, I have observed huge differences in interpretation between neighbouring forces. Again, no one is intentionally being difficult—often the police could not be more helpful when they are consulted about these matters, and the same applies to the local authorities—but the fact is that Avon and Somerset may make a decision based on its interpretation of the requirements, while Dorset’s interpretation may be entirely different.

My plea is this. I should like the Bill—along with, perhaps, departmental guidance for local authorities—to provide a level of transparency that will enable those who manage events to say to the police, “You have make your

[Mr Heath]

decision on the basis of your interpretation of the law, but your neighbouring force has come up with a completely different interpretation, and that is having a effect on the licensing costs that we incur”, in respect of, for instance, additional drivers. Although such decisions will not prevent an event from taking place, they may make it less viable, and may eventually cause its extinction. I, for one, do not want to see the extinction of an event which has been taking place for 400 years, which is a lively part of the culture in our part of the world, and which, I think, adds to the gaiety of the nation.

Having said that, I welcome the Bill, but I hope that it can be built on to improve still further the licensing environment in which we must deal with public events.

10.38 am

**Mr Christopher Chope** (Christchurch) (Con): As my hon. Friend the Member for Sherwood (Mr Spencer) generously pointed out, the Bill was first presented to the House during the 2012-13 Session, in the form of one of the private Members’ Bills that I tabled in an attempt to put pressure on the Government to implement all the recommendations in Lord Young of Graffham’s report “Common Sense Common Safety”, which was published in October 2010. On that occasion, the Bill got as far as a Committee stage but made no further progress, apparently because of opposition from the Labour party. I am pleased to note that the Labour party is now taking a more realistic approach. Moreover, this Bill, unlike the one that I drafted myself, is a Government handout, drafted for my hon. Friend with his authority, and with explanatory notes. That just shows that big oak trees can grow from small beginnings.

I think that is an important message, because a number of measures that I bring before this House are not necessarily accepted on the first outing, but in due course, as my hon. Friend the Member for Sherwood has shown, they can be accepted and they can become Government policy, and even the subject of Government handout Bills. So I commend my hon. Friend on bringing this matter forward, and I am delighted to see that it is close to getting on to the statute book. I have never got a private Member’s Bill on to the statute book, but I will feel some joint-ownership of this particular one.

10.40 am

**Robert Jenrick** (Newark) (Con): By lucky coincidence, I happen to be in the House today, as it is national Bingham day, a day of celebration of the small Nottinghamshire town of Bingham, and I have a group of constituents coming here.

It is my pleasure to support my constituency neighbour, my hon. Friend the Member for Sherwood (Mr Spencer), and to congratulate him on getting to this stage in the legislative process. I think this is a very fitting Bill for him, of all Members, to be bringing forward, as his reputation in Nottinghamshire is as a common-sense, straight-talking Member of Parliament. He was also a very distinguished and respected local councillor in Nottinghamshire, so he brings to this issue a lot of hard-earned experience, which is perhaps why he has managed to bring this Bill to this stage in the process.

As an MP and someone who has organised events, and above all as a parent, in my case of two young children, I think this is an appropriate and proportionate Bill as we try to bring them up in the world to take a more sensible approach where they understand risks and are willing to take them—my right hon. Friend the Member for North East Hampshire (Mr Arbuthnot) alluded to this. It sends exactly the kind of message this House should be sending out to the wider world: that we should try to live in a less risk-averse culture.

I also want to reiterate a point about the police that was very well made by the hon. Member for Somerton and Frome (Mr Heath), and which perhaps the Minister will take away and consider. In my short experience as a Member of Parliament, the one or two serious times when events have been, or have almost been, cancelled in my constituency have been because of advice from the police that was perhaps applied over-zealously or because the issue raised was not pragmatically resolved.

Let me give an example. Newark has a fantastic St George’s day parade, but it came extremely close to being cancelled last year because of road closures. I might once have said that Members will not be familiar with the small town of Newark, but of course a large number of them now are, having visited, in some cases three times, last year. The town centre does not have particularly bad traffic and there are lots of ways in which people can walk around and get around. The parade was cancelled because of police advice, and then resurrected because a group of only 15 local residents got together and acted as marshals. The true advice should have been that the police did not have the necessary resources and some roads needed to be closed for short periods. That was perfectly sensible advice, but there were very easy ways of addressing the situation, and had it not been for a few residents coming together and having the wherewithal to get around that advice, the event, which had carried on for decades, would have been cancelled.

This is not a question of the police advice having been wrong. It is just that often it needs to be provided with the caveat that there are sensible ways of getting around it, if people can get the correct insurance or responsible adults can come together to, for example, organise the required road closures. That is an important issue that could perhaps be addressed.

I thank my hon. Friend the Member for Sherwood for bringing this Bill forward and succeeding in getting it to this stage.

10.43 am

**Penny Mordaunt**: I would like to begin by once again thanking my hon. Friend the Member for Sherwood (Mr Spencer) for the sterling work he has done on the Bill, the aims of which are wholly supported by the Government. I am very happy also to put on record my thanks to my hon. Friend the Member for Christchurch (Mr Chope) for the work he did on this topic and, for the sake of thoroughness, to my hon. Friend the Member for Dover (Charlie Elphicke), who picked up the baton on this Bill in a previous Session.

I assure the House that the Bill will not weaken the very necessary and important health and safety arrangements that exist to protect employees and the public health and safety regime in place nationally. The public,

employers, authorities and enforcement organisations have an important role to play in ensuring that not just our workplaces, but our streets and our recreation spaces, are safe. Proper and proportionate management of risk is important, and where it is done properly, it is to be commended.

The Bill will not place unreasonable demands on the local government ombudsman's resources. Its aims are simple. Its provisions would require local authorities to give written notification of a decision relating to health and safety at an event, and also to undertake a review of that decision if requested to do so. The intention is that these measures will lead councils to give health and safety issues careful consideration, and bring to an end bans or restrictions on activity that are the result of a risk-averse culture rather than a balanced assessment of risk. As my hon. Friend the Member for Sherwood said on Second Reading, the majority of local authorities take very seriously their duties on health and safety.

The Bill is intended to ensure that community events are allowed to go ahead when there are no substantial risks involved. On Second Reading, we heard examples of shared incidences, in which context it is fair to say that there have been questionable decisions about such events. The Bill is necessary because authorities have become over-cautious in respect of health and safety—not in all cases, and not all over the country, but certainly on some occasions. Where health and safety is used as an excuse to stop an event taking place, or to place restrictions upon that event, it is right that such a decision be challenged.

The proposals in the Bill are straightforward, sensible and proportionate, and I would like to take this opportunity to provide further reassurance on concerns relating to some of its provisions. In Committee earlier this week, the hon. Member for Corby (Andy Sawford) raised concerns—as has the hon. Member for Wolverhampton North East (Emma Reynolds)—that the Bill might impact on the local government ombudsman's resources. The Bill as drafted would provide a framework for local authority decision making. The intention is that the framework will bring transparency and accountability to the decision-making process by requiring local authorities to put in writing their decisions on banning or restricting events on the grounds of health and safety, and that that will translate into informed, sound decision-making by local councils. There should therefore be little recourse, if any, to the local government ombudsman. The ombudsman has been extensively consulted about the Bill and is supportive of its provisions.

For the avoidance of doubt, the Bill does not place any additional new requirements on local authorities beyond the requirement to bring robustness to their decision-making processes. Local authorities already make decisions about banning or restricting events on the grounds of health and safety. The Bill will simply provide a framework to bring openness to that process. At a time when the public are seeking greater openness and transparency from the councils that represent them, the provisions in the Bill represent a step in that direction and should lead to greater co-operation and engagement between the council and its local community.

In answer to the point raised by the hon. Member for Somerton and Frome (Mr Heath), the Bill will enable better co-operation between the council and the local community as well as between the council and other

agencies such as the police. By introducing greater transparency to the process, it will also enable people to share best practice and to flag up problems if they continue to arise.

Underpinning all this is the need to move away from a risk-averse culture. I also wish to reassure any hon. Members who have concerns that the provisions in the Bill could lead to spurious compensation claims. The Bill as drafted should not result in actions being brought against local authorities; nor should it result in local authorities having to fork out huge sums in compensation for an event being cancelled. Indeed, providing a route to challenge local authority decisions by an internal process will lessen the risk of any legal challenge or action, rather than increasing it. It is true that the Bill will allow the ombudsman discretion to award damages where it is not possible to reinstate an event. Let me be clear, however, that the ombudsman can already recommend this within their existing legislative powers.

The provisions in the Bill provide for the fast-tracking of a decision on health and safety grounds so that a local authority can still revisit its decision as a result of a recommendation from the ombudsman in time for the event to go ahead if any revisited decision allows. Indeed, the threat of a remedy, including a financial remedy, should ensure that local authorities think carefully about making decisions on health and safety grounds. This is as much about common sense and changing the behaviour of local authorities in the way a decision is arrived at as it is about putting in place a mechanism for allowing a member of the public to seek redress when a decision is viewed as disproportionate or unreasonable.

The provisions in the Bill require authorities to undertake certain actions when they ban or restrict events on the grounds of health and safety. In particular, it requires that if an authority makes a health and safety decision about an event, it must put the reasons for such a decision in writing, be that in electronic form or otherwise. The written decision must be sent to either the person who made the application or the organiser of the event, if no application was made. The written notification must be sent on the day the decision was taken or, if that is not possible, the first working day thereafter. The requirement to issue written notification extends not just to a ban on an event prohibiting it, but to a restriction on the event, as it is possible that that restriction might be judged to be so unreasonable that it amounts to a ban. If the person who made the application or the organiser of the event is unhappy with the decision of the authority to ban or restrict the event on the grounds of health and safety, they may request that the authority review that decision. The authority must complete an internal review as soon as reasonably practicable after it receives a request for a review and, in any case, within 15 days of receipt of the request. On completion of the review, it must give written notification, in electronic form or otherwise, to the person who requested the review. The outcome of the review is that the decision may be confirmed, withdrawn, replaced with another decision or varied, but varied only in so far as the decision could have been one reached in the first instance.

Lastly, on the ombudsman's role, we consider it right that local issues should be resolved at a local level, without a member of the public needing to have recourse to a national body such as the ombudsman. However, if things cannot be resolved at a local level and the council

[Penny Mordaunt]

is at fault, it is right that the public have a right to redress through the local government ombudsman. I have already made clear that we believe the impact on the ombudsman's resources to be negligible. Let me be clear, for the avoidance of any doubt, that we are not changing the powers or responsibilities of the ombudsman through this Bill. What the Bill does is make provision for the ombudsman to treat a particular class of complaints differently from another class. The local government ombudsman already has discretion to distinguish the treatment of complaints referred to it, but this new clause puts that discretion beyond doubt and will help to reduce the risk of a successful challenge from a member of the public who makes a complaint that their case has not been fast-tracked. The fast-track is an important element of the process. It is there to ensure that if a member of the public complains about a negative decision about an upcoming event, an investigation and recommendation can be made by the ombudsman in time for the local authority to consider the findings, and potentially revisit and change the decision, in time for the event.

We consider that the provisions in the Bill perform a valuable function. In an era of greater transparency and accountability it is right that if an authority takes a decision to stop or impose restrictions on an event on the grounds of health and safety, it should put its reasons in writing. It is also right that there be an appeal mechanism where the decision is considered unreasonable. Finally, it is right that the ombudsman should be able to fast-track complaints about such decisions, meaning it can conclude an investigation before the event is due to go ahead. The Government support this Bill, which is a common-sense, proportional measure, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## HS2 Funding Referendum Bill

### Second Reading

10.54 am

**Mr Christopher Chope** (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

First, let me thank my right hon. Friends the Members for Chesham and Amersham (Mrs Gillan) and for Uxbridge and South Ruislip (Sir John Randall), and my hon. Friends the Members for Lichfield (Michael Fabricant), for North Wiltshire (Mr Gray), for Wellingborough (Mr Bone) and for Isle of Wight (Mr Turner) for their support for this Bill. I am pretty certain that, he had been free so to do at the time, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) would also have been sponsoring the Bill, and I am delighted to see him in his place today. I am also sure that if the right hon. Member for Holborn and St Pancras (Frank Dobson) had been on my radar when I was collecting the signatures, I would have been able to recruit him, too. Again, I am pleased to see him in the Chamber.

**Mr Jim Cunningham** (Coventry South) (Lab): What about me? The hon. Gentleman has mentioned my right hon. Friend the Member for Holborn and St Pancras (Frank Dobson), but I have consistently opposed this high-speed rail.

**Mr Chope:** I plead guilty to a serious omission, as I should indeed have mentioned the hon. Gentleman, as Coventry is one of the areas that is probably going to suffer as a result of HS2; not only is it not going to benefit from HS2, but there will be an adverse economic effect on Coventry. We may hear a little more about that later.

**Philip Davies** (Shipley) (Con): HS2 is often seen as being done in the name of constituencies such as mine in the north of England. I want to put it record that although there are undoubtedly some supporters of HS2 in my constituency, it is clear to me from speaking to my constituents that there are far many more opponents. They would much prefer that the money was spent on infrastructure in our local constituency economies than on a grandiose project that is going to waste billions of taxpayers' money.

**Mr Chope:** Any Bill that has the support of my hon. Friend is obviously a very good one, and I am grateful again for his support.

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): May I congratulate my hon. Friend on bringing this Bill before the House? Let me take him up on the intervention from our hon. Friend to my left.

**Philip Davies:** I have never been described as that before!

**Mrs Gillan:** Positionally in the Chamber, I should say—I would not want to be accused of misleading the House. In Buckinghamshire, one of the organisations against this project, as proposed by the Government, has entitled itself “51m”, because it worked out that £51 million could be given to be spent in every constituency in this country for the equivalent cost of the project, as it was at the beginning of the process.

**Mr Chope:** My right hon. Friend makes a very important point, and the opportunity cost issue really needs to be addressed.

I live in hope, because two years ago today my right hon. Friend the Prime Minister announced a change of Conservative party policy on a referendum on the European Union—he announced that we would have an in/out referendum. Two years to the day, I hope that the Minister of State, Department for Transport, my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes), whom I am pleased to see on the Front Bench, will be able to make a similar announcement to give the people their say on one of the largest ever “publicly funded” infrastructure projects. It is described as that, but I would prefer to put the emphasis on it being a taxpayer-funded project, but because, as the then Prime Minister Margaret Thatcher said in 1983:

“There is no such thing as public money; there is only taxpayers’ money.”

That point has recently been emphasised by none other than Alex Rukin, aged nine, who gave evidence before the High Speed Rail (London - West Midlands) Bill Select Committee. He said in his petition that money should be spent on things that we really need and described this as a “stupid” project. I see Alex Rukin in a similar cast to my right hon. Friend the Leader of the House, who made that memorable speech to the Conservative party conference at the age of 16. If Alex Rukin comes forward at the age of nine with such sound ideas, he has very good prospects politically, as someone who is going to bring common sense to our discussions.

Throughout our history people have spent money on vanity projects—follies and white elephants. I have no problem with that, provided the money they are spending is their own, rather than somebody else’s and, in particular, the taxpayer’s. In HS2, we have what is best described as a vanity project. It was conceived by new Labour and promoted by the then Transport Minister, Lord Adonis, on the basis that we needed more high-speed rail than just that between London and the channel tunnel. It was said originally that HS2 would link people from the north directly to the channel tunnel, but that proposal has long since been abandoned, so HS2 will come only into a London terminal.

Unfortunately, the leadership of the Conservative party was seduced by the argument that it would be able to avoid having another runway at Heathrow by using HS2 to divert traffic away from it. It was only later that the Government realised that HS2 would actually increase demand for Heathrow airport, meaning that they immediately decided to stop the connectivity between HS2 and Heathrow.

**Sir John Randall** (Uxbridge and South Ruislip) (Con): I am grateful to my hon. Friend for introducing the Bill. Does he realise that the so-called Heathrow spur, which most people realise will be completely unnecessary, whatever the results of the Davies commission, is still on the plans? If it were not there, that would not only save a lot of money, but take away a lot of blight, mostly from the constituents of my hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd) and, especially, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). We should think about transport projects together.

**Mr Chope:** My right hon. Friend is absolutely right that we need to look at proposals on an integrated basis. That is one of the messages that comes out loud and clear from today’s report by the Transport Committee, “Investing in the railway”, which was published just after midnight. The Committee emphasises the importance of planned investment right across the railways to maximise the benefits of that investment. It is critical of the idea of just putting a certain amount of money into the HS2 project on its own.

When the Government realised that the project could not be justified on the basis that it would reduce demand at Heathrow airport, they started the line that it would reduce long-distance journey times. However, it was clear that the cost-benefit analysis that was carried out overvalued business time on the basis that business men did not spend any of their time on trains working. All the benefits were calculated on the basis of an improvement in speed that would mean that 15 minutes could be knocked off the time it took to get from London to Birmingham. My constituency is about 100 miles from London. This morning I got on the train at Hinton Admiral and arrived here two hours and 10 minutes later. Given the nature of a lot of our rail infrastructure, people expect to spend that sort of time travelling such distances.

**Mr Jim Cunningham:** As a result of HS2, the existing frequency of services on the west coast main line could be curtailed, to say the least, while fares would rise. While we might now have three trains an hour, that could go down to one an hour or even fewer, and yet, as the hon. Gentleman knows, fares are far too high—beyond the public’s reach.

The first person I ever heard proposing HS2 was the Secretary of State for Northern Ireland, when she was shadow Transport Secretary, although the hon. Gentleman is right that Labour picked up the idea. To return to the point made by the hon. Member for Shipley (Philip Davies), a lot of the money for HS2 could be spent on increasing nurses’ pay and stopping cuts to local authority budgets, and therefore providing better public services.

**Mr Chope:** The hon. Gentleman makes a good point. He will be aware that the New Economics Foundation published a report in June 2013 entitled “High Speed 2: The best we can do? Creating more value from £33 billion”. The essence of this debate is that if we are to spend that amount of taxpayers’ money—assuming that that is affordable—are there better ways in which to do so?

**Philip Davies:** My hon. Friend referred to speed, but I have never yet come across anyone from a business in Shipley who has said, “Unless you can get me to London half an hour or so quicker, we are out of here and we’re going to relocate.” In fact, many of my constituents fear that this emphasis on speed will not benefit the north, but merely increase London’s commuter belt.

**Mr Chope:** What my hon. Friend says is not just an assumption, because there is a lot of academic evidence about what happened when high-speed rail was built in other countries. For example, using a high-speed rail to link Paris with an outlying city generated more traffic coming into Paris than that leaving Paris to go elsewhere. That highlights another incorrect assumption behind the project.

**Dan Byles** (North Warwickshire) (Con): My hon. Friend is right to say that a lot of the economic analysis of this project has been simplistic. Evidence from France shows that while the number of visitors to Lille from Paris increased as a result of high-speed rail, there was a decrease in the number who stayed the night. The dynamic impacts of such projects are extremely subtle, but the economic analysis produced by the Department for Transport has been very blunt.

**Mr Chope:** My hon. Friend, who is a strong opponent of HS2, is absolutely right. We cannot oppose HS2 only on the grounds of emotion and prejudice. Instead, we must deploy arguments, but the arguments against HS2 are well established and supported by not only facts, but sound judgments by academics and politicians.

I am conscious that several hon. Members wish to speak, but I want to touch quickly on the latest iteration of the HS2 sales pitch: economic regeneration in the north. Again, that heroic claim is not borne out by the evidence, because most of the economic benefits of the project will probably come to the south-east.

How can we, as politicians and taxpayers—working together—help our colleagues out of this hole without humiliating them? That is where the Bill comes in, because it would allow us to ask the people to express their common-sense view. I am sure that they would be against the project, so when they had spoken in a referendum, the Front Benchers of both main parties, and indeed our Liberal Democrat friends, could get themselves off the hook by saying, “The people have spoken and we got it wrong.” They could then say, without any humiliation, “We will revise our plans and spend the money in a different way.”

**Sir John Randall:** A lot of people say that those who are strongly opposed to HS2 are the individuals who live along its route, but one of the great advantages of the Bill is that it would provide the proof that many people who are concerned about the amount being spent live a long way away from the route. It would therefore give our colleagues in government and Labour Front Benchers the opportunity to say, “This is not required and not wanted, and therefore we should stop.”

**Mr Chope:** My right hon. Friend is absolutely right. My constituents live on the Weymouth-Waterloo line. When I held a meeting with representatives from Network Rail’s Wessex route study earlier this week, they confirmed that Waterloo is the busiest station for passenger numbers in the whole of Europe, with Clapham Junction the busiest for rail movements. They said that in 30 years’ time, they will need 60% extra capacity, but how will that be paid for? People in my constituency are therefore worried about spending so much on one particular vanity project that will not help them at all. Network Rail representatives said that if HS2 were built, it might increase demand, ironically, on the already overloaded Weymouth-Waterloo route. So there are a number of very serious problems.

I shall close by referring to the 28th report of the Public Accounts Committee which was published on 16 January this year. The Committee recommends that the Department for Transport should set out a 30-year transport infrastructure strategy and use it to inform decisions about investment priorities. The Committee is

sceptical about whether the Department can deliver value for money for the taxpayer on HS2, and it says that the extraordinarily large contingency sums that have been set aside are a way, potentially, of hiding the cost of overruns and increases in price. The report refers to the fact that Crossrail 2, which is likely to be needed as a direct result of this, could cost £20 billion extra, so even with the enormous sums involved—up to £50 billion—HS2 cannot be considered in isolation. That money would need to be spent alongside other money, because if something were not done about the interconnection at Old Oak Common, for example, there would be complete chaos in the connectivity into London.

There are an enormous number of reasons why people should be given a say on HS2. I commend the Bill to the House.

11.11 am

**Mr Dominic Grieve** (Beaconsfield) (Con): It is a great pleasure to be able to participate in this debate. I thank my hon. Friend the Member for Christchurch (Mr Chope) for providing the forum for this debate. I regret that I was not able to sign his Bill when he introduced it. One of the advantages of having left ministerial office is that I now have greater scope to express my views on the subject.

One of the responses that has been chucked at Members of Parliament who have raised a whisper of protest about whether the scheme is desirable is that as they largely represent constituents who may be directly and adversely affected by it, the validity of their representations is diminished. As my right hon. Friend the Member for Uxbridge and South Ruislip (Sir John Randall) described so well, the vast majority of letters that I received from constituents were from people who were not directly affected by the construction of this railway line, and who from the earliest stages wrote to register their concern about whether an infrastructure project, which in theory is a good thing for a Government to undertake, warranted the colossal amount of expenditure involved and the environmental damage that must inevitably go with almost any infrastructure project.

I am a realist. My constituency has a history of huge infrastructure projects—the M4, the M40 and the M25—which have all done massive environmental damage, but I accept that my constituents do not routinely write to me asking for those motorways to be ploughed up. That is not to say that we should construct a white elephant. It is abundantly plain that there are real doubts about whether the project justifies the expenditure. The point has, I am sure, been made in the House on previous occasions—and I know that all infrastructure projects have costs that run away with themselves—but it is remarkable that we started in 2009 with an announcement that this railway line would cost some £16 billion and we are currently on what we have been told is a fixed, definitive and final figure of £50 billion, after a process that took us to £29 billion, then to £32 billion. Why should any of my constituents have any confidence in the costings of the project?

**Mrs Gillan:** The costs that we are referring to now are at 2011 prices, and there has been no updating of those costs, so we could already be talking about underestimates.

**Mr Grieve:** I agree entirely. One of the difficulties we have is that when we ask questions and seek further information, it seems that we extract it by dribs and drabs. One of the great merits of my hon. Friend's Bill is that it would have the valuable consequence of crystallizing debate and obliging those who wish to promote the project to come forward with all the detail that we have so much difficulty extracting when we write letters and which the Select Committee considering the hybrid Bill, which I know is doing sterling work, also has great difficulty in obtaining.

Let me give the House one example, which is particularly relevant to my constituency. My constituency will be principally affected by a viaduct that will be built over the River Colne. It cuts through a site of special scientific interest. The Colne valley is a regional park, the landscape of which, it has long been acknowledged, should be protected even when development goes on around it. But the theme that has been put forward consistently by the Government and the proposers of HS2 is that tunnelling under the Colne is entirely out of the question. The two arguments advanced are that the cost would be entirely disproportionate to the environmental gain—it was estimated that it would cost around £1.5 billion more, which I accept is a substantial sum—and furthermore that there would be major engineering problems connected with it, because there has to be an area which is outside the tunnel where the Heathrow spur link joins up at the tunnel mouth going into the constituency of my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan).

Those are two proper contentions, but the more this debate has gone on, the more I have come to realise that those assertions, which have been made to me repeatedly, do not bear close scrutiny any more. For example, the latest figure that I was able to glean for the differential cost between the viaduct, which apparently is a major piece of engineering of the highest complexity, and tunnelling under the River Colne is only £200 million. In the context of a project costing £50 billion and rising, that starts to make it look almost affordable. When will we get some clarity about that, without having a referendum to get people to come out and demand that proponents of the scheme explain what they are about?

There is ample evidence that the Heathrow spur is not needed. The mood music is clear that the success of the Old Oak Common interchange, which may be hugely advantageous to the borough in which it is located, and the train times into Heathrow airport mean that no one is interested in it any more. And if people are not interested in it, as my right hon. Friend the Member for Chesham and Amersham said, we could remove planning blight over a substantial part of my constituency in Denham and Iver, where properties cannot be sold because people believe that trains will run either through them or under them.

**Mr Cunningham:** The right hon. and learned Gentleman raises an important point. I have people in my constituency, such as Mr and Mrs Elliot of Coventry, who have invested their life savings in their property but, because they are outside the formula area, do not qualify for compensation.

**Mr Grieve:** The hon. Gentleman is right. I will come to another point about compensation in a moment.

If the Heathrow spur is not needed, the junction at the entrance to the tunnel into the constituency of my right hon. Friend the Member for Chesham and Amersham is not needed, which would make the tunnelling even easier. I am a constituency MP, wanting to do right by my constituents and trying to apply myself rationally to the fact that areas sometimes have to be disadvantaged to promote national infrastructure projects that may be in the wider public interest. The House will understand my frustration at being unable to get any clarity on these really key issues, which must be resolved if there is to be informed debate, and my real anxiety that, although we will go through the entire hybrid Bill process—through the Committee, with the evidence taking—when we get to Third Reading all sorts of issues will just have been left hanging in the air.

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. I am sure that the right hon. and learned Gentleman is going to relate his and his constituents' frustration, which he has been eloquently describing, to the specific provisions of the Bill.

**Mr Grieve:** Indeed, Madam Deputy Speaker. The whole point is that the Bill, by facilitating a referendum, would enable these matters to be crystallised and discussed and would largely compel the promoters of the project to come up with all the answers that have been left hanging in the air.

I do not want to take up any more of the House's time than is necessary. I come back to the point made by the hon. Member for Coventry South (Mr Cunningham) about compensation. Any sensible person in this country must look at the compensation package, because as a good citizen they may wish to consider the interesting issue of their situation if such a thing were to happen to them in future. I am the first to accept that an adequate compensation package might go quite a long way as a palliative to those whose lives are interfered with. The truth is that the compensation package that we seem to be creating is, frankly, pretty woeful. It compares very badly with the sorts of packages produced in countries such as France.

The hon. Gentleman is right: having the referendum would enable us to have a debate on the sort of compensation package we should have. That would go much further than just this project; it might enable us to resolve compensation for the future in a much clearer and more credible way. Public debate, such as a referendum would allow, would be immensely valuable in achieving that.

**Mrs Gillan:** Does my right hon. and learned Friend not agree that if the referendum took place it would force the Government to reveal the risks associated with the project? I am referring specifically, as he knows, to the Major Projects Authority reports, which have been withheld from Members of this House and from the very Committee that is scrutinising the passage of the major Bill through the House. If there were a referendum, the Government would be forced to let those risks be seen in public by the public who would be voting on the project.

**Mr Grieve:** I agree entirely. It would be to the Government's political advantage to reveal as much information as possible about how the decision-making process took place. Of course, I am mindful of the rule

[Mr Grieve]

that Ministers must have the possibility of confidentiality so that they can make informed decisions. I am very respectful of that; my time as Attorney-General made me understand how important it is, and the matter is very much for our ministerial colleagues to determine. However, my right hon. Friend is absolutely right. Wherever possible, documents should be put forward. Even a document that might appear disadvantageous to people would at least have the merit of their being able to explain why, notwithstanding it, they had changed their minds. To come back to the Bill, that is exactly why the public debate at the moment is not adequate for the magnitude of the project that the Government have been creating.

**Philip Davies:** Does my right hon. and learned Friend agree that the other advantage of the Bill would be to tease out how much support the project has in the north of England? Projects such as this are often proposed by people down south pretending that they care about the north, when all that actually happens is that those in the north realise how out of touch those people are with the north. If we were to have a referendum, we would know once and for all how popular the scheme was in the north and whether it was as popular as people in the south seem to think it is—or as unpopular as I seem to think it is, from speaking to my constituents.

**Mr Grieve:** My hon. Friend makes a very good point. I have no idea how widespread the support for the project is in the north of England; anecdotally, there is a suggestion that it is much less than has been suggested. Most referendums have regional or local results, which would be a telling way of showing whether the enormous expenditure is the best way of building better infrastructure for this country in future.

Whoever speaks on this matter in the House will have no difficulty in agreeing on the benefits of sound infrastructure; travelling on the London underground, one can see the need for investment. I also entirely accept—I make the point again—that infrastructure development cannot take place without some adverse environmental consequences. We have to do our best to minimise those, and one of my anxieties is that I am not sure that we have really considered that issue properly in the context of this project. However, I accept that there are those consequences. I am a realist, but I worry about this project, which is why I think a referendum would be so desirable.

I shall now bring my remarks to a close. I must apologise to the House, and above all to my right hon. Friend the Minister. There have been changes to the Order Paper, and unless I fail in my duties to my constituents in other respects, in a way that would be difficult for me, I will not be able to remain to hear the end of this debate.

11.26 am

**Frank Dobson** (Holborn and St Pancras) (Lab): Generally speaking, I oppose referendums, but that opposition is slight by comparison with my opposition to the ludicrous High Speed 2 scheme, which is, it has to be said, both amateurish and grotesquely expensive.

It used to be fashionable to say that things had been formulated on the back of a cigarette packet; it sounds as though it will be possible to do that on the front of a cigarette packet fairly shortly. I gather, however, that it is more fashionable now to say that things have been drawn up on the back of an envelope—and in this case, it is a pretty poor envelope.

It is clear that HS2, and all the money it involves, is unpopular in every part of England and even more unpopular in Scotland and Wales. I can say without fear of contradiction that it is certainly unpopular in my constituency of Holborn and St Pancras, where it will involve the demolition of the homes of about 500 people and expose more than 5,000 people to living next door to Europe's biggest demolition, engineering and building site for 12 to 15 years, without any compensation at all.

The boundaries of the compensation scheme are such that people can live 5 metres—in some cases, 5 centimetres—from the boundary and not get a penny. We have been told that the situation is not like in rural areas; urban areas, apparently, are used to noise—"people are used to railways, you know, in the Euston area." Indeed they are, but they are not used to living next to a major engineering site for a dozen or 15 years.

The five minutes that I was given to speak, under the procedures of the House, on Second Reading of the current HS2 Bill were not sufficient for me to do justice to the insanity of the proposals. The original proposals were for a total demolition and rebuilding of Euston station and its extension 75 metres to the west. They also included a link to the channel tunnel line, running across the North London line, above ground, from Primrose Hill to the back of St Pancras station. That latter proposal was rubbish from the start. No one thought it was sensible apart from officials at High Speed 2 and officials at the Department for Transport, which, even before the proposal was published, had been warned by everyone, including me, that the North London line would in effect need to be destroyed and rebuilt in order to enable high-speed trains to run along it. They had also been warned by the Institution of Civil Engineers that it was not a good idea.

Then the original estimate of the costs nearly doubled. We had warned people of this. They said it was because of new factors, one of which, apparently—it is in a parliamentary answer—was the need to widen the route. If they did not realise that would be needed from the start, they ought not to be employed in such projects.

Fairly recently, the proposal for the connection to the channel tunnel link was abandoned, so there is now no longer any rail connection to the European network, as had been promised. We were told that passengers could get off at Euston and then that they, rather than the trains, would be able to get to St Pancras: they could walk there in the rain or possibly use a travelator going along Euston road, which is, in terms of air pollution, the filthiest road in Britain. Recently, Sir David Higgins, the great new boss who has been brought in, told people that they could walk across Euston station, go to Euston Square tube station, get the tube to King's Cross St Pancras, and then walk to the international trains. I would have thought that most people would not fancy that if they were carrying a bit of luggage. Anyway, that is the latest fancy proposal.

Let us look at the original proposals for the full-scale redevelopment of Euston and the bringing in of the high-speed trains. The original estimate was £1.2 billion. Just eight months later, the geniuses at HS2 acknowledged that that estimate—or guesstimate, or back-of-a-fag-packet stuff—had gone up to £2 billion. An escalation in price of £100 million a month is not bad, really—you have to admit that they are quite impressive at spending other people's money. Then that was felt to be too expensive and abandoned, and they came up with the proposal known as revised option 8, which would, roughly speaking, leave Euston as it is, with a fancy lean-to shed next to it in which the glories of High Speed 2 would be displayed.

Those propositions—the link and revised option 8—were in the Bill that was considered on Second Reading in this House. One of them has been abandoned, and we are told that the Euston proposition has also been abandoned, without any debate in this House. Now HS2 wants to go back to the full-scale redevelopment of Euston, which has never been put before Parliament. If Parliament is not doing its job properly, perhaps the people will need to do their job properly in a referendum.

I have been tabling questions asking, “When are you going to come up with the revised proposals for Euston?” Last year we were told that those revised proposals would be out for consultation in October last year. The most recent answer to parliamentary questions that I have is that it is hoped they will be available in September this year. However, these people still have no idea of what the cost will be, and they cannot work out a viable scheme for the rebuilding of the station. I personally believe that they have been unable to overcome a lot of the engineering problems that would be caused by major works in the area. Parliament has not been doing its job properly; it has not had the opportunity to do so because it has been denied information by the Government. That is why we need a referendum.

To say that this is an unpopular idea is an understatement. In March last year, polling by ComRes showed that 52% of the UK population generally were against it and 30% were in favour. Last autumn it got a bit worse, from the point of view of those who are in favour of this ridiculous scheme, because, in a YouGov poll, 53% were against it and its supporters had gone down to 25%. A breakdown of the figures shows that no group anywhere in the country is, on balance, in favour. Among all men and all women, more are against than for. People in every age group are more against than for. All social classes are more against than for.

The hon. Member for Shipley (Philip Davies) talked about the views of people in the north. I have the polling figures here. In the north-east, 62% are against and 20% are in favour. In Yorkshire and Humberside, 48% are against and 37% are in favour. The nearest thing to majority support anywhere is in the north-west, where there has been a lot of banging the drum for the wondrous likely impact on Manchester. To be fair, though, it is still quite close, with 43% against and 39% in favour, and the majority are still against.

My hon. Friend the Member for Coventry South (Mr Cunningham) talked about the west midlands, where 50% are against and 34% are in favour.

**Mr Jim Cunningham:** My right hon. Friend mentioned disruption caused by this proposal. If it went ahead in Coventry, it would seriously affect some of the finer scientific measuring equipment that is used at the university of Warwick

**Frank Dobson:** Yes, indeed.

Apart from those who are paid supporters of the scheme, it has virtually no supporters. When I say “paid supporters”, I am including some of the civil engineering advisers and consultants who are producing reports in favour because they are paid to do so. There is a danger that they are damaging the reputation of British civil engineering consultants.

**Mrs Gillan:** People watching these proceedings will probably be remarking that there are not many MPs in the Chamber, but historically we do not get many people here on Friday morning for debates on private Members' Bills. Is it not remarkable that so far there have been no interventions in support of this project on which £50 billion of taxpayers' money, at the very minimum, is being spent? I am sure that the Front Benchers will support it, but no other voices have rushed here to do so.

**Frank Dobson:** That is so. I think that the right hon. Lady is probably regarded as being in the south-east, where 51% are against and 30% are in favour. In the London area, 48% are against and 34% are in favour. And so it goes on. The supporters of every political party are, on balance, against.

**Jacob Rees-Mogg** (North East Somerset) (Con): I was hoping that the right hon. Gentleman might give the figure for Somerset. I have a feeling the project is not enormously popular there, either.

**Frank Dobson:** I think that for these purposes Somerset is probably part of the south-west, where 60% are against and 25% are in favour. I should also add a late wire from the course: as of yesterday, a *Daily Mirror* poll showed that 80% are against and 20% are in favour.

There is something amiss if Parliament is not reflecting the views of the public, especially when they are so overwhelmingly in one direction. In the absence of Parliament reflecting those views, it seems to me that there is a case for a referendum, or possibly local referendums, on the proposals.

**Dan Byles:** Does the right hon. Gentleman agree that, although we do not have referendums on infrastructure projects across the board, this is a unique infrastructure project, and that because every party capable of forming a Government is in favour of it, it is impossible for any party to claim a mandate for it?

**Frank Dobson:** There are mandates and there are mandates, are there not?

One of the problems is that as each argument in favour of this ludicrous proposition fails, the proponents come up with another. The first one was speed. Oh, it was wonderful! People would be able to speed to Birmingham—or speed from Birmingham to London, but that tended not to get mentioned too much. Time would also be saved for business people. The first calculations were based on time saved when using motorways, but

[*Frank Dobson*]

people are not supposed to read when they are driving, so there is a considerable gain in getting from A to B as quickly as possible, whereas on a train they can do some work. The calculations were modified, but even then they were wrong.

The next argument was that the proposal was going to add to train capacity. The proponents then had to admit that sorting out two or three particular bottlenecks on the west coast main line, which they intended to do anyway, would add considerably to the line capacity. They have never done a calculation—this would be of interest to those who use the west coast main line—of the incapacity that the massive engineering works at Euston will force on the line. These works will result in a lot of interference to access to and egress from Euston. People's journeys from the midlands and the north-west will be interfered with one way or another for the best part of 15 years, but that is not part of the capacity argument.

**Mr Jim Cunningham:** Although the situation in Coventry is not exactly the same as that in Euston, there will still be major effects on the traffic flow and major disruption in Coventry. That could go on for many years, and blighting is another issue we will have to address somewhere along the line.

**Frank Dobson:** The other problem is that the people behind the proposition live from hand to mouth. They said, "There'll be a way around this, because we'll be able to divert quite a lot of the local services that come into Euston to Old Oak Common and therefore relieve the pressure on Euston during the works period." They have now admitted, however, that they cannot divert the local services to Old Oak Common to bring about that relief, so they are still lumbered with the fact that they will louse up access to Euston station for the next dozen to 15 years.

I am sure my hon. Friend will agree that an alternative option for improving the passenger service from London to Birmingham would be substantially to improve the performance of the Chiltern line and thus relieve a lot of passenger need on the west coast main line. All over the country, minor improvements to the track, signalling and electrification could bring about big improvements for passengers. As a lad originally from just outside York, I am always conscious of the fact that the east coast main line is electrified from King's Cross to Leeds and from King's Cross to Edinburgh, but that the link between York and Leeds is not electrified. Consequently, anyone who wants to go to Leeds from Edinburgh, Newcastle or Durham cannot do so on an electrified train; they have to change at York or find one of the trains that are still diesel.

**Philip Davies:** The right hon. Gentleman is absolutely right. Is it not the case that it takes almost as long on the train to get from Leeds to Liverpool as it does to get from Leeds to London? It is, therefore, bizarre that so much money is being spent to try to make it quicker to get from Leeds to London when many people would prefer it to be quicker to get across the north of England.

**Frank Dobson:** Indeed. When the capacity argument fell through—the proponents threw in the towel—they turned to economic growth. However, if they look at

virtually all the foreign experience, they will see that when a high-speed line is put in to a capital city, that capital city sucks in business and jobs from the other places on the line. That is significant to those who live in smaller towns near the cities where HS2 stations are proposed, because there is considerable evidence that those smaller towns will lose business to them. If a station is built in Manchester, towns in Rochdale, Oldham and other surrounding areas could lose trade, jobs and prosperity to Manchester. That might be okay for Manchester, but it would not be too good for Greater Manchester.

Rail improvements are needed in the north of England. The time it takes to travel from York to Manchester and from Leeds to Liverpool is a disgrace. High Speed 3 is now being talked about, but I think there would be a bit more support for High Speed 3 if it became High Speed 2. A lot of local services in the north of England need to be improved, as well as the interconnections between the big cities.

People talk about the economic benefits that High Speed 2 will bring to cities in the midlands and the north. The cost will be £50 billion and it is intended that five cities will benefit: Birmingham, Nottingham, Sheffield, Leeds and Manchester. As I suggested in one debate, if that £50 billion were split between those cities, giving them £10 billion each, and the people of, say, Manchester and Sheffield were asked in a referendum what they would do with their £10 billion, the chances are that they would not say that the first thing they needed to do was to club together for a high-speed railway. That would be pretty unlikely. Perhaps there should be local referendums.

Some of us are decried for being neanderthal and opposed to progress. People say, "What about the wonderful progress that was made by the great railway entrepreneurs of the 19th century?" A lot of those projects in the 19th century were characterised by bankruptcy, fraud, deception, thieving from shareholders and God knows what else. George Hudson of the Great Northern railway invented the Ponzi scheme about 100 years before Ponzi was born.

Those entrepreneurs did get the things built—that is a fair point—but if we want to rely on 19th-century examples, and if High Speed 2 is such a good idea that it could be put to a referendum and people would agree to it, surely we should be asking why the private sector is not desperate to build this new railway. Why should the taxpayer have to find the money, when historically in this country it is not the taxpayer who has done so? There seems to be no rush to come up with the dosh privately to invest in this scheme. Perhaps that is because outfits such as the Institute of Economic Affairs and the Institute of Directors—not organisations I usually quote, I freely admit—think that it is a total waste of time. Broadly speaking, they think it is crackers.

That brings me to the most recent report of the Public Accounts Committee, to which the hon. Member for Christchurch (Mr Chope) referred. To say that it is a lukewarm endorsement of High Speed 2 is to wildly exaggerate the Committee's enthusiasm for it. I need my glasses to give you the full benefit of the report, Madam Deputy Speaker. It says:

"The Department for Transport is responsible for a number of ambitious, expensive transport infrastructure programmes including the planned High Speed 2 programme. We are not convinced that these programmes are part of a clear strategic approach to

investment in the rail network... The Department told us it will deliver the full High Speed 2 programme within its overall funding envelope of £50 billion."

For a start, it is not £50 billion, because HS2 admits that if the scheme were to work, Euston station would not be able to cope with the extra passengers and would be overwhelmed. Crossrail 2 would then be needed, at an additional cost of £20 billion. If the scheme were to work—if all the optimistic prognostications of those who are in favour of it came to be—it would require a further £20 billion. Quite frankly, it is deceptive of the Government and High Speed 2 to talk about £50 billion. Usually, they do not even like to talk about £50 billion: they talk about £43 billion and then reluctantly admit that they need another £7 billion for the locomotives—it was perhaps going to be a train-free railway at one time—and we have to bear that point in mind.

I want to express my own views and those of the people who live in my constituency. Crossrail 1 is causing a bit of trouble here and there, but, broadly speaking, people have been willing to go along with it. Originally, the proposal for the channel tunnel link was that it should come into a huge concrete box under King's Cross station. The sort of people who are now proposing HS2 said, "This is the only way to do it. There is no possible alternative. We are the experts. We know everything." They ended up having to admit to a Committee of this House that was considering the Bill that their concrete box was too short for the proposed train. That was the quality of thought that went into the proposal.

When I first suggested to the planners that the best thing to do would be to use St Pancras station, which was grotesquely underused, I was treated like a total idiot: "Pathetic! How could he possibly come up with such a silly idea when our concrete box under King's Cross is a masterstroke?" They eventually abandoned the masterstroke and we now use St Pancras station. I am pleased that if someone gets a train from St Pancras to the Gare du Nord, they really know that Britain is best, because the Gare du Nord is horrible and St Pancras is a credit to everybody except the railway planners, because they were not in favour of using it originally.

Similarly, despite the problems that have been caused in my area, there has been, broadly speaking, full support from nearly everyone there, including myself, for the massive improvements at King's Cross station, all of which were started under the Labour Government, with the support of myself and local people.

I believe that it is necessary to say to Parliament, "Look, you are letting people down." The proposals are a disgrace: they are amateurish and grotesquely expensive. Parliament has not been doing its job properly. I mean no criticism of the people who are serving on the legislative Devil's island that is the Committee stage of the hybrid Bill. Those people should, at the very least, receive double salaries and free passes on the railways for ever. Our procedures let people down and do not reflect the views of people in this country.

**Mrs Gillan:** Would the right hon. Gentleman also like to mention in dispatches the excellent Clerk, who is doing a first-class job for that Committee and has gone a long way to ensuring that people feel that they have been or will be listened to?

**Frank Dobson:** Yes, I endorse that. Everyone who has had dealings with the Clerk, and with the other Clerks who have been involved from time to time, pays tribute to the help that they have been given in making their representations and getting their representations in order. However, try as they might, our procedures in relation to such matters are ridiculous.

In the absence of proper parliamentary scrutiny, one of our own Committees, the Public Accounts Committee, is saying of the Department for Transport—I will put my glasses on again:

"The Department still lacks a clear strategic plan for the rail network, and it is unclear how the Department makes decisions about which programmes to prioritise for investment... We remain concerned about the Department's ability to deliver on time and budget... We are sceptical about whether the Department can deliver value for money for the taxpayer on High Speed 2... There is a risk that industry does not have the capacity to deliver all current and proposed programmes... The Department has a long way to go to prove that it is being more active in realising benefits from major programmes."

Surprise surprise, all sorts of benefits were supposedly to result from the station at Ebbsfleet and the channel tunnel link, but—lo and behold—they have not been realised. That might be because they were unrealisable from the start and were basically a bit of fantasy infrastructure dreaming, but that is also what this proposal is. Parliament is letting down the people of this country and we should let them have a say with a national and local referendum.

I want economic growth and development in the great northern cities, and the towns and villages that surround them, which have contributed so much in the past to our economic strength. In future, we cannot possibly compete in the world as the cheapest on price because we will always be undercut. All we can do is compete with the best on quality and economic initiative. For example, graphene was developed at Manchester university and is the strongest material the world has ever known. I think it would be better for Manchester if we put £1 billion into developing applications of graphene, rather than putting the money into this railway. Because I am a Yorkshireman I will also mention Rotherham, which is famous for its special steels and still does great work developing them. It would probably be a good idea to put money into graphene in and around Rotherham, so that the development of the strongest material in the world is done in league with the steel industry and does not try to replace it. We should invest in those sorts of things, not throw money away on this railway.

We should allow the people of this country to have their say, but not in a general election in which everybody has—allegedly—signed up to the project. Indeed, I suspect that if there was a secret referendum in the Cabinet and shadow Cabinet, the vote would probably be 80% against HS2 and 20% in favour, because lots and lots of people recognise just how stupid this project is.

12.3 pm

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): It is a pleasure to follow the right hon. Member for Holborn and St Pancras (Frank Dobson). If we had a secret, unwhipped ballot across the House, I think we may find less support for this project than those on the Front Benches would like.

[Mrs Cheryl Gillan]

I congratulate my hon. Friend the Member for Christchurch (Mr Chope) on bringing this Bill to the House and giving me and my colleagues the opportunity to sponsor it. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) was not free to sponsor the Bill, but it is good to have his affirmation that he would have added his name to it had he not been on the Front Bench. I have been liberated for some time, and fortunately I have been able to speak about this matter. For the first two years of this Parliament, however, owing to Cabinet collective responsibility and observing what is right and proper in the House, I was unable to air my views about this project on the Floor of the House.

Friday mornings are never convenient for Members who want to spend time in their constituencies, and it is commendable that colleagues have joined the debate this morning, probably on their way to their constituencies. My right hon. Friend the Member for Aylesbury (Mr Lidington) has asked me to mention the strong feelings in his constituency about the huge cost of this project, particularly because the lack of any interim station means that local people are set to gain no benefit from the line, while facing massive disruption to their lives for years to come. I echo that point for my constituency and constituencies in Buckinghamshire that will be severely disrupted should the project go ahead. My hon. Friend the Member for Stafford (Jeremy Lefroy) supports the Bill but is unable to attend the debate, and I am pleased to put that on the record to show that many Members up and down the line—and now beyond the line—feel uncomfortable with the proposals.

That we are debating giving people a vote on this project is absolutely right, and if the Minister, my hon. Friend the Member for South Holland and The Deepings (Mr Hayes)—

**The Minister of State, Department for Transport (Mr John Hayes):** Right honourable.

**Mrs Gillan:** I do apologise; I meant no disrespect. If my right hon. Friend realised how unpopular this project was, he might not make the speech he is about to make. I recall that I was driving—I think I was listening to “Any Questions”, and one of the questions involved HS2. The audience on the radio booted, and I thought, “Well there’s a popular project for the Government to pursue, particularly in the light of its so-called limited cost.” This project has not captured imaginations up and down the country, and it is certainly not held dear by the people I talk to, including those way beyond those who are affected directly by the line.

The trouble is that HS2 is slipping under the radar in many ways. The organisation led by Buckinghamshire county council is an amalgam of many other organisations and, as I said earlier, it has called itself “51m”, because the equivalent cost of HS2 at the moment, if spread among our constituencies, would give each Member £51 million to spend in those constituencies. The right hon. Member for Holborn and St Pancras said that if we gave £10 billion to the five cities, they would not immediately club together and want to build HS2. In the same way, if constituencies up and down the country received £51 million, they would not immediately club together to build HS2.

Like the right hon. Gentleman, I wanted to find out what people thought about HS2, so I went along to the Institute of Directors. In Transport questions last March, I raised that issue because the IOD—the very business people to whom the project is supposed to appeal—surveyed more than 13,000 directors for its spring report last year to get their views on HS2. More than half those directors thought that HS2 was poor value for money, and more than 60% thought that the budget earmarked for the project would provide a better return if it were used to improve existing road and rail networks. Frankly, when our business community comes out against a project to that extent, I do not understand why the Government do not listen. I am not afraid of asking people what they think, and neither are most of my colleagues in the House. I therefore believe that the proposal for a referendum is well made and should be put, not least so that the business community can express its views.

It is all very well for the companies that are already earning highly from the project. I was amazed at some of the sums that have already gone to potential advisers and contractors on this project, all of which have been printed in *Hansard* in response to questions—I will not go into the details of the company, but they are there if people want to look at them. Those companies are in favour of the project, as are Manchester and Birmingham, which see vast swathes of taxpayers’ money coming in their direction. Sir Albert Bore and Sir Richard Leese will be absolutely delighted and will put pressure on Labour Front Benchers to go along with the proposals, because taxpayers’ money will go into those Labour-controlled authorities, but what does that say to the rest of us?

**Frank Dobson:** Even in Birmingham there are doubts. There is a site called Washwood Heath. Everybody in Birmingham ranging from the far-left Trots to the chamber of commerce was in favour of redeveloping it with about 3,000 modern jobs in IT and bio-engineering, but—lo and behold—HS2 says, “Tough. We need it for some sidings. Total employees: 30.”

**Mrs Gillan:** The right hon. Gentleman is right. A constituent of mine who owns a business in the Birmingham area will be adversely affected by the project. He will have to re-site a profitable factory, which will involve losses and a great deal of interruption to the business.

It is five years since the announcement of the project. Its genesis has been well documented by other hon. Members, including in this debate. We are five years in and we do not know what the costs are. Inevitably, those costs are rising. In 2009, the costs for HS2 were identified as £16 billion. A year later, they went up to £29 billion. By 2010, they were £32 billion. As everybody knows, the cost now stands at £50 billion, particularly if we want the luxury of a few trains running up and down the lines.

What worries me is that I do not believe the costs will stop there. First, there is the unknown quantity of Euston and the implications, which could run into millions, nay billions, of pounds if the right hon. Member for Holborn and St Pancras is to be believed—he is to be believed.

There are unforeseen costs after that. For example, I am not convinced that the countries that make up the United Kingdom will not press for Barnett consequentials on that spend, not least because, as I know, there was a dispute with Wales on whether Barnett consequentials

would be applied on the transport elements of the Olympics and the Olympics project. It was decided that the transport spend elements would be Barnettised, and therefore extra funds had to be found to pass to Wales and Scotland and so on. The first phase of HS2 is Birmingham to London. There is a powerful argument to make, and there is no reason to think that more funds will not have to be found to deliver those Barnett consequential to the other countries that make up the United Kingdom.

Naturally, the costs have risen. As I mentioned, the costs quoted are at 2011 prices. I sit on the Select Committee on Public Administration. Last week, the Treasury permanent secretary was before us. During the course of our investigation, I asked him about the costs of HS2 and pointed out that we were dealing in 2011 prices. I have asked him for an up-to-date costing of the project, which I believe he has agreed to provide by means of a letter to the Committee. I hope that, very shortly, the House will be better informed as to the real costs—the costs as of today's date. It is hard for people to understand the full implications of the costs of the project if we do not keep pace with current prices. The assumptions that have been made about the benefits of the project are grossly overestimated. The benefit-cost ratio for phase 1 of HS2 has dropped to 1.4 from 2.4, as it was when the first business case was issued. For phase 2, the ratio stands at 2.3, which is down from 4. One thing is not highlighted: the business case includes an £8.3 billion cut to existing inter-city services. When HS2 was first announced, my colleague the Foreign Secretary, who was Secretary of State for Transport, said it would be necessary to “seriously review the viability” if the BCR dropped below 1.5. That has happened, but as far as I know there has been no review. The reliability of the assumptions are widely questioned, but in a project of that size that will cost the taxpayer so much, we need to be certain before we press ahead.

If we strip out from the assumptions the questionable elements—for example, the overvalued benefits for the reduction of journey times, which are questionable because people do valuable work on trains—we calculate that the more realistic BCR is 0.5. If that is the case, the project will be one of the poorest value for money projects that this country has ever seen. It compares unfavourably with many other infrastructure projects. Many road improvements have BCRs of as much as 10. The optimised alternative to HS2 originally proposed by “51m”, the group of councils that have lobbied against HS2, had a BCR of 5.

Basically, by anybody's reckoning, the project is based on dodgy assumptions. We do not know the real costs. It is five years in, but we do not have the final route and the final plans. We do not know what the risks entail. It bears repeating that the Major Projects Authority was set up to identify the risks of such projects. As far as I was aware, it was supposed to be transparent. As I understood it, we were going to be one of the most transparent Governments ever. Those reports, which we know are classified as amber/red, have not been released. I repeat that it is not right or proper that the House can be said to have scrutinised the project properly on behalf of our constituents and the taxpayers if the Committee that considers the project Bill in detail does not have access to the clearly identified risks laid out by the Major Projects Authority. If Members of the House

are not allowed to have them, members of the Committee at least should have them. If the project is to be done, it needs to be done properly. People need to see that each of those risks have been addressed by the Government, and by HS2 Ltd or whatever organisation delivers the project.

**Mr Chope:** Is there an analogy with people seeking investment from shareholders? They have to produce a proper, transparent and open prospectus for shareholders. In this situation, taxpayers are in the role of shareholders, and they are not getting a proper prospectus from the Government.

**Mrs Gillan:** As far as I am concerned, it is “Don't do as I do, do as I say”. We are always dictating to the banks and corporations that they must have transparency in their dealings, but we are not doing it ourselves. I find it rather disturbing, and it is certainly not fair on my constituency and the other constituencies that are going to pay the ultimate price for the delivery of this project if it goes ahead.

If one is going to put in a piece of infrastructure that disrupts an area of outstanding natural beauty—that is, an area of the country that has been nationally designated as something that is precious—it is not right that it should only be half protected. I am very grateful to my colleagues, because following my representations I was able to increase the tunnelling that protects my constituency. It was originally to come out in the middle of a football field at the back of old Amersham. I was able to persuade the then Secretary of State for Transport that we needed more tunnelling. I envisaged that that tunnelling would carry on to the end of the area of outstanding natural beauty, but it was moved to a place called Mantles Wood. There is no logic for why it should come out at Mantles Wood. If we are going to spend this money, I think it should go to the end of the AONB, so that that nationally designated area of the country is fully protected.

**Frank Dobson:** I think the right hon. Lady will confirm that she was present when our colleague, my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith), asked Sir David Higgins about the fact that they were going to tear through two bits of ancient woodland in her constituency. He reassured her that it was all right, because they would replant it!

**Mrs Gillan:** The depth of ignorance knows no bounds in some instances. I am very depressed by the fact that people actually believe that one can replace ancient woodland. I have worked with the Woodland Trust. When I was first elected, Penn Wood, in my constituency, was one of the first major woods that the trust purchased and saved for posterity. The complexity of ancient woodland, with its soil and the way in which it is made up, cannot be replaced. We can have substitute woods put somewhere else, but they can never be replaced. Once they are gone, they are gone for ever. I am grateful to the right hon. Gentleman for that intervention.

If one is going to spend £50 billion and disrupt the lives, businesses and homes of a number of people, money ought to be spent fully on compensation, as well as on protection of the environment. If one cannot afford to compensate people properly, as my right hon.

[Mrs Gillan]

and learned Friend the Member for Beaconsfield said, it is a crying shame, because they are paying not once through their taxes but twice with the blight. It is unfair that the burden should fall disproportionately on those nearest to the ultimate route.

Another aspect that worries me, and which the Bill plays to in putting a referendum on this project before the people, is that I do not feel new technology and developments have been taken into account fully. I put a question to the Department for Transport on whether the impact of driverless cars had been taken into account when looking at the future development of the railways and other forms of transport. The written answer came back that they had not been taken into account, but that a study was going to be carried out. One cannot go ahead with a costly project over such a long period of time without looking at the impact of new technology. When I first came into the House, my secretary worked on a golf ball typewriter. I now carry with me an iPad on which I can FaceTime the world—all my e-mails come in and I can go on Twitter. The change in technology over 20 years has been absolutely phenomenal. That is the time scale of HS2. There will be all sorts of developments, not least if we can finally get good, first-class, rapid broadband into all parts of Buckinghamshire and all points north, east, south and west. There are going to be changes to business patterns, patterns of travel and style of travel. It is important that we look at horizon planning holistically before we commit to this sort of expenditure, and that we give people the chance to say what they want through a referendum, as envisaged in the Bill.

The Public Accounts Committee report was quoted extensively by the right hon. Member for Holborn and St Pancras. He produced the summary, which is exactly the part I had underlined to read out to myself. What struck me is that the Department takes a piecemeal approach to rail investment. That is one of the most damning aspects of the report. It is important for the Department to go back to the drawing board and do some real horizon planning across the whole piece, looking at all our methods of transport, interoperability and connectivity. Otherwise, the white elephant that has been adopted as a sign of the anti-HS2 campaigners, will come to fruition. The PAC and the National Audit Office have consistently criticised the project, and that counts for a great deal. The NAO and the PAC are set up to scrutinise the type of expenditure envisaged here, and to tell it warts and all. The PAC is a cross-party Committee, so there is no political bias. Once again, it is not being listened to seriously at the highest levels of Government.

I will not go on for much longer, but I will leave the last words to my constituents. I have received literally hundreds of e-mails about the Bill. My hon. Friend the Member for Christchurch has been mentioned in dispatches many times. E-mails have come not just from my constituents; they have come from around the country. Many people would like the Bill to come to fruition, although I know that at this time of the electoral cycle we do not have much of a hope of it going any further. I will leave it to my hon. Friend to decide what he wants to do with it.

**Mr Chope:** I do not know whether my right hon. Friend is in the habit of responding to such e-mails, but one point she might be able to make is that people should challenge candidates in the forthcoming general election on whether they would support such a Bill in the next Parliament, so that there can be a popular vote on whether we should spend this amount of money on HS2.

**Mrs Gillan:** I certainly will. I stand proudly as a Conservative and will be standing proudly as a Conservative, but I think my Front Benchers and my party know that I cannot subscribe to this project, will be speaking out against it and will continue to speak out against it. I am sure there will be opportunity-politicians who will try to claim their opposition to this project. I am well aware that there is one party that claims it is the only party that opposed high-speed rail. I seem to recall that it had three high-speed rail promises in its manifesto at the previous election. I have no reason not to believe that in areas of the country that perhaps welcome this project it will be singing a different tune. As far as I am concerned, this is a policy I cannot agree with and will not agree with.

I want to give the last word to John Gladwin, from the Chiltern Society HS2 team. The Chiltern Society is an excellent local organisation set up to praise and cherish the Chilterns, which is an asset not just for my constituents but the whole country, particularly Londoners. He writes:

“While the country is running a substantial deficit, requiring restrictions on spending on the NHS and forcing local government to cut services, is it sensible to invest in a project that offers a poor Benefit Cost Ratio, and takes forever to deliver benefits to the North and the Midlands? Add to this the fact that the Government does not have a coherent Transport Infrastructure Plan, as evidenced by there being no Airport Commission Report until later this year, and Sir David Higgins coming up with HS3 as a way of delivering the benefits of HS2 to the North. Would it not seem sensible for the taxpayer to decide whether to fund this project or not?”

The Bill is simple: it allows for a referendum to be held on whether the UK taxpayer should financially support the HS2 railway. The referendum must be held before the commencement of construction of the railway, although I have to tell my hon. Friend the Member for Christchurch that nearly £1 billion will already have been spent by the time we get to the general election. The simplicity of the Bill appeals to me and I know that it will appeal to a much wider audience. Although this is a Second Reading debate, I know that the Bill will not progress much further, but I wish it a fair wind as it would mean that the people could decide on this project.

12.30 pm

**Dan Byles** (North Warwickshire) (Con): It is a privilege to speak in the debate, and I pay tribute to my hon. Friend the Member for Christchurch (Mr Chope) for bringing the matter before the House. It is a pleasure to follow my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), who eloquently outlined many of the arguments and concerns. I share those concerns 100% and I do not propose to repeat the arguments, merely to endorse them, and I will not take up much of the House's time today.

I endorse the comments made earlier about the Clerk to the Committee. Many of my constituents have come down to petition the Committee directly, as did I, and the Clerk has been extremely helpful to my constituents

and to everybody who has taken part in what can be a daunting process for those who are not used to the somewhat arcane workings of this place.

My views on this project are well known and I have voted against it in this House at every opportunity. I am opposed to it on three levels: nationally, as I do not believe that there is no argument that stands up to scrutiny that shows this is the right way for the nation to spend some £50 billion; regionally, as I have deep concerns about its impact, thanks to strong evidence from around the world that smaller regional economies linked to larger regional economies suffer what is known as a negative agglomeration effect, whereby economic activity is not pushed out from the centre but is sucked in; and as Birmingham and the west midlands are the closest regional economic centre to London to be linked by high-speed rail, I am deeply concerned that potential investment that might have come to Birmingham and the west midlands will instead be pulled into London; and locally, as my constituency of North Warwickshire is almost certainly the worst affected constituency outside London—I add that caveat—as we have phase 1, phase 2, the delta junction and the Y junction as well as an enormous railhead close to Kingsbury. Although that railhead is technically a temporary structure, it will be there for a minimum of 15 years. The idea that people living next to the structure will not qualify for compensation because it is temporary, even though it will be there for 15 years, is staggering.

As I mentioned earlier, the economic analysis used for the case is woefully simplistic. It seems as though those who support the project believe it to be self-evidently good, given the woeful lack of sophistication in the economic analysis used to demonstrate that it is good. During the later stages of the argument, when the earlier bits of the case started to fall apart, the question of whether HS2 would help resolve the north-south divide started to be elevated as a key argument, even though it was not mentioned at the beginning. The north-south divide suddenly became a major selling point, and I remember the Select Committee on Transport's ringing endorsement that

“only time will tell whether or not HS2 will...help...reduce the north-south divide.”

What a ringing endorsement of what has become a key plank in the project!

When the budget miraculously increased significantly, I noted that in order to maintain some semblance of a benefit-cost ratio that worked, the benefits had to be increased significantly almost overnight. I recall watching a Transport Minister—I will not mention which one, although I hasten to add that it was not the one who is sitting on the Front Bench now, my right hon. Friend the Minister of State—struggling on “Newsnight” to explain how they had suddenly found billions in additional benefit almost out of their back pocket in order to maintain some semblance of a benefit-cost ratio that looked right, given the costs that had been added to the budget.

**Frank Dobson:** Does the hon. Gentleman accept, as I am afraid I do, that the economic arguments from those in favour and those against are pretty thin and are based on guesswork about who might be using a train and why in the year 2040?

**Dan Byles:** I agree absolutely with the right hon. Gentleman. One need only look back at some of the guesswork relating to the channel tunnel and HS1 to see just how woefully wrong almost every prediction of passenger numbers and so on turned out to be. I agree that we should have a healthy dose of scepticism about the large numbers involved in this project. As my right hon. Friend the Member for Chesham and Amersham has pointed out, now that the benefit-cost ratio is so thin those assumptions become really important. We are balancing on a pinhead the question of whether this project will get over the threshold of being worth doing. It only takes one or two of the assumptions to be out by relatively small amount for the benefit-cost ratio to collapse even further.

Although it is not central to the argument for or against HS2, it is essential that we mention the conduct of HS2 Ltd as an organisation—[*Interruption.*] The right hon. Member for Holborn and St Pancras (Frank Dobson) indicates from a sedentary position that he agrees with me. Anybody who has had to deal with HS2 Ltd will have found it a terrible organisation whose conduct towards many ordinary people has been nothing short of scandalous. I am not pointing to any particular member of HS2 Ltd—I understand that the people who work for it have a job to do and many individuals go above and beyond the call of duty to try to do that job well—but somehow, as an organisation, it is far less than the sum of its parts. Constituents of mine have been driven to despair by the way that they have been treated by HS2 Ltd. That is not how we should be doing business as a modern country.

The entire country is paying for this project. People are paying directly through taxes, and through the opportunity cost of investment that will not now go ahead in transport infrastructure in other areas; and unfortunately, far too many people directly along the route are paying for the project with their homes, their communities and in many cases with their health and, virtually, their sanity. Referendums on infrastructure projects are not the norm, of course, but as every party who has any likelihood of forming a Government supports HS2 Ltd, there is nowhere for those who do not support it to go if they do not wish to vote for some crazy fringe party. It is impossible for any party to claim a democratic mandate for this project, which is the largest infrastructure project since the second world war. There is therefore a legitimate argument that this is a special case as it is unlike other infrastructure and transport projects, so a referendum strikes me as a very sensible way to go. I do not wish to add anything further but simply endorse all the comments made so far today.

12.37 pm

**Lilian Greenwood** (Nottingham South) (Lab): Although I count myself as a supporter of HS2, I congratulate the hon. Member for Christchurch (Mr Chope) on securing a Second Reading for his Bill. I know that he has a long-standing interest in these issues as a former shadow transport spokesman, and it is always important to debate how public money—taxpayers' money, if you will—is spent and to subject major public projects to close scrutiny.

The hon. Gentleman has said outside this place and has contended today that the House has not had an opportunity to scrutinise HS2's funding and the costs and benefits of the project, but speaking as a veteran of

[Lilian Greenwood]

the Public Bill Committee that considered the High Speed Rail (Preparation) Act 2013 and as a Front-Bencher during the introduction of the phase 1 hybrid Bill, I am not sure I can follow him that far. The truth is that the House has already imposed tighter spending controls on HS2. I submitted an amendment to the preparation Act that was accepted by the House and introduced a duty on the Government to declare any overspend, against both the annual and the total budget. The noble Lady Baroness Kramer conceded in the other place that that was

“a very vigorous reporting process under which the Government must report back annually and record any deviation from budget...which has put in place a very intense scrutiny process around the budget.”—[*Official Report, House of Lords*, 19 November 2013; Vol. 749, c. 949.]

Of course, there can be no room for complacency. Delays after the election and substantial cost increases have not been to the Government’s credit, and I would agree that the Government, perhaps distracted by their rail franchising fiasco, failed to communicate properly the reasons why the project is necessary. Of course, the overall figure, the £50.1 billion, includes a sizeable contingency buffer—as well as funds for new trains, some of which will run on existing lines—but that is not money that we want to see spent. We need to have a laser-like focus on bringing down the project’s costs. There cannot be a blank cheque for this or any other project.

Nevertheless, I do not see the case for such a dramatic course of action as that proposed in the Bill. We did not have a referendum on Crossrail, which is due to cost £16 billion, nor did we have a referendum on HS1, which cost £6 billion. I am happy to be corrected, but I am not aware that the hon. Member for Christchurch called for such a referendum at the time. On a day when an important Transport Committee report called for

“a fairer allocation of rail investment across the country”,

it would seem very strange to set such a precedent for a railway that will primarily benefit the midlands and the north. Moreover, a referendum would itself cost £85 million, given that that was the cost of the AV referendum.

Finally, and importantly, the phase 1 Bill Committee is now deep in its work. Three days a week, in Committee Room 5, mitigation is being agreed and the project is being improved. I cannot accept that further and prolonged uncertainty would benefit people on the route. Labour Members—albeit with one or two right honourable exceptions—believe that, provided costs are kept under control, HS2 will bring enormous benefits to the country.

**Mrs Gillan:** As was expected, the hon. Lady is in favour of HS2 and against the Bill, but would she care to tell us at what cost point her party would decide to abandon the project? She said that we must keep costs under tight control, but given that she must now know what the limits are, will she share them with the House? I think that that information is important.

**Lilian Greenwood:** The right hon. Lady has, of course, been a strong advocate on behalf of her constituents, and I know of her long-standing opposition to the hybrid Bill. Labour’s position is clear: we support HS2. It was a Labour proposal, and we want that Bill to be

passed. However, I can do no better than quote what was said by the hon. Member for Christchurch, who, when he was an Opposition Front Bencher 10 years ago, said in the context of Crossrail

“no serious prospective Government—such as we are—would be prepared to write a blank cheque for any project, however desirable people might think it is.”—[*Official Report*, 7 April 2005; Vol. 432, c. 1607.]

A budget has been set out for this project, which includes a significant contingency element. We must maintain our focus on ensuring that the project is delivered within that budget, and, I have said, it would be preferable for the contingency money not to be spent.

**Mr Chope:** Does the hon. Lady’s support for the project extend to the £20 billion for Crossrail 2?

**Lilian Greenwood:** I have already said that the necessity for Crossrail 2 and whether it would attract a favourable cost-benefit analysis should be investigated. Crossrail needs to be considered on its merits, as do all other investments in transport infrastructure. A case must be made on the basis of the benefits that it can deliver and whether it represents a good use of taxpayers’ money.

**Mrs Gillan:** The hon. Lady said that my hon. Friend the Member for Christchurch (Mr Chope) had not called for a referendum on Crossrail 1. I understand that Crossrail 1 is funded partly through the rates and partly by businesses in London, and not entirely by the Treasury and the taxpayer’s purse.

**Lilian Greenwood:** I agree. Nearly all rail projects’ capital costs are publicly funded, although there are sometimes opportunities for private investment. I have no doubt that there will be opportunities to attract such investment in, for example, over-site development of stations in connection with HS2. However, when we need investment in our infrastructure, we must be prepared to commit public money. As I have said, I do not think that we should set a precedent in this regard.

HS2 will unblock the congested arteries of our ageing rail network, will provide vital additional capacity, and will transform the connections between the great cities of the midlands and the north. Our message to both the Government and HS2 Ltd is clear: take the phase 1 Bill to Third Reading, present the proposals for phase 2, and get this important project back on track.

12.45 pm

**The Minister of State, Department for Transport (Mr John Hayes):** This has been an interesting debate to which a number of Members have contributed. I congratulate my hon. Friend the Member for Christchurch (Mr Chope) on enabling us to explore these important matters. They involve HS2, of course: that is the matter of substance, because the essence of the proposal in the Bill is that it is of such significance that it should be supported only on the basis of the consent of the people, sought and gained by means of a referendum.

I do not want to delay the House unduly, but the hon. Gentleman would expect me to deal with the question of why a referendum is an inappropriate vehicle for such a decision. The hon. Member for Nottingham South (Lilian Greenwood) focused on that—and, while I speak of focus, let me reassure her that no one’s focus is more

laser-like than mine. She explained why she thought that a referendum was an inappropriate way of proceeding in respect of HS2. I intend to speak about that in some detail and at some length, and also with considerable respect for the argument advanced by my hon. Friend, the essence of which is that very big projects that have an environmental effect of this kind and an economic value of this type, and which involve costs of this scale, are of a character that necessitates a referendum.

Since I became a Transport Minister, straddling No. 10 and the Department, I have been associated with—indeed, I would like to say that I contributed to—our road investment strategy. The ideas for that began before my arrival, but I have been pleased to be very much a part of its formulation, and look forward to being part of its delivery. The road investment strategy, the biggest of its kind since the 1970s, looks forward to many decades: the effect of its provisions will last throughout my lifetime, and well beyond. It commits some £15 billion—indeed, a little more than that—to a plan that will affect places throughout Britain, consisting of 100 schemes.

Did we take the view that a referendum was necessary for that plan to proceed? Did my hon. Friend suggest that a referendum should be held in respect of a very large infrastructural scheme, which involved transport and would affect tens of thousands, or hundreds of thousands, of our countrymen in connection with the works that would be carried out and the value that would result in the form of easier and better communications and safer and better roads? I have to say that the answer to that is no, at least as far as I am aware. The same might be said of a number of other infrastructural projects to which the hon. Member for Nottingham South drew our attention, Crossrail being a good example. I am not sure that a case can be made for a referendum in one policy area—indeed, one transport policy area—but not in others, when the drama, significance and scale involved is as great as what we saw in that road investment programme.

**Mr Chope:** My right hon. Friend surely needs to look at his own situation, because the Government say in respect of local authorities that may, for example, want to spend money on subsidising buses that if the consequence is that they are going to increase their council tax by more than 2%, they must have a local referendum. So it is good for local authorities, where the sums involved might be as little as £28 per household on average, if we take the average council tax. Why, therefore, is he saying that it is essential to have a referendum in that situation, but not in the situation we are addressing today?

**Mr Hayes:** My hon. Friend draws attention to the idea of holding a local referendum or plebiscite in a very particular area and on a very particular proposal. He does not propose in his Bill a referendum for those directly affected by HS2. He is not suggesting that we hold a referendum of the people of Birmingham, Warwickshire or Chesham and Amersham—or even Christchurch, although I am not sure they will be as directly affected as those in some of those other places. He is suggesting a national referendum, where people from Northern Ireland, for example, would have a vote on these matters, and he is doing so not because they are affected directly, but because of the cost.

**Mrs Gillan:** I think my right hon. Friend has lost his rapier-like focus, because every taxpayer in every corner of the UK is going to be paying for this project. Every single taxpayer will be making a contribution and, as I pointed out before, the sum is £51 million for every constituency, so I am afraid his argument falls at the first hurdle.

**Mr Hayes:** And that is true of the road investment strategy, too. It is certainly as true of the road investment strategy as it is of HS2—it is as true of the £15 billion-plus we are spending on roads across the whole country. That £15.2 billion for the road investment strategy does not just affect people in terms of the value it brings; it is also funded by taxpayers in exactly the way my right hon. Friend suggests.

**Dan Byles:** If the Minister is suggesting that there might be more justification for holding a referendum simply of those directly affected by HS2, may I wholeheartedly endorse that and support him entirely?

**Mr Hayes:** What I am saying is that a referendum on this kind of matter is wholly inappropriate. The only referendum my hon. Friend the Member for Christchurch cited in his speech introducing the Bill—and I understand why he has introduced it; it makes a perfectly understandable contention—was the referendum on what is now the EU. I have the Referendum Act 1975 with me and I also have a copy of the Second Reading debate when it was a Bill being discussed in this House. The arguments made then were that this was a matter of immense constitutional significance that affected the future of our nation as a whole in respect of its governance. That is a very different set of arguments from those, however well made, about the cost of a particular area of policy and the effect of that on a number of our constituents—and I include in that the effect, in the broadest terms, it has on the taxpayers contributing to it. That it is a very different kind of argument my hon. Friend knows very well.

That kind of referendum has only been used in the way I describe. Indeed, my hon. Friend also mentioned the referendum by 2017 that has been pledged by the Prime Minister on our association with the EU, and which is of a similar kind to the 1975 referendum. There are many of us, including my hon. Friend, I imagine, who would argue that that new referendum is absolutely necessary because getting the fresh consent of the British people on the terms of our relationship with the EU is a matter of some urgency. I do not think, however, that one can argue that it is equivalent to the proposal he makes today.

**Mr Chope:** Are not the EU referendum and the referendum proposed in this Bill a lot closer than my right hon. Friend says? All the leading political parties' Front Benches support our continued membership of the EU and it is time that the people had a chance to challenge that consensus in a referendum. Similarly with this Bill, the Front Benches all support HS2 funding to the extent of £50 billion-plus, but the people outside do not. Is this not a chance for them to express their own view on this matter?

**Mr Hayes:** My hon. Friend is a distinguished and experienced parliamentarian, but he is much more than that: he is both a wise man and a clever man—he will

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understand the difference between wisdom and cleverness—and he knows the argument he has just made is an argument not about equivalence, but about political coincidence. It is certainly true that the Front Benches at that time took a similar view, and the Front Benches do so now, too, as he heard when the shadow Minister spoke. That is a matter of political coincidence, however; it is not a matter of governance. I am arguing that the difference between this Bill and the 1975 Act that gave rise to the referendum in that year is that the advocates of that referendum made absolutely clear that the referendum was necessary because it was on a constitutional matter of profound significance. I am not sure we can say that about a particular area of policy, however important it is. It would be unprecedented, as my hon. Friend knows, and in my judgment it would, for that reason, be ill-judged. Once we open up that hornet's nest, I see the ugly prospect of plebiscites on every kind and type of subject. There are those who might welcome that, but I, as a confident exponent of the role of this House, would not do so. I think it is important that representative democracy is served by those who believe in—who have confidence in—the power of this House to take big decisions: to be bold, and to be sufficiently original to excite and inspire the people.

**Stephen Pound** (Ealing North) (Lab) *rose—*

**Mr Hayes:** And there are few more original than the hon. Gentleman.

**Stephen Pound:** I did not wish to interrupt the right hon. Gentleman as the cloak of Chesterton falls about his shoulders, but would he not agree with the former Baroness Thatcher in her comment that these referendums and plebiscites are devices of dictators and demagogues?

**Mr Hayes:** I had that quote to hand—

**Stephen Pound:** Sorry.

**Mr Hayes:** There is no need to apologise, but the hon. Gentleman anticipates what I was about to say, and I did think, rather mischievously, as he intervened, of the Chesterton line that

“He who has the impatience to interrupt the words of another seldom has the patience to”

devise good ones of his own, but that is certainly not true of him, I have to say.

The point the hon. Gentleman is making is a perfectly decent one: once one gives way to the contention that every major matter—and I accept that this is a very major matter—not only requires the consent of this House, but furthermore, between elections, requires the consent through a referendum of the people as a whole, we have the dangerous beginning of a set of arguments which leads to the place suggested by the blessed Margaret Thatcher and the hon. Gentleman, which is almost one might say anarchic.

**Mrs Gillan:** I think that my right hon. Friend is taking this line because he is afraid that if a referendum on HS2 was offered to the people of the UK, they would vote firmly against it. Is he actually saying that an

institution such as the City of Edinburgh council, which held a postal ballot referendum in February 2005 on its transport strategy, was wrong? I would say it was absolutely right. The people voted and rejected the proposals by 74% to 26%. The voter turnout was 62%. That vote gave people a chance to say how they wanted their council to spend money on a transport project. Is the Minister saying that Edinburgh council was wrong? Is not the truth that he is afraid that people would vote this project down?

**Mr Hayes:** It is not out of fear that I resist this proposal; it is out of courage. I am courageous enough to believe in the power, wisdom and efficacy of this place. I am not one of those politicians who is prepared to give ground to that destructive modern insecurity—that guilt-ridden doubt about our ability to originate, to invent, to inspire and to enthral—that so many of the governing class are said to feel. I believe that politicians can make a difference, and that they can take big decisions and be ambitious for what they can achieve for the country. So it is not fear that drives my resistance to my hon. Friend the Member for Christchurch's argument; it is courage, and the willingness to be bold and to have confidence in the decisions taken by this House. I emphasise the point about the decisions being taken by this House, because this kind of project can succeed only on the basis of consensus.

**Frank Dobson** *rose—*

**Mr Hayes:** I am coming to Euston in a moment, but I will give way to the right hon. Gentleman in anticipation of that.

**Frank Dobson:** Lots of people pull into Euston, and they want to continue to do so without being interrupted for the next 15 years by the works on HS2. In relation to the impact on my constituency, surely the point is that although all the proposals in the Bill—which the House has apparently seriously considered—have been abandoned, the work around Euston has not. There are no proposals for the people or for this House to consider at the moment, and no such proposals are expected until September, even though they were originally promised for last October.

**Mr Hayes:** The people of Holborn and St Pancras, in their wisdom, have chosen the right hon. Gentleman—for whom I have a great deal of respect, as he well knows—to speak for them. Members of this House are elected to voice the concerns of their constituents. My right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) finished her speech by saying that she would give way to her constituents and allow them to have the final word on this matter. Other Members have argued that they speak boldly for their constituents. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) said the concerns of those who have doubts about HS2 were being disregarded because they were seen solely as concerns about the constituency. I do not disregard them on that basis; those Members are doing their duty and their job in making the case for the people they serve, and they do so in the spirit—the Burkeian spirit, dare I say—that should drive all of us who believe in representative democracy and the role of Parliament.

The intervention by the right hon. Member for Holborn and St Pancras brings me to the matter of Euston, about which he spoke at considerable length—understandably, given his long association with that place. He will know that part of the advantage of the HS2 project is that it involves the redevelopment of Euston. He will also know that that will, in turn, involve the rebuilding of the Euston arch. There are those in Warwickshire, and in Chesham and Amersham, who might say that their local concerns are far greater than any consideration of what might happen at Euston, but I say that the emblematic significance of rebuilding the Euston arch will send a signal out across the whole nation that the Government are doing the right thing.

**Frank Dobson:** The Euston arch could be rebuilt tomorrow. We do not need a huge engineering project to justify it. We could simply dig the stones out of the canal and rebuild the arch where it used to stand, and we could do that tomorrow.

**Mr Hayes:** As the right hon. Gentleman knows, the rebuilding of the Euston arch is associated with the redevelopment of Euston station, which is at the very heart of the HS2 project. Of all the London stations, perhaps the one that demands redevelopment most of all is Euston. I know that he would not eschew the opportunity to see the benefits of that regeneration not only for rail travellers but for the whole of that part of his constituency. I know that he was not dismissing the redevelopment of Euston or the rebuilding of the Euston arch. I think that, at heart, he is something of an aesthete. Surely he knows, however, that if the project does not go ahead, Euston will not be redeveloped in the way that it could be.

**Frank Dobson:** I fear that the right hon. Gentleman has been very badly briefed by his officials, because he ought to know—his officials certainly ought to know this, although they probably do not, if my experience is anything to go by—that there were outline proposals for the redevelopment of Euston station that virtually everyone in the locality approved of. They would like that particular redevelopment to go ahead, because it would not involve a vast amount of redevelopment around the station. Sir David Higgins appears to believe, based on his experience with the Olympics in east London, that the area around Euston is a brownfield site, but it is not. It is full of people, and they want to be left alone.

**Mr Hayes:** I want to say two things about that. First, the right hon. Gentleman knows that those redevelopment plans have been given life only as a result of this project. Secondly, I concede that it is important that any redevelopment should take full account of the interests and wishes of the people in the immediate vicinity. He made a strong case for them in his speech. It is critical that the communities that will be directly affected by that development should be integrally involved in what takes place there. He has been making this argument for some time and, as a result of the overtures that he has made today, I will commit the Government to engaging with those communities, to ensuring that what is done matches the local interest, and to involving him in that process. I am more than happy to have further discussion on the detail of the development of Euston, given what

he has offered this debate today. In that spirit, I say to him that its development can be a good and indeed glorious thing; it does not have to be bad news for him, his constituents or the people in that vicinity.

**Mrs Gillan:** I am sure everybody, particularly the right hon. Member for Holborn and St Pancras (Frank Dobson), appreciates the assurances the Minister is trying to give him. However, I understand that the designers have downed tools on Euston, because they were trying to do it within a £2 billion budget and they cannot redesign and deliver anything meaningful within that. So I would love to know what budget the Minister has set in the Department for the redevelopment, because this is a golden opportunity to inform people of the new budget for any redevelopment at Euston.

**Mr Hayes:** Let me tell hon. Members what I think about the redevelopment of Euston. This will perhaps come as news to my right hon. Friend and others, but I am absolutely determined that the development of Euston should be ambitious and bold in the way she described. I am absolutely determined that we should end with something that takes its inspiration from the arch. We do not want some vile, low-budget, modern monstrosity. We want a building that is grand and fit for the future, that is a landmark destination and that is as glorious as the new redevelopment of St Pancras or the addition to King's Cross. We have a good recent record on what can be done at these large London stations. Let us do nothing less than that at Euston—indeed, let us try to do more. So, I will not be constrained in my ambitions in the way she says, and I could hardly be so, given that I claimed earlier to believe that politicians in this place should be bold, courageous, ambitious and inventive. I want a neoclassical building on a grand scale at Euston, and it does not take a lot of working out to realise that the inspiration—the genesis for that—should come from the redeveloped arch.

The right hon. Member for Holborn and St Pancras was saying that although he understands that there will be a totemic significance to that building, we also need to consider its environs. I have pledged to him that we will engage with the local community, with local representatives and with him to make sure that the views and representations of the people in the surrounding area are built in to our thinking. I do not think we can say fairer than that.

**Frank Dobson:** The sort of thing the Minister is now saying is what HS2 has been saying endlessly to people and then ignoring them. The people in the area—not just their MP but the people themselves—were promised that the revised proposals for Euston would be made public for consultation in October last year and are now being told that these things may be available in September this year. That shows the quality of the consultation that has been going on—it has been listen and ignore.

**Mr Hayes:** The right hon. Gentleman understands that those are not matters for which I was responsible, but I am here today and I can seize the responsibility for saying to him that we will make those proposals available for local consideration and consultation, and I do not think it is unreasonable to say that we should do that by September. What I do not want to get to is a further statement in September saying that they have been

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further delayed. He is a very distinguished and experienced local representative. The way these things work best is when draft ideas—plans—are put forward, to which people can then add, and they then develop incrementally. That cannot be done until the conversation is started in the way he describes. So I think we need to move ahead with greater alacrity than he suggests has been the case so far.

**Mrs Gillan** *rose*—

**Mr Hayes:** I have a lot more to deal with and I do not want to delay my progress, but I will give way to my right hon. Friend.

**Mrs Gillan:** I am sorry to press the Minister further, but I am interested in what he is saying at the Dispatch Box because the rumours are that the budget for any development at Euston is going to increase to about £7 billion. I stress that that is a rumour, so I hope he will be able to comment on it. He seems to be adding another layer of consultation and another delay to this project, which will of course add cost to it. So I would like him to set out the timetable for that consultation on Euston and tell me what sort of delay there will be on it. Will it be delivered in September? What is the budget? What are the proposals? If he is going to be able to say what he has said so far at the Dispatch Box, he must have that detail available. I think it is only fair he does this because any changes at Euston will, of course, delay the entire project between Birmingham and London.

**Mr Hayes:** Let me leave Department for Transport officials quaking when I say that I will give these commitments: the arrangements I have set out in respect of the further discussions and consultation with the people in the area that the right hon. Member for Holborn and St Pancras represents should be completed speedily; they should certainly be done within existing budgets; and the proposals should be brought forward no later than September, as he requests. That seems to me to be perfectly reasonable, and I am happy to confirm that that has become the Government's position, because I have said that it is the Government's position.

I have clearly made the case that the Bill is an inappropriate means to consider HS2 further on the grounds that a referendum is not the best way of moving forward. I think that I have begun to offer some reassurance to the right hon. Member for Holborn and St Pancras (Frank Dobson) about Euston. I know that he is not entirely convinced, but I hope that he will count it as progress that the Government have committed to the kind of proper discussion with the local community that will allow it to shape plans as they move forward. Although I do not wish to delay the House unduly, I shall now move on to other matters arising from this wide-ranging debate that need to be explored.

As she has done a number of times, my right hon. Friend the Member for Chesham and Amersham made a spirited case on behalf of her constituents, and she cannot be criticised for inconsistency in her argument. She suggested that we were—I hesitate to use this phrase, but I will do so, for the sake of clarity—hiding costs by

using 2011 prices. She will know that estimates are presented in 2011 prices to ensure that costs can be consistently compared as the project progresses. That is a standard approach for large projects that stretch over many years.

My right hon. Friend also talked about VAT. Her Majesty's Revenue and Customs recently confirmed that HS2 Ltd can reclaim VAT. As she will know, that took effect at the start of 2014-15. As the National Audit Office has pointed out, VAT is an internal transfer within government, rather than an additional cost, so it would not be right to include VAT in construction cost elements.

**Mrs Gillan:** I did not raise the matter of VAT, but it is always good to have that information. However, the permanent secretary to the Treasury has given evidence to the Public Administration Select Committee and undertaken to provide us with the costs at today's prices.

**Mr Hayes:** I am grateful to my right hon. Friend for clarifying her position.

My right hon. Friend did speak about ancient woodlands—at some length, and understandably so. I agree that it is vital that we value ancient woodlands. Whenever possible, it our intention not to destroy ancient woodlands. Furthermore, it is important that we take whatever mitigating measures we can along the line as a whole to deal with environmental effects. I will be speaking shortly at a platform provided by the Campaign to Protect Rural England about aesthetics and infrastructure, and the importance of ensuring that good design characterises all that we do in major projects, whether rail or road. For too long we have assumed that the ergonomic argument was enough or, worse still, that it was enough to make the case just on the basis of utility, but all great infrastructure projects should have a positive effect with regard to what is built and what that looks like. Of course, it is not possible to avoid all destruction of existing landscape, but I nevertheless value my right hon. Friend's contribution on ancient woodlands and I have something exciting to say in a moment about a particular tree about which there has been a national campaign.

**Mrs Gillan:** The Minister is going down a route which encourages me. Will he support me in calling for the full tunnelling of the area of outstanding natural beauty, and can his Department say now that it accepts full tunnelling of the AONB, as it is a precious piece of landscape that he obviously would want to protect?

**Mr Hayes:** There is already an immense amount of tunnelling in my right hon. Friend's constituency. I have the map here. Although I cannot give any further commitment today, the Government always have at their heart a desire to do the right thing by the environment. In that spirit I shall speak about the Cublington pear tree.

As I said, ancient woodlands are an important part of our natural heritage so they need to be protected wherever possible. The best way of doing that is to avoid them in the first place, as my right hon. Friend argued, where that is practical. I repeat that a robust assessment of environmental factors must accompany all aspects of

this scheme. As part of that, there has been considerable debate about the 250-year-old pear tree in Cubbington wood. It is not in my right hon. Friend's constituency but in Warwickshire, but I know she will care about it because she is a great admirer of ancient trees. That pear tree, the second oldest in Britain, I am told, has been the subject of a considerable campaign.

I have asked for a new arboreal study to see whether the Cubbington pear tree can be moved. I do not know if that can be done, but as the rail Minister for the day, I am delighted to say that we will commission that study. If it can be moved, the Cubbington pear tree will be saved. We have already committed to take cuttings if it cannot be saved, but I want to go further and make that commitment in the course of this debate.

The other central element of the debate has been cost. The question that has been raised is why the scheme is going to cost so much and why the target price for phase 1 has gone up. In fact, the target price for phase 1 has come down. It is now £16.34 billion, not the £17.16 billion figure that was originally published. I know that my right hon. Friend and my hon. Friend the Member for Christchurch will intervene in a moment and say yes, that is because of the removal of the HS1/HS2 link, and that is true. None the less, although we have increased the scope of the work that HS2 Ltd must deliver for the target price—the target price now has to include rolling stock, for example—we are determined that despite that bigger ask, there should be a new laser-like focus, to use the words of the shadow Minister, to ensure that this project is conducted as cost-effectively as it can be.

The Department and HS2 have a constant strong focus on ensuring that the project will deliver maximum benefit for minimum cost. The development agreement continues this focus on cost control by making it a key requirement of the delivery arrangements. So yes, this is a very significant project; yes, the costs are very great, but we can deliver it within budget as cost-effectively as possible. Again, perhaps I believe that partly because I am a confident Minister in a confident Government. I am bold about what we can do. I am ambitious. I do not by any means disregard the concerns of Members about these matters because it is important that the Executive are held to account, particularly on issues of cost. But I do say this. Governments and politicians can take one of two views: a reductionist view of politics—a dull, rather mediocre view—or the view that I hold, which is that big projects, with all their economic value and effect on wider well-being, are what characterise big countries.

**Mrs Gillan:** I assure the Minister that I have never had any poverty of ambition either for my constituency or my country in all the years I have served both. He is claiming that the costs have now come down on phase 1. Will he tell us the new cost-benefit ratio?

**Madam Deputy Speaker (Dame Dawn Primarolo):** Order. The Bill suggests that we pose this question in a referendum:

“Do you support the use of ...taxpayers' money to pay for the construction of the HS2 railway?”

We are now drifting well away from the subject of the referendum and the total costs. We are discussing not the individual costs, Minister and Mrs Gillan, but that principle. I am listening carefully to the Minister, who

could never be accused of not being ambitious and confident. I would like him ambitiously and confidently to return to the central proposition of whether there should be a referendum.

**Mr Hayes** *rose*—

**Mrs Gillan:** I apologise, Madam Deputy Speaker; I have been leading the Minister astray. However, my points have been in the interests of the taxpayers who would be consulted in the referendum. I do apologise.

**Madam Deputy Speaker:** No apology is necessary; I am sure that nobody could lead the Minister astray even with the skills you show in representing your constituents, Mrs Gillan. Your points may be relevant, but we have been discussing only the minutiae and we need to return to the big picture.

**Mr Hayes:** If I may say so, Madam Deputy Speaker, you have done me a great service as well as the House—and not for the first time. Until now your generosity in allowing me to range widely has moved me. I anticipated that you would want me to return to the core of the Bill, and I will do so without further delay.

The core of the Bill is the proposal that a project—in this case HS2, but it could be any large infrastructure project—should proceed only on the basis of a further reference to the British people through a referendum. I flatly disagree with that, and it will not be accepted by the Government.

I was about to come to the end of my introductory remarks, but I am now inclined to make them my concluding remarks, given your advice, Madam Deputy Speaker. I am minded to draw, as I briefly did earlier, on Edmund Burke, who said in 1774:

“Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.”

Weigh those words—

“if he sacrifices it to your opinion.”

In other words, the representative must not lack the confidence, vigour, energy and vision to make a case on behalf of his constituents for the common good and in the national interest. It has been the business of this House for more than 150 years to usher in some of the greatest projects that the world has ever seen. Those include the railways built by the Victorians, which have stood the test of time and still prove themselves as the veins and arteries of this country. In their day, the same criticisms were made.

I have the railways Acts of 1833 and 1837 with me here today. I have seen the Second Reading debates. I know the criticisms faced by those who proposed that first generation of great railways—those big infrastructure projects; they were very like the criticisms made in the House today. Those debates were very like those that we have enjoyed about whether these things represent a threat or an opportunity. Those politicians, those Victorian leaders and those Governments did not duck their responsibility—they did what Britain needed. Today we remain grateful for their decisions, because we still benefit from them.

Let me be clear: the west coast main line, which despite having been upgraded since those Victorian times, has at last reached its capacity. Even on moderate forecasts, that line—the nation's key rail corridor—will be full by

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the mid-2020s, despite the £9 billion-worth of improvements in recent years. We cannot continue to make do and mend. We must make a bold decision worthy of our nation's future, in the spirit of those great leaders of the past, as ambitious and confident for the next generation as they were for us. As parliamentarians, we are elected to serve not only the constituents that live now but those yet to come, for the decisions we take will affect them too.

We have a duty to support this kind of infrastructural investment—to make the difference, to shape the future, not to hesitate to do the right thing—and that is precisely what we will do. That is why I ask the House to reject the arguments, however well meant and well articulated, made by my hon. Friend the Member for Christchurch, and reject the Bill he has put before us.

1.31 pm

**Mr Chope:** With the leave of the House, Madam Deputy Speaker.

I thank everybody who has participated in this debate. It will not have escaped the House's notice that the only speeches against the Bill came from the two Front Benches. In a sense, that sums it up. The only way we are going to be able to break out of this cosy consensus between those on the Front Benches is to allow the people their say.

The right hon. Member for Holborn and St Pancras (Frank Dobson) gave the House some fascinating statistics on exactly how unpopular the HS2 project and the associated expenditure of taxpayers' money are. Established politicians, whether they be with great ambition, like my right hon. Friend the Minister, or not, should listen very carefully to the views of the people on these issues.

I am grateful to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) and the right hon. Member for Holborn and St Pancras for their contributions. My hon. Friend the Member for North Warwickshire (Dan Byles) made a very telling speech in which he emphasised the problems in his constituency. We have also had interventions supporting the Bill from the hon. Member for Coventry South (Mr Cunningham) and my hon. Friends the Members for Shipley (Philip Davies) and for North East Somerset (Jacob Rees-Mogg). I am delighted that my hon. Friend the Member for Stone (Sir William Cash) is here as well.

**Sir William Cash (Stone) (Con):** I totally support everything that has been said and my hon. Friend's efforts on behalf of all the people who are opposed to this project.

**Mr Chope:** I also want to thank a lot of people who have helped to raise awareness of this debate, particularly one of my constituents, Penny Gaines, who moved into my constituency relatively recently, having been forced out of the constituency where she lived before but unable to sell her house at a reasonable price because of the blight of HS2. She remains very strongly opposed to the project, as do large numbers of my constituents.

The question people ask at this stage of a debate is, "Where next?" I am reliably informed that if we pushed the Bill to a Second Reading, it would not receive the Government's support for a money resolution and would therefore be unable to make any progress. It would not be able to go into Committee or be dealt with before the end of this Session—the last Session of this Parliament.

However, this issue is not going to go away. Our country is still running an annual deficit of close to £100 billion a year. The HS2 hybrid Bill is still in Committee and will be there beyond the general election. Come June, after the general election, there will be a fresh ballot for private Members' Bills and I hope that a successful colleague will promote a Bill along the same lines as mine. We will then be able to drum up the necessary support to give the Bill a Second Reading, take it to Committee and, I hope, get it on the statute book.

As the right hon. Member for Holborn and St Pancras has said, it is obscene for such a proposal to waste so much public money when taxpayers' money is so scarce, and the Front Benches, in a cosy alliance, are trying to force it through against the will of the people.

Finally, the £20 billion for Crossrail 2 is an additional cost to that for HS2. Without it, people getting off HS2 would not have anywhere to go because it would be so congested. My right hon. Friend the Minister gave no answer to that and there was no clear answer from the Opposition representative, the hon. Member for Nottingham South (Lilian Greenwood). I am afraid that typifies what has almost become a dialogue of the deaf on this issue. Ultimately, this is costing the taxpayers money, and the Government need to be brought to account.

I look forward to this Bill, or something like it, being reintroduced later in this calendar year and, ultimately, making it to the statute book. I beg to ask leave to withdraw the motion.

*Motion and Bill, by leave, withdrawn.*

## Overseas Voters Bill

### *Second Reading*

1.36 pm

**Mr Christopher Chope** (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

This is another Bill relating to the forthcoming general election. It would ensure higher participation among those who would be entitled to vote if they registered, notwithstanding the fact that they are overseas. The Political and Constitutional Reform Committee, on which I have the privilege of serving, has been considering voter participation. Although the focus at the beginning was mainly on the situation within the United Kingdom, during the course of our inquiry a lot more emphasis has been given to the situation of British citizens who are resident overseas and would otherwise be entitled to vote.

It is estimated that there may be as many as 5 million such people. How many of them are currently registered? The latest figure is about 16,000 of a potential 5 million or more. That is scandalous, and I know that the Under-Secretary of State for Education, my hon. Friend the Member for East Surrey (Mr Gyimah), whom I am pleased to see on the Front Bench, agrees that there needs to be much greater participation among electors who are resident overseas.

Clause 1 should, therefore, commend itself to the Government. It would impose a

“duty on the Electoral Commission so far as is reasonably practicable to...identify the names and addresses of British citizens resident overseas who would be able to participate in United Kingdom Parliamentary elections if they were registered to vote, and...facilitate the registration of those identified”.

Clause 2 of this simple Bill states:

“There shall be no restriction placed on the eligibility of a British citizen resident overseas to register to vote or vote in UK Parliamentary elections based solely upon the length of time that such voter has been resident overseas.”

That would remove the current 15-year restriction, a subject on which my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown) has a ten-minute rule Bill. The proposal has the support of the Conservative party and I understand that it will be a definite part of its manifesto—a pledge to remove the 15-year restriction on an overseas voter’s eligibility to vote if they are a British citizen who would otherwise be eligible to do so.

Clause 3 deals with internet voting. I am always keen to embrace new technology, as my wife and family will testify, so why should we not embrace new technology in the voting system? Anyone who is resident in the United Kingdom in the run-up to an election can obtain a proxy or a postal vote, or can vote in person at the polling station. That is much more difficult for those who are resident overseas. Obviously, they cannot physically vote at a polling station because we, unlike a lot of other countries, do not set up polling stations in our embassies or in other buildings in foreign countries. People who are resident overseas therefore have to rely on a proxy or a postal vote.

It is possible to organise a proxy vote if it is planned in advance and if the person who is overseas knows somebody in this country who can exercise it. However, with postal voting, it is difficult to ensure that the ballot paper is sent to the person who is resident overseas in

sufficient time to enable them to put the ballot paper back in the post and return it to the United Kingdom so that it can be included in the count. That situation has been eased to an extent, because the Government have said that there will be a longer period between the close of nominations and printing of ballot papers and the date of the election. However, we know that a relatively small proportion of those overseas who are registered to vote actually do vote. One reason for that is the difficulty of registering their vote.

If we are to go down the road of internet voting—I know that some colleagues are sceptical about it—surely we should allow it for those who are overseas. Just as people can now Skype their friends and relatives who are overseas at practically zero cost, I see no reason why we should not facilitate, through the internet, increased participation among United Kingdom citizens who are resident overseas and who rightly take a close interest in what we do in this legislature.

I have said to a number of people who have written to me on this subject that if more British citizens who are resident overseas participated in our elections, it would strengthen the case for reforming things such as the rights of British pensioners overseas to pension increases and there would be a lot more pressure on Parliament to give those overseas pensioners justice. People would realise that we are not talking about just a handful of potential voters in a constituency, but about hundreds or thousands of people who could influence the outcome of an election if we continue not to allow overseas pensioners a fair deal.

This is a Bill with three straightforward clauses. It provides Ministers with the opportunity, under clause 3, to bring forward regulations to deal with internet voting. I have to admit that my drafting skills did not enable me to produce a detailed regime for overseas internet voting, so I am relying on somebody else to do the donkey work on that. However, it is important that the Bill states, as it does in clause 3(2), that any regulations must

“include provisions to prevent identity fraud and to ensure that only those eligible to vote can vote.”

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): It strikes me that if we start looking at internet voting for people who are resident abroad, that will prepare us for new provisions that may eventually be introduced in this country for the whole electorate. Those provisions will necessarily be complicated, so this proposal would be a good exercise to ensure that we were up to speed. We could register a discrete group of people for internet voting, in preparation for what I think will ultimately be introduced across the country.

**Mr Chope:** I am grateful to my right hon. Friend because there are two schools of thought. The first, which she articulated, is that this proposal would be a good test bed for internet voting. Others say that it would set a dangerous precedent, and that before we realise it we will have internet voting without control for the whole United Kingdom electorate, which will facilitate a lot of fraud. I think that internet voting for those who are resident overseas is a discrete matter, and we could develop a regime for that, and see how it works and whether we are able to introduce systems that prevent identity fraud and ensure that only those who are eligible vote. Based on that knowledge and experience, the House could consider rationally whether we wish to extend the system more widely.

**Andrew Bingham** (High Peak) (Con): I suspect there is an inevitability about voting online and that one day it will come, although we do not know what will happen. My hon. Friend mentions someone voting online when they are abroad, and if they are resident abroad that is easy to determine. What about if someone was on holiday or having a gap year or whatever—I do not mean a week in the sun, but a longer period of time? Would they qualify for online voting abroad as opposed to a proxy or postal vote? I can foresee difficulties in quantifying who would qualify.

**Mr Chope:** Clause 3 would apply only to British citizens who were ordinarily resident overseas, not those who happened to be on holiday. The latter group would be brought in only in the event of our extending internet or online voting to the United Kingdom electorate, and it is important to distinguish between those two groups. It is much more complicated to deal with people voting while on holiday than with those who are resident overseas.

**Sir William Cash** (Stone) (Con): I very much agree with my hon. Friend's Bill because, as he would say himself, this is about the rights of British residents to vote in a general election. Has he made any comparison with other countries—perhaps, although not exclusively, in other parts of the European Union—that have similar arrangements? Should the Bill apply not only to parliamentary elections but, for example, to a referendum on the EU?

**Mr Chope:** I understand that the franchise for an EU referendum includes all those who are eligible to participate in a parliamentary election, and I would stick to that. If we encouraged more people from overseas to register, they would be able to participate in a national referendum that had been extended to all registered voters.

I sometimes monitor elections on behalf of the Parliamentary Assembly of the Council of Europe, and almost all its 47 countries have more extensive systems for facilitating voting by their diaspora, as it is described, than we do. Many countries extend voting arrangements to providing facilities in embassies, consulates and other places, in addition to postal or proxy votes. Those countries believe—quite rightly—that their diaspora is an important part of that country, and that people should be encouraged to participate in its affairs. That can best be done by participating in elections. We are probably well behind the curve by comparison with the 47 member countries of the Council of Europe. That is another reason why the Bill needs immediate attention rather than putting on the back burner.

1.50 pm

**Mr Andy Slaughter** (Hammersmith) (Lab): It is a pleasure to address another intriguing legislative proposal from the hon. Member for Christchurch (Mr Chope).

The Bill contains three main provisions: the first is to require the Electoral Commission to register overseas voters; the second is to remove the limit on how long Brits can live overseas before they lose the right to vote; and the third is to allow internet voting for overseas voters. I applaud the hon. Gentleman's interest in extending the franchise and participation, and in modernising the electoral system. I am also somewhat perplexed by that

interest, because the Conservative party has been doing everything it can to exclude voters by rushing the implementation of individual electoral registration and opposing votes for 16 and 17-year-olds. It has done little to encourage new ways of voting in this country.

I would not want to saddle the hon. Gentleman with the burdens of his party—he takes an independent line in many of these matters—but I note that the right hon. Member for North Somerset (Dr Fox) and other Conservative Back Benchers were recently alleged to be asking for Irish citizens in the UK to lose their right to vote. They have denied it, but the right hon. Gentleman is on record as saying:

“It is ridiculous that the government of a country like ours could be decided by those who are not British citizens. It is high time we brought this law up to date.”

The Conservative party's view on the right of Commonwealth citizens to vote remains unclear and I hope the Minister clarifies it. I am referring to the disgraceful report from Migration Watch UK that says that 1 million Commonwealth citizens who could be allowed to vote in a general election despite not having qualified for British citizenship should not be allowed to do so. The Cabinet Office response to that states:

“Excluding Commonwealth citizens would be a significant step and would require careful consideration.”

I hope that that consideration has taken place and that the Cabinet Office has no view to withhold the franchise from Irish, Commonwealth or other citizens who are currently entitled to vote in the UK. The Minister might want to make that clear.

Members who wish to leave the EU altogether—I do not know whether the hon. Member for Christchurch is one of them, but I might have picked up that nuance from time to time—would presumably want reciprocal voting rights between EU countries to be curtailed. I admire the hon. Member for Stone (Sir William Cash), if I understood him correctly. He said that he would wish UK residents overseas to have the maximum franchise in an EU referendum. I would have thought that they would overwhelmingly be in favour of EU membership, but that remains to be seen.

I mention those points because of clause 2, the central clause. Interesting alternatives to that are proposed, such as extending the franchise for UK residents overseas, perhaps by allowing reciprocal voting in national elections, which is to say that they vote in Italian, French or Spanish elections, and Italian, French or Spanish nationals living in the UK vote in our elections. Another alternative is allowing overseas voters to elect their own MPs in the French manner. I fear that the hon. Member for Christchurch has only scratched the surface, and that he is being somewhat selective, and perhaps even a little *recherché*, in his choice of clauses.

An estimated 7.5 million people are missing from the register in the UK, and 1 million more, particularly young voters, are at risk of dropping off during the process of individual electoral registration. The Opposition have promised that the next Labour Government will “overhaul our democracy”, no less, in the words of the right hon. Member for Tooting (Sadiq Khan), the shadow Lord Chancellor. He said that we plan to

“make it as easy as possible for people to vote. Transforming elections so that voting is in tune with the busy lives people lead.”

Plans could include: holding elections at weekends to raise turnout; polling stations opened days in advance to allow early voting access; trialling electronic and online voting, ensuring the system is accessible, affordable and secure; and opening up the franchise to young people. Seeing 16 and 17-year-olds vote in their thousands in the Scottish referendum last year was inspiring. Votes for 16 and 17-year-olds is an idea whose time has come. That is why Labour is committed to lowering the voting age. I pay tribute to my hon. Friends the Members for Liverpool, West Derby (Stephen Twigg) and for Leicester West (Liz Kendall) and my right hon. Friend the Member for Birmingham, Hodge Hill (Mr Byrne), who are zealots for ensuring that registration and the maximisation of the franchise takes place.

On the specific proposals in the Bill, given the pressures on the Electoral Commission, I am somewhat sceptical about whether its priority should be the registration of overseas voters. More than that, I wonder whether even the strongest supporters of extending voting for UK residents overseas will see that as a priority. I think I am right to say that only about 20,000 of about 5 million UK citizens overseas are registered to vote. As I understand it, the principal argument for those who would wish to see the 15-year term extended is not so much that those individuals are not free, able or willing to register, but that they lack the right to vote after the 15-year period has expired. It is the duty of the commission, for democratic reasons, to maximise registration in the UK. However, it affects not only the result in individual elections but boundary reviews, the disposition of constituencies and the resourcing of local authority areas. Registration can distort social and economic, as well as political, factors.

**The Parliamentary Secretary, Cabinet Office (Mr Sam Gyimah):** Surely the shadow Minister agrees that it is the duty of a democratically elected Government to ensure that everyone who is eligible and has a right to vote is on the register and is able to exercise that right.

**Mr Slaughter:** I think that is exactly what I was saying. If there is a priority, it must be to ensure that prospective voters in the UK are registered, because the outcome of elections can be distorted. The points I made in relation to individual electoral registration are exactly those.

**Mr Gyimah:** On the question of priorities, does the hon. Gentleman not agree that all voters should be treated fairly and equally, and that it is not for the Government to prioritise any one group of voters over another?

**Mr Slaughter:** Yes, I do agree with that. If the Minister is saying that he wishes to increase the resources going to the Electoral Commission, then so be it.

Notwithstanding what the hon. Member for Christchurch said, what I see from the Government's most recent statements on this matter is that they are not minded to change the law at present. Therefore, the earliest at which the current Government, or perhaps the Conservative part of the current Government, would wish to see any change would be the 2020 election. The Minister will correct me if I am wrong on that, but I think I am right. With the difficulties the Electoral Commission has been through and the pressures that have been put on it,

particularly by the rushed introduction of IER, it is perhaps a pious hope to think that it will finally go out and prioritise the registration of millions of voters overseas.

On clause 3, we support the piloting of online voting—I do not think that the Government do, although I am sure the Minister will enlighten me if I am wrong. It would be curious, however, to begin that process by permitting overseas voters to vote online. Notwithstanding the reference in the clause to fraud prevention, I am concerned that the detection and prevention of fraud might be more difficult if people are voting from overseas. If concerns have been raised about electoral fraud through postal voting and other means in this country, how much more difficult will that be to deal with when those voting are both abroad and voting online? As has been said, we will eventually move towards online voting, and if that can be done securely and safely, that must be a good thing as it makes the process easier. To begin a pilot with something as atypical as overseas voting seems to me to be wrong and I wonder again about the cost.

Clause 2 is at the heart of the Bill, and I have no objection to reviewing the time limits. There is nothing sacred about 15 years, and the limit has previously been five and 20 years, and, as the hon. Member for Christchurch says, there are different rules in different countries, but I object to the idea that one can pluck this issue out from the many others I have mentioned. There is no reason, however, why this should not be considered as part of a package of questions about how the franchise works.

If anyone is going to be persuasive about this matter, I fear that it will not be the hon. Gentleman but a gentleman he might know called Harry Shindler. Harry Shindler, whom I had the pleasure of meeting in his club in London about three years ago, is the champion of this proposal. He is a remarkable man. He is now 93, he landed at Anzio, he fought at Monte Cassino and during the Italian campaign he met his wife. When they married, they settled in Italy and that is where he has resided since, although he is a regular visitor to London, mainly to lobby Parliament on this issue.

Last year, I am delighted to say, he was awarded the MBE for his services to British-Italian relations. That includes not only having a plaque put up to mark the liberation of Rome but the painstaking work that he has done over many years to help British service families and Italian citizens to track down missing relatives who were lost in the terrible conflict in Italy in the latter stages of the war. He is, as I say, a remarkable man. He has also championed this issue and he knows what he is doing, as he is also a former Labour party agent of many years' standing. Although he works on an entirely non-political basis, I am sure that that training has served him well.

The case of Shindler v. the UK went to the European Court of Human Rights—perhaps the hon. Gentleman will make an exception in this case and say that that was an admirable use of that judicial body—but sadly for him he was unsuccessful. He was then in his late 80s, and the fact that he took that case, pursued that matter and diligently followed it through shows that the courage and tenacity that he has shown throughout his both military and civilian life continues. If anybody is going to persuade this House and the constituent parties to adopt the proposal to allow unlimited voting for UK residents overseas, it will be Harry.

[*Mr Slaughter*]

I cannot say that we will support the Bill today, for some of the reasons that I have given. I am sceptical about some of the clauses and about the priority that ought to be given to them, given all the other concerns that we have about electoral matters. I am glad that the hon. Gentleman has raised the issue, and I think that we can return to it, but I wish that we could stop being so selective—and, perhaps, so partisan—about such issues. I wish that we could all genuinely try, across parties, to secure the maximum franchise.

I hope that we can look with an open mind at issues such as votes for younger people. I also hope that we can consider reforming some of our more arcane voting practices, and ensure—not just to be equitable, but to guarantee the continuing success of our democracy—that when people go to vote, they feel that they are participating in a genuinely open and fair process.

2.5 pm

**The Parliamentary Secretary, Cabinet Office (Mr Sam Gyimah):** I thank my hon. Friend the Member for Christchurch (Mr Choje) for bringing this issue to our attention. I believe that this is his second Bill so far today, and his 10th private Member's Bill in the current Session. I am sure that his constituents will be pleased that he has embraced this fixed-term Parliament, and is using all the time available to him. I understand that the next Bill of his to be debated—if we reach it—concerns the working time directive. I hope that he has provided exemptions for the overtime that he has been putting in today.

Before I deal with the substance of the Bill, I shall respond to a few of the points made by the hon. Member for Hammersmith (Mr Slaughter), particularly those relating to individual electoral registration. He said that its implementation had been rushed, and suggested that it had not been successful. As he knows, however, it has cross-party support. The legislation was initiated by the Labour Government and taken forward by the current Government, and online registration was introduced as part of that transition.

It is not often possible to say positive things about a Government IT project, but the move to online registration has involved more than 360 local authorities, and has involved matching individuals' data and the data held by the Department for Work and Pensions. Nine out of 10 electors were successfully transferred. We are in the middle of a two-year programme, and in February the Electoral Commission will publish its assessment of its progress so far. I think it a bit premature for Opposition Members to bandy it about that 1 million students are missing from the register.

**Mr Slaughter:** Will the Minister give way?

**Mr Gyimah:** I will in a moment.

The hon. Gentleman also said that 7 million voters were missing from the register. We must all recognise and accept—as I hope he will when he intervenes—that, according to the Electoral Commission, a significant number of people were missing from the register before the introduction of individual electoral registration. The fact that people are not on the register cannot be

blamed on the fact that we are in the process of a transition to a new electoral system whereby individuals can register themselves rather than being registered by the head of the household.

**Mr Slaughter:** I believe that the register is 100,000 down in London alone, so I do not think that what I said was at all premature. It would be helpful if, rather than patting himself on the back, the Minister told us what steps he intends to take over the next few months to ensure that the register recovers lost ground. There is no problem with the principle of individual electoral registration, but there is a problem with the Government's execution of that principle, which excludes a significant number of people and groups. That is a separate issue from under-registration. Under-registration needs to be dealt with in any event, and the Government have done precious little about it.

**Mr Gyimah:** Individual electoral registration is about making the register both as complete and as accurate as possible. We should expect that people who are on the register but who should not be will fall off as result of the transition, and as one in 10 were not automatically transferred, we should also accept that more needs to be done about people who should be on the register and are not. The Government are investing £14 million in targeting under-registered groups including students, minority ethnic groups and forces personnel. A significant amount of the funding has gone to local authorities, who have the responsibility for ensuring that the register is as accurate as possible. I therefore hope the hon. Gentleman is reassured that the Government are committed to making sure that the register is as complete and accurate as possible.

The Bill of my hon. Friend the Member for Christchurch seeks to achieve three things: first, place a duty on the Electoral Commission to identify British citizens overseas eligible to vote in UK Parliamentary elections and facilitate their registration; secondly, scrap the current 15-year time limit on overseas voting rights; and, thirdly, enable overseas voters to cast their votes via the internet. I welcome the good work done by the Political and Constitutional Reform Committee in this area, and I will seek to address each of these aims in turn, but it may be helpful if I first provide some of the wider context to the issue.

The recognition of the right of overseas electors to vote was first acknowledged in 1985. The Representation of the People Act 1985 provided for the first time for British citizens resident overseas to vote in elections to the House of Commons. That right was time-limited to a maximum of five years from the point when they were last registered to vote in the UK. The time limit has changed on two occasions since then, extending to 20 years in 1989, before settling on 15 years in 2002. I therefore agree with the hon. Member for Hammersmith that the time limit is an arbitrary number; that is clear from the fact that it has changed over time. I will return to the question of the time limit later.

Only 35,000 overseas electors were registered to vote in 1991, and since then the number has decreased. That is a tiny proportion of those eligible. There are perhaps around 5.5 million British citizens resident overseas. We have no reliable information on the number who have been overseas for less than 15 years and so would be eligible

under current rules to register to vote, but we can be sure that the number is substantial. It is certainly more than the 23,000 overseas voters who are currently registered. In contrast to what the hon. Gentleman asserted, I think it is right for my hon. Friend the Member for Christchurch to focus on this. If there are about 5.5 million British residents overseas and only 23,000 are registered, that should be a matter of concern to this House. *[Interruption.]* The hon. Member for Chesterfield (Toby Perkins) is chuntering from a sedentary position, but before he arrived in the Chamber we did discuss what the Government are doing for people in this country who are not registered.

The big difference between local voters and overseas voters is that for those resident in the UK registering to vote is primarily a matter of responding to local electoral registration officers when prompted to do so, typically during the annual canvass. Relatively few proactively take steps to ensure they are correctly registered. For British expatriates spread across the globe, a canvass of households is obviously not feasible. It therefore falls to the individual voters to take the appropriate steps to register. That is always likely to mean that a much smaller proportion of expats are registered. Of course, that does not mean that we should be complacent. It is worth putting on record that, to date, the Government have done no research into the drivers of registration for overseas voters, and that needs to be looked at. At the moment, we are looking at the matter in the context of raising awareness of the registration process.

Changes that have been introduced by this Government have already done much to make it easier for British expats to register and to vote. The introduction of online registration last June in England and Wales, and last September in Scotland, has made electoral registration more accessible and convenient for all groups of voters. Indeed, people can register to vote in as little as three minutes using a smartphone. Online registration will particularly help overseas voters, as well as those groups about which the hon. Member for Hammersmith expressed concern, including transient voters, students and tenants. They should all benefit from the fact that they can register online.

**Mr Slaughter:** This is fantastical stuff. The initial matching for individual electoral registration in my constituency showed that the percentages in some wards were in the low to mid-40s. Thanks to the good work of the local electoral registration officers, the percentages have been pushed up into the 70s and 80s, but that is still very poor compared with the previous register. The Minister should not be complacent about the detrimental effect that IER is having on the register, and he has not yet addressed any of the issues relating to under-registration. This just shows that the Government's priorities are completely wrong.

**Mr Gyimah:** This Government's priorities on individual electoral registration are exactly the same as those of the previous Government. Significant resources have been invested to ensure that the register is as complete and accurate as possible. The hon. Gentleman has just said that the original matching in his constituency resulted in figures of around 40% and that subsequent work pushed the percentage up to the mid-70s. Surely that shows that the system is working, because when matching

does not reveal a higher figure, resources are put in. The electoral registration officers are working extremely hard to push the numbers up and to make the register as complete and accurate as possible.

As I was saying, online registration makes registering to vote easier. Further steps that we have taken to improve registration for overseas voters include the removal of the requirement that a person's initial application as an overseas elector be attested by another British citizen who is resident abroad. Many expats found this a considerable obstacle, and I am pleased that this Government have been able to remove it. A further change in the law now requires electoral registration officers, when necessary, to send a second reminder to overseas voters, and others such as service voters who are registered by virtue of a declaration, to inform them that their declaration is about to expire. I hope that this will further prompt people to re-register, especially those who are overseas.

The Electoral Commission provides information on its website about how to register and vote overseas, and it is working with the Foreign and Commonwealth Office to target UK citizens living overseas as part of its online advertising campaign ahead of the general election, particularly in countries with high populations of UK citizens, such as Australia, Canada, France, Spain and the USA. That campaign includes advertising on Facebook and other websites commonly used by UK citizens overseas.

As hon. Members will be aware, on 9 January the Government announced that almost £10 million will be given to local authorities. This is in addition to the £4 million of maximising registration funding provided last year. We are exploring how best to use the money to reach British citizens overseas and encourage them to use online registration to ensure that they have their say at the next election.

In regard to placing a duty on the Electoral Commission, my hon. Friend the Member for Christchurch will know that the responsibility for compiling the electoral register lies with the electoral registration officer for each local area. The Electoral Commission's role is to provide guidance to the EROs, to monitor their performance, to undertake research and analysis, and to promote registration. It has no remit or powers to compile data on British citizens overseas, and that would be an additional enormous burden, as the Electoral Commission is not equipped to undertake this role. That said, I am very conscious that the forces have a unit registration officer, and there is perhaps some scope to examine the role that embassies can play, bearing in mind, however, that the Foreign and Commonwealth Office considers its first and most important duty to support British citizens in difficulty.

As we have said, the current 15-year limit is arbitrary, and I hope the comments made by the Minister without Portfolio, my right hon. Friend the Member for Welwyn Hatfield (Grant Shapps), would reassure my hon. Friend the Member for Christchurch that the Conservative party takes this seriously. My right hon. Friend said at our party conference:

"It's extraordinary that millions of British people have been deprived of their right to vote by bureaucratic rules and complex red tape...The next Tory government will abolish unfair rules excluding millions from voting."

[Mr Gyimah]

So although there is no consensus in the Government at the moment, I hope my hon. Friend takes that quote as reassurance that the next Conservative Government would seek to abolish the 15-year-rule.

Finally, let me deal with the thorny issue of electronic voting. I started off by talking about the big piece of modernisation that has been introduced in this Parliament, which is not only the move to individual electoral registration, but the introduction of online registration. It has been apparent that this is a huge task, and moving to electronic voting would be a huge task for any Government. We cannot be under any illusion that it would be easy to achieve. The fact that electronic voting is incredibly rare across the globe is testament to some of the problems in delivering it. The online registration and move to the IER project has cost the taxpayer about £100 million, and if we were to move to electronic voting, we would have to ensure that we have very robust and secure systems. Given that we do not even have same-day registration for people to vote, that would be a big step for the Government to take. My right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) suggested the way forward could be having electronic voting for overseas voters as a test bed. Given how important general elections are, we should not be using electronic voting as a test bed when it could be decisive in the election outcome.

In conclusion, a lot has been done to modernise the system to register to vote in this country. Overseas voters should indeed be valued the same as voters resident in the UK. Anyone who has a right to vote in the UK should be valued, and any democratic Government have a duty to ensure that such people are on the register and can exercise their right to vote. Clearly, there is a discrepancy in respect of the number of overseas voters who on the register and the number who can exercise their right to vote. Although I urge my hon. Friend the Member for Christchurch to withdraw the motion, the Government should examine this issue in more detail in future.

2.23 pm

**Mr Chope:** I am grateful to the Minister for that response and for his repetition of the position that the Conservatives would support removing the 15-year restriction on the eligibility of British citizens resident overseas to vote. The only question he did not really answer was why the coalition minority partners are against such a change. Obviously, had they not been, my Bill would have been able to make progress today.

It is also interesting to note some of the points made by the hon. Member for Hammersmith (Mr Slaughter) on issues associated with individual voter registration. It is essential that we do not compromise on that principle. It is well established within the Council of Europe that every person who goes to vote should be individually registered, but our country has been a bit late in getting on that bandwagon. Some of the body language from Opposition Members suggests that they think that there should be flexibility on that, but I think that we should be resolute in saying that only those people who are duly registered and present themselves to vote should be able to vote. Having that said, I beg to ask leave to withdraw the motion.

*Motion and Bill, by leave, withdrawn.*

## Working Time Directive (Limitation) Bill

*Second Reading*

2.25 pm

**Mr Christopher Chope** (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

I think that this will be the last of my private Members' Bills to which I shall have the privilege of speaking in this Parliament. It is the 11th of my presentation Bills in this Session that we have had the opportunity to debate, albeit briefly in this case. I thank all the officials of the House for their assistance, and one in particular, who will know who she is, for her indulgence in helping me with the preparation and introduction of those Bills.

Clause 1 of this Bill would remove requirements under European working time regulation, so far as that applies to the United Kingdom, from

“any employee who with the agreement of the employer has chosen to opt out of the provisions of the”

working time directive and the European Working Time Regulations 1998. It would also provide that the directive and the regulations would not apply to

“doctors and other health professionals”.

My hon. Friend the Member for Bristol North West (Charlotte Leslie) has been a great campaigner on that issue, and the Government have often said that they want to sort out the absurdity of doctors and other health professionals having to work rigid hours, and therefore not being able to do the best for their patients. The requirement causes a particular problem for trainees. Something needs to be sorted out, but that will not happen unless our own Parliament takes control of the situation.

The clause would also provide that the directive and the regulations would not apply to

“any time spent by an employee on call and not working”

and

“the calculation of entitlements to holiday and holiday pay, bonuses and overtime”.

I have had the privilege of discussing recent court cases relating to that situation with the Minister and others, and she concedes that the current position will cost British industry tens of millions of pounds. The Government do not want that to happen, but what are we going to do about it? The Bill would allow us to disapply the working time directive from such calculations so that we could go back to having holiday pay, bonuses and overtime calculated on the basis of privity of contract between employer and employee.

The Bill contains much more material than we will be able to do justice to in the next couple of minutes, but I hope that I have put down a marker of why it deserves to make further progress. The Government need to do something, instead of just sitting back and saying, “We're terribly worried about all this.”

2.28 pm

**Jim Fitzpatrick** (Poplar and Limehouse) (Lab): I rise briefly for two reasons, the first of which is that we have only 90 seconds left. Secondly, I speak as someone who was an employment Minister in the previous Labour Government between 2006 and 2007. During that time, one of the tasks that I was given by Downing street was to defend the working time directive opt-out, which was under threat from European states that were jealous

about how Britain organised its working arrangements for staff. We were keen that people who, for a variety of reasons, wished to exceed the 48 hours that would be regulated as their working time were not prevented from doing so. We thought that people should not be prevented from working overtime or taking the opportunities that their employer provided because of some European regulation.

When I was defending the opt-out, my first port of call, to the surprise of my civil servants, was Paris. They thought that that was the wrong place to begin because it was the French Government who were the most insistent that the opt-out should be withdrawn. I thought that it was only courteous to speak to the French to let them know that we were in dispute about what they were trying to impose on British workers, and that we wanted to ensure that British people had the chance to make their own—

2.30 pm

*The debate stood adjourned (Standing Order No. 11(2)).*

*Ordered,* That the debate be resumed on Friday 27 February.

## Business without Debate

### ZERO HOURS CONTRACT BILL

*Resumption of adjourned debate on Question (21 November),* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 27 February.*

### HOUSEHOLD SAFETY (CARBON MONOXIDE DETECTORS) BILL

*Resumption of adjourned debate on Question (12 September),* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 6 March.*

### FUNERAL SERVICES BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on 27 February.*

### HOUSE OF LORDS (EXPULSION AND SUSPENSION) BILL

**Sir George Young** (North West Hampshire) (Con): I have it in command from Her Majesty the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Bill, has consented to place her prerogative, so far as it is affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

*Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).*

### BAT HABITATS REGULATION BILL

*Resumption of adjourned debate on Question (16 January),* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 27 February.*

### ENERGY (BUILDINGS AND REDUCTION OF FUEL USE) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

### HOUSES IN MULTIPLE OCCUPATION (ENERGY PERFORMANCE CERTIFICATES AND MINIMUM ENERGY STANDARDS) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

### SUGAR IN FOOD AND DRINKS (TARGETS, LABELLING AND ADVERTISING) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

### DEFENCE EXPENDITURE (NATO TARGET) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on 27 February.*

### CONVICTED PRISONERS VOTING BILL

*Resumption of adjourned debate on Question (5 December),* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 27 February.*

### BENEFIT ENTITLEMENT (RESTRICTION) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on 27 February.*

### ROAD TRAFFIC REGULATION (TEMPORARY CLOSURE FOR FILMING) BILL

*Resumption of adjourned debate on Question (7 November),* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 27 February.*

**ILLEGAL IMMIGRANTS (CRIMINAL  
SANCTIONS) BILL**

*Resumption of adjourned debate on Question (24 October), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 27 February.*

**HOUSE OF LORDS (MAXIMUM MEMBERSHIP)  
BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

**EU MEMBERSHIP (AUDIT OF COSTS AND  
BENEFITS) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

**WILD ANIMALS IN CIRCUSES BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 27 February.*

**Economy and City Link: Coventry**

*Motion made, and Question proposed, That this House do now adjourn.—(Alun Cairns.)*

2.35 pm

**Mr Jim Cunningham** (Coventry South) (Lab): First, I thank Mr Speaker for granting this debate, the purpose of which is to discuss the general position of Coventry's economy, which looks very positive on many counts. I also want to take a harder look at the labour market.

The Government are using all sorts of means to make the employment figures look good, but that can mask problems with pay, stability and the type of work involved. The recent collapse of City Link is a good example of why we need to look at the type of work more closely.

I start with the positives of Coventry's economy. The Centre for Cities annual "Cities Outlook", published this week, looked at 64 UK cities. There is plenty of good news for Coventry. Coventry came 10th for housing stock growth, 9th for highest business growth, 7th for jobs growth, 6th for the highest private sector jobs growth, and 4th for patents issued, largely in the automotive industry. I welcome that good news. There is much to be proud of.

In the same report, however, Coventry was ranked 59th out of 64 for its employment rate. I understand that that is 8.3% lower than the UK average. The employment rate has fallen by more than 3% in the past year. I want to guard us against sitting on our laurels; it is that background that makes any announcement about job losses very serious.

All that brings me to the situation with City Link. Let me be clear: it is not that Coventry is in trouble, but we need to be watchful of every major loss of jobs. We cannot be complacent and we need to make sure that we do not see a pattern of job losses. City Link provided 404 jobs in Coventry, the vast majority of which have now been lost. The collapse was announced on Christmas eve. Better Capital, the private equity firm that owned the company, is expecting to recover £20 million from the £40 million loan it gave; as a secured creditor, it will rank ahead of staff when proceeds from the company's liquidation are distributed. The taxpayer has to foot the redundancy bill.

Why is that significant? Any unwanted job loss is a tragedy for the individual concerned. Getting new jobs is the immediate priority, and I am very pleased with how Coventry has risen to the occasion and businesses have come forward with jobs, but there are worries. I am very concerned about the self-employed drivers; at least, they are technically self-employed, but the idea is absurd—they were allowed to work only for City Link. They have been made redundant through no fault of their own. They will be doubly hit—they will not get redundancy payments, as things currently stand, and nor will they be eligible for jobseeker's allowance.

We need to look into that type of employment, which is dangerously precarious. We need to consider the law in relation to this matter, and I am pleased that the Secretary of State for Business, Innovation and Skills agrees. We need to look carefully into what happened in the build-up to the company's going into administration. I have met the Business Secretary, who intends to wait until the report by the administrator is complete before

deciding whether the situation warrants an investigation. I personally believe that an investigation is warranted already, but I appreciate the Business Secretary's position. Once the report is published, I will be keen to call for an investigation.

We cannot have a situation in which asset strippers can toy with workers so that thousands lose their jobs with no warning while the management are able to make plans. This is a good example of a situation in which many people who were counted as self-employed were left very vulnerable when the company collapsed. Furthermore, the owners were able to walk away with millions, while giving workers no notice period in which they could have started looking for jobs. Your type of work matters, your pay matters, your employment status and rights matter, your security and stability matters, your quality of life matters: it not just about the headline figures.

In addition to the recent job losses at City Link, a number of other companies have announced their intention to cut jobs in Coventry. This includes the recent closure of the Marks & Spencer warehouse, where about 150 jobs are expected to be lost, and recent job losses at Sainsbury's. Peugeot Citroen will be cutting jobs, although the number now looks to be under 100. In November, Severn Trent announced plans to cut 600 jobs. Given that the city has had a decreased employment rate in the past year and is already below the national average, we need to make sure that there are no structural reasons behind this, so we must take each case seriously. I urge the Minister to pay close attention to the picture of jobs in Coventry and to comment on the attractiveness of Coventry as a place to do business.

I want to flag up a number of other concerns. Median annual pay in 2014 was £499 down on the 2013 figure, and that is £1,505 lower than the average in England. Gross weekly pay for a woman in Coventry is over £100 less than that of a man. Perhaps most alarmingly of all, Coventry was 63rd of 64 for the highest percentage of people with no formal qualifications—15.8%. That is something we really need to look at and work on.

That brings me to the bigger picture, which is that the Government are throwing taxpayers' money at subsidising companies that pay low wages. We are seeing people pushed off JSA to become self-employed, often earning very little indeed and needing substantial income support. There is no training, support or career development—it is all about being able to keep unemployment figures down. Similarly, a third of jobs in Coventry are part-time. That figure does not show how many of these people cannot get full-time work. I have constituents who are technically employed, but for only a few hours a week. They want to work more hours, but they are not offered them, and the Government then have to top up their income. I urge everyone to watch last week's Channel 4 "Dispatches" programme, "Low Pay Britain". I am concerned that the employment figures are masking the reality and papering over the real problem, which is a lack of proper, well-paid, stable jobs that pay enough to live on and include future career opportunities. I ask the Minister to take this seriously, as I am sure she will. It is not enough to say there are jobs—it matters what types of jobs they are.

Cuts to local government funding have meant that Coventry city council has already cut well over 1,000 jobs and is expected to cut many hundreds more. For example,

proposed cuts to the local welfare assistance scheme by central Government mean that payments under the scheme would have to come from council budgets rather than central Government. This would hurt those in the city who are in the most urgent need of help. I ask the Minister to raise this with her counterparts at the Department for Communities and Local Government. These cuts to local government mean that the council is not in a position to offer the support to the economy that ideally it might have done.

Coventry needs to take a hard look at the real story behind the employment figures to make sure that we are not storing up problems for ourselves in future and that we have a healthy and sustainable labour market that pays well and offers people a high standard of living.

2.43 pm

**Mr Geoffrey Robinson** (Coventry North West) (Lab): Thank you, Madam Deputy Speaker—[*Interruption.*]

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. I hesitate to interrupt the hon. Gentleman, but I ask the Serjeant at Arms to investigate the fact that a bell is ringing somewhere.

**Mr Jim Cunningham:** I apologise, Madam Deputy Speaker—I did not realise that my phone was not switched off.

**Madam Deputy Speaker:** I take back that request to the Serjeant at Arms and accept the hon. Gentleman's apology. The mystery has been solved.

**Mr Robinson:** Thank you, Madam Deputy Speaker, for allowing me to take part in this debate. The Minister also agreed to my taking part, as did my hon. Friend the Member for Coventry South (Mr Cunningham), whom I congratulate on his initiative. I also thank Mr Speaker for granting this important debate.

The only mystery that remains to be solved is why exactly Jon Moulton made this acquisition in the way he did in an industry that was already in difficulty. One feared very much what the outcome would be for a company that had already experienced many years of extreme difficulty. The situation will no doubt be unfolded once the Department finishes its report and we have read its conclusions. Perhaps a further investigation will be necessary; indeed, my hon. Friend has called for one.

In the few minutes available to me, I want to address four aspects of concern. My hon. Friend has already said that we cannot be complacent in Coventry, but perhaps he will agree that the new leadership in Coventry has sent a very loud message that Coventry is open for business and to the new businesses of the 21st century. The internet and internet shopping are clearly going to generate a lot of such businesses. Indeed, we thought that that was what Mr Moulton was investing in and that there was a reasonable prospect for City Link's future, although there was never any guarantee. It is a pity that the early venture has come to such a tragic and sad halt.

It is tremendous to see the approach being taken by Coventry's leadership. After years of not making the progress we should have been making, the new leader, supported by her deputy, has made it plain that things

[Mr Robinson]

have changed in Coventry's approach to openness. We are looking to do things differently and are encouraging others to join us in a way that we might not have done in the past. It is in that spirit that we went down the City Link and other routes.

**Mr Jim Cunningham:** May I make it perfectly clear to my hon. Friend that in no way is this situation a reflection of the leadership of Coventry city council? I was analysing the general situation.

**Mr Robinson:** I take that point entirely and agree with my hon. Friend. Coventry has new leadership, but we have had a very bad setback. Some 400 jobs have been lost—which is a lot—on top of the other losses, to which my hon. Friend has rightly referred. We can ill afford such losses and we cannot and will not be complacent. That is why my hon. Friend wants to make sure that this has been properly handled.

I understand that Mr Jon Moulton, who guards his reputation jealousy—he has had a fairly good record up until now—is concerned that his motives be fully understood. The mystery is why on earth he invested to the extent he did in the first place, but that is for him to explain. He goes around saying that he has lost £20 million of his shareholders' money—his company's money—and £3 million of his own. That is a great pity, but he also caused the state to lose £20 million and—this is my second point, which I will come on to in a moment—1,000 drivers to lose their jobs. One can only ask: why would anyone put themselves in a position where ultimately they are held responsible for the collapse of their company? That will no doubt come out in the Department's report.

The closure on Christmas eve was unpleasant. That is not a serious way for a businessman who guards his and his company's reputation so jealously to run an enterprise for which planning is essential. That raises questions that should not have been raised, but Mr Moulton will now have to wait while they are investigated and we get answers.

I know that the Minister agrees with me. When we met the Business Secretary, he was very forthcoming and said that he wanted to make sure that nothing odd was going on. He was phoned on 23 December—one day before the announcement was made. The company had been trading with bad losses for months beforehand under Mr Moulton's ownership and for years before that. What happened is hardly a surprise. The inevitable impression is that it was somehow or other contrived to be done in that way at that time. That impression will persist until we get the Department's report in, I hope, the very near future.

If the report calls for an investigation, I know that the Minister—whom I am very pleased to see in her place—and the Secretary of State will approach it in the spirit of totally dispassionate and rigorous scrutiny. If such an investigation is needed, we shall, despite whatever embarrassment it might cause to those who agreed with Mr Moulton's decision to make his investment, which has cost the taxpayer £20 million-plus, go to whatever lengths necessary to get to the truth of the matter. We have to do that for Coventry. We have made a new start and we are doing relatively well. We are certainly doing

much better than we were. Frankly, we can do without setbacks such as this one, which came out of the blue on Christmas eve.

We look forward to the Minister's response and I hope that she will answer the points that have been made about the report. Before I finish, I have one more important point to put to her. I am sure that everything about this incident will come out in the report, but I hope that it will also address a more general point that was alluded to by my hon. Friend the Member for Coventry South. It does not relate directly to this administration, but it does concern the 1,000 self-employed drivers. As I understand it, the drivers were self-employed but, under the terms of their contract, were not allowed to work for anybody else. They were self-employed, but they were really employed by the employer. This is a fine point of law. I am sure that the law is quite clear that the drivers were technically self-employed and that they were therefore not eligible for redundancy pay or jobseeker's allowance, even though they had been paying in.

This is a wider point about self-employment. I know that the Treasury does not really like self-employment. It is not entirely right in that, but it is not entirely wrong either, as is always the case with the Treasury, damn it! This may be a narrow point, but the Treasury and the legal department should look at it in the context of the whole. It cannot be right that self-employed people who are making a contribution, paying their way and making no demands can end up in this situation.

There is good news about Coventry, with its new leadership. This is a setback, so we must have a report to clear it up and to see, once and for all, exactly what went on. Lastly, the position of the drivers has brought out a general point for us all to consider, and we wish to hear the Minister's views on it.

2.51 pm

**The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Jo Swinson):** I congratulate the hon. Member for Coventry South (Mr Cunningham) on securing this debate at such an appropriate time. He called it to talk about City Link, obviously, but also about the wider issues relating to jobs in Coventry. I know that he has been a passionate supporter of businesses and workers alike in his constituency over the years.

We all agree that this is a worrying time for the individuals who were reliant on City Link for work, a significant number of whom were based in Coventry. There is a huge amount of sympathy for those who have lost their jobs through no fault of their own. The timing of the announcement has been mentioned. It is difficult for anybody to hear that bad news, but to hear it immediately before Christmas, when people hope to be celebrating with their families, is particularly difficult, so one cannot help but feel for those individuals.

That is why our focus is on ensuring that those who have found themselves out of work as a result of the City Link administration find new work as quickly as possible. We are helping the employees and subcontractors to do just that. We are also ensuring that City Link employees who are eligible for statutory redundancy payments get the money that is due to them as quickly as possible. The Jobcentre Plus rapid response service is available to employees and subcontractors at City Link. That is delivered at the discretion of each local district.

That support is already being provided around the country. It can include things such as information, advice and guidance, help with job searches, CV writing, interview skills, identifying transferable skills or any skills gaps, and training to update those skills and to get certification to improve employability.

In Coventry, Jobcentre Plus is working with a local skills and employment company to provide extra support on employability and moving into work. Earlier this month, three sessions were held to support workers. In addition, the Coventry city council job shop and the local enterprise partnership's growth hub are working closely with Jobcentre Plus to identify employers who have vacancies. It is positive that a number of local employers have expressed an interest in taking on City Link staff in Coventry. Although this remains a difficult time, it is encouraging to hear of City Link workers in Coventry who are already finding new work.

When the employer's insolvency has led to dismissal, employees are guaranteed to receive—subject to certain limits—their wages and other payments they are owed, and that money comes from the national insurance fund. A dedicated team in the redundancy payments service is already processing those payments, and we will ensure that claims are processed as quickly as possible. Any City Link employees who want guidance on that redundancy pay can find that information at gov.uk.

Hon. Members mentioned those who are self-employed and could not necessarily work for any company other than City Link. They do not qualify for redundancy pay because of their self-employed status. We recognise that that issue is significant and has grown over recent years. We have protections for employees, a separate set of protections for workers that are not quite as enhanced, and then there are the self-employed. For many people, being self-employed works well, but some employers try to use different categories so that those people do not have the same level of employment rights. The Department for Business, Innovation and Skills is undertaking an employment status review to consider those issues in detail.

**Mr Jim Cunningham:** In one case that I am aware of, the individual is owed something like £90,000, which puts them in a terrible position.

**Jo Swinson:** Indeed, and individuals will be in different circumstances. As I said, for some people being self-employed works well depending on their circumstances, but the difficulty comes if that is used effectively to mask what is an employee-employer relationship. In addition to any concerns the Treasury might have, there are also issues about workers' rights.

**Mr Robinson:** The point my hon. Friend and I are making is that those people are not allowed to work for anyone else. Generally, someone who is self-employed has the right to work at other places and build up other contracts. They can do other things and offload their risk. However, when they are obliged by their contract not to do that, we must consider that in the light of employment law.

**Jo Swinson:** I am not a lawyer so I will not give legal advice, but employment tribunals can consider the facts of any case in front of them. It is not simply what is declared in a written contract that determines the nature

of an employment relationship; it is also about the facts of the case. Employment tribunals are able to interpret a case based on whether there is mutuality of obligation, and in previous employment tribunals, judgments on exclusivity clauses have been used to demonstrate that kind of relationship. I will not pronounce on any individual case, but there is flexibility in the employment law system for employment tribunals to consider individual facts. Because there is uncertainty about different types of employment—some of that is related to growth in zero-hours contracts and we are legislating to prevent the kind of exclusivity clause that has been outlined—we are undertaking that employment status review. I do not suggest that the solution is straightforward or simple, because a wide range of issues are being considered. Employment law and status have developed over many decades, and that review is an important piece of work.

The hon. Member for Coventry South mentioned the importance of quality jobs. Positive employment figures are a great good news story, but as the economy recovers we want to encourage employers to ensure that the jobs they create are quality jobs, and that where they can afford to they do not pay just the basic minimum wage. That safeguard and safety net is rightly there as a protection for the most vulnerable people in our labour market, but the minimum wage should not be a target. Responsible companies that are profitable and doing well generally want to pay above the minimum wage, and the Government encourage them strongly to do so.

On an investigation into City Link, the process after any company fails is that we ask whether it has been managed correctly, which is fair. We need to establish the full facts before coming to a judgment, as the hon. Member for Coventry North West (Mr Robinson) said. As a result, the administrators have a legal duty to report confidentially to the Secretary of State within six months of their appointment on the conduct of the directors. We are trying to reduce that time in legislation to three months. It is important to point out that we do not expect a report to take six months; they are often done earlier than that. Insolvency Service investigators are currently in contact with the administrators and expect to be able to identify any matters that should be investigated well before that final six-month deadline.

When the necessary information has been received from the administrators, the Insolvency Service is in a position to consider whether there are any grounds for bringing disqualification proceedings against the directors. The administrators' view is a relevant consideration, although ultimately the assessment of whether grounds for the disqualification of directors exist will be based on the Insolvency Service's independent view and conclusions. A director can be disqualified for anything between two and 15 years. It is important to set out that process. We need to wait for the information. On a point of clarity for the hon. Gentleman, the report that is produced on the directors' conduct by the administrator is produced confidentially to the Secretary of State. That will be assessed by the Insolvency Service. On that basis, it will then decide whether further action should be taken.

We have discussed the importance of City Link, but the hon. Member for Coventry South set out wider issues in Coventry's economy. We are dealing with the damaging City Link situation, but it is worth recognising that there is a lot to welcome in the local economy in

[Jo Swinson]

Coventry and Warwickshire. It is one of the higher-performing local enterprise partnerships in terms of investment and jobs created through foreign direct investment. It is an important location for firms experiencing employment and growth. Last weekend, Newcross Healthcare Solutions announced plans to open a new base at the Middlemarch business park, where City Link was based, which will create 100 new permanent jobs.

Others have chosen Coventry recently, such as LeanNova Engineering, which is creating 60 jobs, and Sitel UK, which is set to create around 300 new jobs, with potentially more to follow. They sit alongside high-profile names such as Capita and Bupa, which are expanding within Coventry. That builds on Coventry's major manufacturing and engineering base, including such major employers as Tata, Jaguar Land Rover, Aston Martin, BMW, Rolls-Royce and Alstom.

It is not just the Government and I who see signs of encouragement. Coventry's success was highlighted in a Centre for Cities report published this week, which notes that Coventry has outperformed its west midlands counterparts over the past decade, achieving an 8% increase in jobs and a 22% increase in business stock, which is a third higher than the national average. It has the second-fastest growth in private sector jobs among UK cities. I appreciate the concern about other companies mentioned in the debate, but there are none the less reasons for optimism in the Coventry economy.

**Mr Jim Cunningham:** I do not disagree with the hon. Lady. Lots of good things are happening in Coventry. I made that point, but I also considered other areas where we have got to do better.

**Jo Swinson:** The hon. Gentleman is doing absolutely the right thing as a constituency MP. It is important that we celebrate what is going well in an area, but we must also continue to strive and see where we can do more and provide further support for local economies. That is why the Government continue to work hard to improve conditions in Coventry and the rest of the country. The regional growth fund of £410 million has gone to 63 projects in the west midlands. Eighteen of those are in Coventry and Warwickshire, which is worth about £160 million of direct Government investment, and which should leverage in a total of £1.4 billion of private sector investment and create or safeguard more than 10,000 jobs. It is important that that continues. We are working with local enterprise partnerships throughout the country, and the Growing Places fund, the city deals and the growth deals are helping local enterprise partnerships to support their economies.

We have had a good opportunity to hear from Coventry Members about the challenging City Link situation and the importance of ensuring that the conduct of the directors is properly considered. Those processes are in place. There are positive signs within the Coventry economy, but it is important not to be complacent and to continue to work hard. The Government intend to continue to work alongside Members of Parliament, the local authority, the local enterprise partnership and other stakeholders to ensure that we continue to build a stronger economy in Coventry and the rest of the United Kingdom.

*Question put and agreed to.*

3.4 pm

*House adjourned.*

# Written Statements

Friday 23 January 2015

## FOREIGN AND COMMONWEALTH OFFICE

### Consular Services

**The Secretary of State for Foreign and Commonwealth Affairs (Mr Philip Hammond):** The Foreign and Commonwealth Office (FCO) welcomes the scrutiny of its consular services by the Foreign Affairs Committee. The Command Paper laid today sets out the Government's response to the Committee's report of 23 November 2014 into the FCO's consular services.

The Government welcome the Committee's endorsement of how the FCO has prioritised the provision of consular services to British nationals overseas, as one of our three foreign policy priorities. The Committee recognises the high level of service the FCO's consular staff provide to thousands of British nationals every year, often in distressing circumstances. It also commends our consular services in many areas, including our focus on supporting the most vulnerable British nationals abroad, the improvements we have made to our preparation for and response to large-scale crises, the support we provide in cases of kidnap, death penalty and forced marriage, and our innovations in service delivery such as our consular contact centres.

We also welcome the Committee's recognition of the challenges we face around managing the public's expectations of our services, and the importance of British nationals taking responsibility for their own safety and security when travelling and living abroad.

We are committed to continuing to improve the services we provide to British nationals, and recognise many of the areas where the Committee has suggested improvement may be required. This includes our support to families of British nationals who have died abroad, in particular victims of murder and manslaughter, our handling of allegations of torture and mistreatment of British Nationals travelling overseas, and our complaints handling procedures.

This Command Paper sets out the specific commitments we have made to address the Committee's recommendations across all our consular services.

We take all allegations of torture or mistreatment extremely seriously. We will be reviewing the specific cases raised in the Committee's report where it is alleged that we failed adequately to protect and support British nationals who said that they had been the victim of torture or mistreatment. We will also be developing new training for our staff for dealing with these difficult cases.

We have also committed to improving the consistency and quality of the service we offer to the families of British nationals who have died abroad, in particular victims of murder and manslaughter, *Official Report*, 22 January 2015, col. 10WS; HCWS 218. We also agree

with the Committee's recommendation to create a central unit to help us provide an improved level of service in murder and manslaughter cases - our new Access to Justice Unit will start working in January 2015 to lead this.

I am tremendously proud of our consular staff and the work that they do. I also welcome the Committee's conclusion that the FCO provides a "lifeline" to British nationals, often in difficult circumstances and when they are most in need, and "should rightly be proud of its work".

## HOME DEPARTMENT

### Unaccompanied-Asylum Seeking Children

**The Minister for Security and Immigration (James Brokenshire):** The UK has opted in to the regulation that amends a single article in the Dublin Regulation (EU) No. 604/2013 ("Dublin III") concerning its application to unaccompanied children. The amendments concern the position of unaccompanied children who are applicants for international protection and who have no family member, sibling or relative present in the states covered by the Dublin Regulation. They are being made to reflect the Court of Justice of the European Union's ruling in the case of MA and others (C-648/11) that the best interests of the child are generally best served by an asylum claim being considered in the state of the most recent application rather than, if different, the state where a child first lodged an application. The basic approach in the proposal is one that we and other states participating in the Dublin Regulation have been following since the court's ruling in June 2013, so opting in will have no additional impact on current practice.

The Government are fully committed to the system created by the Dublin Regulation, which determines which participating state is responsible for examining an application for international protection. The UK has opted in to all earlier proposals concerning the Dublin Regulation and the related Eurodac Regulation. Opting in to this single issue proposal concerning unaccompanied asylum seeking children is consistent with our strong support for the Dublin system as a whole, which has been of great benefit to the UK, enabling the removal of over 12,000 asylum individuals since 2003 to other participating states (Member states of the European Union, Norway, Iceland, Switzerland and Liechtenstein).

The Government will continue to consider the application of the UK's right to opt in to forthcoming EU legislation in the area of justice and home affairs on a case by case basis, with a view to maximising our country's security, protecting Britain's civil liberties and our ability to control immigration.

[HCWS219]



# WRITTEN STATEMENTS

Friday 23 January 2015

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**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

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