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GENERAL COMMITTEES

Public Bill Committee

AFFORDABLE HOMES BILL

First Sitting

Wednesday 22 October 2014

CONTENTS

Sittings motion under consideration when the Committee adjourned till
Wednesday 29 October at half-past Nine o'clock.

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The Committee consisted of the following Members:

Chairs: † SIR ROGER GALE, MR JIM HOOD

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| † Blackman, Bob (<i>Harrow East</i>) (Con) | † Morris, James (<i>Halesowen and Rowley Regis</i>) (Con) |
| † Brooke, Annette (<i>Mid Dorset and North Poole</i>) (LD) | † Nuttall, Mr David (<i>Bury North</i>) (Con) |
| † Bryant, Chris (<i>Rhondda</i>) (Lab) | † Pearce, Teresa (<i>Erith and Thamesmead</i>) (Lab) |
| † George, Andrew (<i>St Ives</i>) (LD) | † Raynsford, Mr Nick (<i>Greenwich and Woolwich</i>) (Lab) |
| † Gilmore, Sheila (<i>Edinburgh East</i>) (Lab) | † Rees-Mogg, Jacob (<i>North East Somerset</i>) (Con) |
| † Hilling, Julie (<i>Bolton West</i>) (Lab) | Watkinson, Dame Angela (<i>Hornchurch and Upminster</i>) (Con) |
| † Howell, John (<i>Henley</i>) (Con) | Kate Emms, <i>Committee Clerk</i> |
| † Kwarteng, Kwasi (<i>Spelthorne</i>) (Con) | † attended the Committee |
| Lavery, Ian (<i>Wansbeck</i>) (Lab) | |
| † Lucas, Caroline (<i>Brighton, Pavilion</i>) (Green) | |
| † McVey, Esther (<i>Minister for Employment</i>) | |
| † Morris, Grahame M. (<i>Easington</i>) (Lab) | |

Public Bill Committee

Wednesday 22 October 2014

[SIR ROGER GALE *in the Chair*]

Affordable Homes Bill

10 am

Jacob Rees-Mogg (North East Somerset) (Con): On a point of order, Sir Roger. It is a great pleasure to serve under your chairmanship, but may I bring your attention to page 571 of “Erskine May” and question whether it is right for this Committee to be sitting at all, because the effective parts of the Bill entirely require money resolutions?

The Chair: Let me save some time and effort by saying that I have taken advice on this. The meeting is orderly; otherwise it would not be being held.

Jacob Rees-Mogg: Further to that point of order, Sir Roger. For the benefit of the Committee, could you explain what we will be able to discuss? It says quite clearly that it is out of order to consider things that are subject to a money resolution during these proceedings, and also that it is out of order merely to consider the subsidiary matters if the major matters require money resolution.

The Chair: As I have already indicated to the hon. Gentleman, the meeting is orderly; I have taken advice on that and would not be sitting in the Chair if it was not. We will not be taking amendment 1 this morning because it relates to a money resolution. The other amendment is orderly and may be debated. I hope that that satisfies the hon. Gentleman.

Jacob Rees-Mogg: Further to that point of order, Sir Roger. It is difficult to understand how we can be orderly in discussing the times of sittings in relation to a Bill that we do not know that we can discuss any part of because it does not have a money resolution to allow the major part of it to be discussed, and the minor parts cannot be discussed outside the major parts, as is clearly stated on page 571 of “Erskine May”.

The Chair: I do not know which bit of “I have taken advice and am told that the meeting is orderly” the hon. Gentleman does not understand, but I have taken advice and I am advised that the meeting is orderly. If he wishes to raise the issue with the Speaker, he is of course quite entitled to do so. I now propose to proceed.

Jacob Rees-Mogg: Further to that point of order, Sir Roger. There is a provision—

The Chair: Order. I am on my feet. I now propose to proceed.

Mr David Nuttall (Bury North) (Con): Further to that point of order, Sir Roger. It is a pleasure to serve under your chairmanship this morning. I do recall, as I am sure you do, that earlier in this Parliament we had the Daylight Saving Bill, which, if I recall correctly, was prevented from being considered in Committee because

it did not have a money resolution passed by the House. I heard very clearly that you have taken advice about this particular matter, Sir Roger, but did the advice you were given deal with what, if anything, has changed between consideration of the Daylight Saving Bill and consideration of the Affordable Homes Bill? It seems to me that the two Bills are very similar in nature. In those circumstances, could you deal with that point before I raise some further points of order?

The Chair: I did not have the enormous pleasure of chairing the Daylight Saving Bill Committee, so I am not privy to the discussions that took place surrounding it. I therefore cannot advise on the differences between this Bill and that one. Nevertheless, I repeat again: my advice from the Clerks of the House is that this meeting is orderly and proper, and that of course due consideration will have to be given to money matters at a later date, and that will happen. I hope that that satisfies the hon. Gentleman.

John Howell (Henley) (Con): On a point of order, Sir Roger. I wonder whether we could look back at the Second Reading debate, in which people called in evidence a long list of institutions who had an opinion on the Bill to support the points they were making. It occurs to me that here we are, starting a Bill Committee, without having had an evidence session. Is it appropriate for us to continue scrutiny of the Bill without such an evidence session? That is a point that I will want to develop later anyway.

The Chair: If the hon. Gentleman were referring to a Public Bill, he would be entirely right and it would be completely proper to suggest an evidence session, although whether that would be granted is a different thing altogether. At present, private Members’ Bills do not attract evidence sessions. Perhaps they should—that is something that the Procedure Committee might wish to be invited to consider—but the simple answer is that there is no provision for an evidence session for a private Member’s Bill.

Mr Nuttall: Further to that point of order, Sir Roger. I am looking through the Standing Orders and it does not appear that there is any difference between the procedures to be adopted for the consideration of a Bill that just happens to have been presented by a Member of this House who is not a Government Minister, commonly referred to as a private Member’s Bill, and those for a Bill that is presented by a Minister.

In any event, I submit that this Bill is no ordinary private Member’s Bill by any stretch of the imagination. We were told on Second Reading that the Bill carries a price tag of £1 billion. It seems to me that it is probably the costliest private Member’s Bill that has ever been brought before the House. Therefore, even if the precedent of the House has been not to have oral evidence sessions for private Members’ Bills, such a session would seem appropriate. While that might not have been done routinely before, one must look at the facts before us.

In any other Parliament, this would have been a Government Bill. It is not the normal sort of private Member’s Bill, which is on a conscience matter or a tidying-up measure or a technical measure that merely tinkers around with the law. It does not, for example—

The Chair: Order. I have been as generous as I can with the hon. Gentleman, but he really has got to bring his remarks to a conclusion. On the straightforward point that he raises, which was his opening sentence, there are significant differences in terms of timetabling—the hon. Gentleman, as an experienced Member of Parliament, will know this—between Government Bills and private Members’ Bills. Whether he or I like it or not, there is no provision, as things stand at the moment, for an evidence session. Therefore, the question that he asked—a perfectly fair one—does not arise.

We have before us a timetable motion relating to the parts of the Bill that do not involve a money resolution. The money issues will clearly have to be considered—that is not in dispute—but I now wish to proceed.

Jacob Rees-Mogg: On a point of order, Sir Roger. I wonder whether you could clarify the advice that you have taken in relation to this. “Erskine May” refers to a provision that the Panel of Chairs, or three members of it, may rule on matters of procedure affecting practice in Committees. Has that been done to decide whether this is a legitimate sitting? If not, could that now be done? I believe that that would clarify the matter and give an authoritative ruling.

The Chair: Until this morning, that was not an issue that had been raised with me other than that it was obviously necessary for me to satisfy myself that the proceedings were orderly. I am satisfied, on the advice that I have been given, that the proceedings are orderly—*[Interruption.]* Forgive me, I do not propose to go down the route that the hon. Gentleman suggests. If he wishes to challenge either the Clerk’s authority or mine, he is free to do so and he is free to raise it with the Speaker on the Floor of the House.

Jacob Rees-Mogg *rose*—

The Chair: Mr Rees-Mogg, I now propose to proceed with the business that is on the order paper for this morning.

Mr Nuttall: On a point of order, Sir Roger. I have one or two other matters that I wish to raise briefly. Would you confirm that it is your intention to conclude this sitting at 11.25 am? We, the members of the Committee, were notified through the good offices of the Public Bill Office and by the hon. Member for St Ives, who is in charge of this private Member’s Bill, that this meeting would commence at 9.25 am and not continue beyond 11.25 am. We were notified that we would receive another e-mail if the date and time of the meeting were confirmed by the Chairman of the Committee—you, sir. Although the date has been confirmed as 22 October, the time was clearly not confirmed, because the meeting did not start at 9.25 am; it started at 10 o’clock—*[Interruption.]*

The Chair: Order.

Mr Nuttall: I just wondered if you could confirm whether the meeting will conclude at 11.25 am, Sir Roger. I was conscious of the fact that, for whatever reason,

not all members were here at the start of play and the confusion over the start time may have had a part to play in that.

The Chair: As far as I am aware, there is no confusion over the start time. The Member in charge of a private Member’s Bill has a duty to consult the Chair, and the Chair’s duty is to determine the time and the date of the sitting. I was quite properly approached by the Member in charge of the Bill, who wished to start the sitting at 10 o’clock. As is the custom and, in fact, the regulation of the House, the sitting has to end at 11.25 am, in time for Members to take their seats in the Chamber if they choose to do so. The hon. Member for Bury North has indicated that he had advance notice of this, and he clearly did. Neither he nor any other member of the Committee raised any such issue with me prior to this sitting. As the Chairman, I approved the date and the time upon the request of the hon. Member for St Ives, who is in charge of the Bill. All of that is entirely in order and proper.

The meeting this morning is solely to discuss the sittings motion for the Bill. It will not debate the content of the Bill and it will not be another Second Reading debate. It will be a matter for agreement or disagreement and, if necessary, a vote on when this Committee will sit. Other matters that arise will be raised in another quarter.

Jacob Rees-Mogg: On a point of order, Sir Roger.

The Chair: I am sorry, but I am not taking another point of order on this subject.

Jacob Rees-Mogg: On a point of order, Sir Roger.

The Chair: It had better be a different point of order, Mr Rees-Mogg.

Jacob Rees-Mogg: It follows from the previous point of order and what you said in response to it, which was that those matters had not been raised with you prior to the meeting. It did not seem to me that it was possible to raise points of order in relation to a Committee before that Committee had sat and that is why I am raising them now. I apologise that they were not raised earlier, but I did not see how that would be possible.

I would like to make a formal request that the panel consisting of three members of the Panel of Chairs be approached to determine whether it is possible for a Committee to consider a Bill that has not received the money resolution into which the major parts of the Bill would be convened—*[Interruption.]*

The Chair: Mr Rees-Mogg, I said it had to be a different point of order. You have already covered this ground. I have ruled on this. I have indicated totally openly that if the hon. Gentleman wishes to raise this matter with the Clerk of the House or with the Speaker, and if he wishes to challenge my judgment on it, he is entitled to do so. In a democratic society, I will abide by that ruling. However, for now, I intend to proceed with the business. Mr George.

Jacob Rees-Mogg: On a point of order—

The Chair: Order. I am calling Mr George, Mr Rees-Mogg. I am on my feet.

10.15 am

Andrew George (St Ives) (LD): I beg to move,

That the Affordable Homes Bill Committee do meet on Wednesday 29 October at 9.25 am and 2.00 pm, and thereafter on Tuesdays and Wednesdays at 9.25 am and 2.00 pm when the House is sitting.

It is a pleasure to serve under your chairmanship, Sir Roger. This is a procedural matter. I hope that by formally agreeing the sittings motion on 5 September the Commons clearly expressed its will. This morning, I seek to achieve agreement that the Committee can sit as proposed in the sittings motion. That will give ample opportunity for any matters raised in the extensive debate on Second Reading and subsequently to be dealt with efficiently, so that we can report back to the House an even more agreeable Bill. We had a remarkable and outstanding turnout of Members on 5 September, producing a significant majority of 75, which clearly shows the will of the House.

I am sure this Committee will not wish to frustrate the progress of the Bill, so that we can report back as quickly as possible to the House and that the Bill can proceed to the Lords and be enacted. On that basis, Sir Roger, I intend to ensure that the motion is passed by the Committee today.

The Chair: The question is the question on the amendment paper, to which an amendment has been tabled. I have indicated to the Committee that if either of the Members in whose names the amendment stands wishes to move it—[*Interruption.*] Hold on a minute. I am trying to be helpful.

John Howell *rose*—

The Chair: I shall call the hon. Gentleman in a moment. There is clearly an issue relating to money matters. That is a given and it is accepted. That has to be the subject of a resolution of the House and will be or will not be, according to how the House chooses to divide. Happily, I shall not be a party to that process. However, it was open to any Member to table a variation on the order of business. No Member has actually done so, although the Clerk had a prepared variation on offer, should anybody have required it. Appreciating that the circumstances in which we are sitting this morning are slightly exceptional, I am prepared to accept a manuscript amendment if anybody wishes to table it. I now propose to call the hon. Member for Henley to speak to his amendment. If, behind the scenes, an hon. Member wishes to speak to the Clerk I am sure she will be willing to advise him.

Bob Blackman (Harrow East) (Con): On a point of order, Sir Roger. I seek your advice. Could you advise us on the relation of the sittings motion to the money resolution? Clearly, the motion has unspecified days and could presumably be extended to the end of the

parliamentary term, if required, when no money resolution has been passed by the House. I seek to know when we would meet.

The Chair: The motion on the order paper is the motion before the Committee. An amendment has been tabled, which I am now about to call—Mr Howell will speak in a moment—that is also orderly and acceptable, and the Committee will have the opportunity, should it choose, to vote on that, bearing in mind that this meeting is time limited. If we progress satisfactorily, there is the opportunity for somebody to table an order of consideration motion, which would follow on from this, but it has to be done within the time limit. I do not have to accept the order of consideration motion; I can rule it out of order, because it has not been tabled and there is no requirement on any Chair to accept a manuscript amendment; but in these circumstances, I have indicated that I am prepared to do so.

Bob Blackman: Further to that point of order, Sir Roger. May I seek further advice? If no money resolution is passed by the House, and if the motion we are discussing were to be passed—I seek clarification regarding an amendment—would we then meet at the specified times, if only for five minutes to open and close the meetings, until such time as the money resolution is passed and we could debate relevant amendments?

The Chair: What I am suggesting to the hon. Gentleman is a way forward that allows the matters that are not related to money to be debated, hence the variation of the order of consideration—basically, we take the back end of the Bill first—but that is not in my gift. If an hon. Member chooses to move a variation to the order of consideration, I have indicated that I will take a manuscript amendment.

James Morris (Halesowen and Rowley Regis) (Con): On a point of order, Sir Roger.

The Chair: I would like this to be the last point of order, because I want to get us started.

James Morris: Thank you, Sir Roger. I have not served on a Committee on a private Member's Bill before, so will you explain what you meant by starting with the back end of the Bill first?

The Chair: It is exactly the same for a private Member's Bill as for other public Bills. In the order of consideration, clauses are often grouped so that we do not necessarily start with clause 1. It is perfectly possible, admissible and proper to start at any point and to cluster matters that are related to each other, so you might have matters relating to clause 1, clause 17, a new schedule or even a new clause all grouped together. I know that the hon. Gentleman has sat on Public Bill Committees; it is exactly the same procedure. We have—the Clerk has prepared—a variation, which I will accept if an hon. Member wishes to move it. I will now hear Mr Howell.

John Howell: I beg to move an amendment, leave out from "That" to end and insert

“the Affordable Homes Bill Committee do meet on Wednesday 5 November at 10.00 am, and thereafter on Wednesdays at 10.00 am when the House is sitting.”

Thank you for calling me, Sir Roger. It is a great pleasure to serve under your chairmanship. The amendment to the sittings motion falls into three parts. I will take each separately. The first part relates to the starting date, which I have put at 5 November. There is no significance in the choice of date; it is not associated with the gunpowder plot or anything like that, but it is associated with a number of matters that I wish to raise now.

I accept what you said, Sir Roger, about the need for a formal oral evidence session for the Bill. That is a great shame. I hear what my hon. Friend the Member for Bury North said about what he wished to do with it, but it is important to get evidence from the organisations mentioned on Second Reading that claimed to have so much to offer to the Committee in information on the subject that we are discussing. For example, I have always found that the National Housing Federation has a good view on such matters and it would be useful to take such a view into account. I understand your ruling, that there is no formal oral evidence session, but it would be appropriate for us to have time to gather written evidence—

Mr Nuttall: My hon. Friend has clearly given a lot of thought to the amendment. On that very point about whether the Committee has the capacity to take oral evidence, I am still not clear whether the position is that we are simply not allowed to do it, or that we could do it if we resolved to do it. If neither of those options is applicable, perhaps it can be done informally outside our formal meetings. It seems to me to be vital to hear from these bodies.

John Howell: I admit to sharing some of my hon. Friend’s doubts over the way this should be handled. There is a good argument for his proposal about trying to get an evidence session. At the very least, we have a duty to those following our proceedings, to ourselves and to the House as a whole to gather that evidence, because this is an important Bill. It is important from a money perspective and in what it is trying to effect, and it is absolutely crucial to get evidence from these organisations and to assess it. More importantly, I have always found on Bill Committees that it is extremely useful to refer to written evidence during debates.

The Chair: Order. For clarification, I have already indicated that there is no provision in the private Member’s Bill procedures at present—that can be changed, but it has to be changed—for taking written or oral evidence. That said, there is, of course, absolutely no restriction on any organisation making its opinions known to each and every member of the Committee in writing. That is done with public Bills as well as with private Bills. Sometimes, it is not formal written evidence, but briefing notes. If Members receive such information as the Bill progresses through its hearings and wish to cite the source and the content, they are quite at liberty to do so. While there is no formal provision for written evidence, there is provision—Members are responsible for their own words—for any Member to cite arguments and instances. I hope that helps the hon. Gentleman.

Jacob Rees-Mogg: On a point of order, Sir Roger. This relates to exactly this point. Would it be possible under Standing Order No. 63 for a motion to be brought before the House allowing for evidence to be received by this Committee? The Bill could be referred to a Select Committee for evidence to be taken on it. These powers can be moved on a motion.

The Chair: The hon. Gentleman, I imagine, is reading from the same book that I am. The answer is yes, but the hon. Gentleman has not done that.

Jacob Rees-Mogg: Well, I tried.

The Chair: Well, he has not done so.

Jacob Rees-Mogg: But it would be possible?

The Chair: It is in Standing Orders. If the hon. Gentleman wishes to, he is quite entitled to bring that before the House. That is not, with great respect, a matter for this Committee.

John Howell: I fully accept the points you were making, Sir Roger. The only point I would make relates to the timing. I fully accept that it is possible for individual members to collect information from whomever and to refer to it during the debate, but it would be useful if we could share that information before we start and if members of the Committee made some effort to approach organisations—we do not want them to be approached by every single member of the Committee—for information. If we could do that at the beginning, it would make an extremely useful contribution to the running of the Committee.

Chris Bryant (Rhondda) (Lab): On a point of order, Sir Roger. I am sorry, but it is clear in the Standing Orders that the only way we could go down such a route would be if the whole House had given us a programme motion under Standing Order No. 83 allowing us to do so. We have absolutely no power to do so, and I would therefore suggest that it is not in order even to consider doing so.

The Chair: If the right hon. Gentleman will forgive me, the Chair will rule on matters of procedure. I hear what the hon. Member for Henley is saying. My understanding is that the Bill has been around for some time and a considerable number of organisations have become aware of it. I do not know what his postbag is like, but I know what my own is like. I have not noticed that voluntary organisations or interested parties are backward in coming forward. I suggest that if anybody listening beyond the Bar wishes to make submissions, they should do so to individual Members or to the whole Committee.

10.30 am

John Howell: Thank you, Sir Roger, for that advice. My own postbag has been absolutely silent on the subject. I have had no representations from any of the organisations mentioned on Second Reading, nor have I had any discussions with anyone about the issue. So far, nobody has come forward to suggest a view that they wish the Committee to consider.

Mr Nuttall: Does not my hon. Friend think that one reason why his postbag may have been silent on this point is that the House has not yet passed a money resolution for the Bill? Those outside the House may well be of the same mind as several members of the Committee in thinking that it is surprising that the Committee is sitting.

The Chair: Order. Before we proceed, may I gently remind the hon. Member for Henley that he is supposed to be moving the amendment, which has fairly precise terms? It would be helpful if he were now to speak to it.

John Howell: Thank you, Sir Roger.

The amendment has three aspects. The first proposes moving the start date for the Committee to Wednesday 5 November to allow time for organisations to submit information that they may wish us to consider.

The second aspect of the amendment is the proposal that we sit only on Wednesdays. That would be extremely reasonable, as Tuesdays are normally taken up with Government Bills. Four Government Bills are going through the House at the moment, and their Committees will sit on Tuesdays. It would therefore be reasonable to hold this Committee's sittings on Wednesdays, and in particular on Wednesday mornings, which is the third proposal in the amendment—that the Committee sits only in the morning. Again, I make that suggestion so as to be reasonable to members of the Committee and, especially, those who wish to sit in the Gallery to hear what we have to say and take note of our proceedings. That summarises the reasonable nature of the amendment.

Jacob Rees-Mogg: I am following my hon. Friend's well-crafted argument with enormous interest, and he is making an important point. Does he share my view that the time made available by his amendment would be much more reasonable for a Bill that has only a small number of clauses than the extraordinary amount of time proposed under the original motion?

John Howell: I have not yet referred to the length of the Bill, but my hon. Friend makes an important point. The Bill is relatively short, and the amount of time allocated by the original motion seems excessive, given what we are here to discuss.

Mr Nuttall: I am sorry to strike a rather discordant note, but the length of the Bill as written is not the only—or, indeed, the primary—criterion that we should consider. Surely the cost and importance of the measure are what really matters, not the actual number of words on the page.

The Chair: Order. While I appreciate the point that the hon. Gentleman is trying to make, it does not actually relate to what we are discussing. That point can be made in subsequent debates on the Bill.

John Howell: Of course, my hon. Friend is right that the Bill needs to be looked at in its entirety, rather than being segmented out. The content of the Bill is as important as its length. This goes back exactly to what I said at the beginning: the original motion proposes an excessive amount of time to discuss these issues.

I am moving the amendment in a spirit of not only reasonableness, but generosity to the Bill, because the amount of time that I propose would be perfectly adequate for us to complete our task of looking at the subjects that the Bill covers. If we agree to the amendment, we will be in a much better position to say, when the Bill is reported to the House, that we have looked at the Bill with the right level of interest and in the right level of detail.

Jacob Rees-Mogg *rose*—

The Chair: Order. Does the hon. Gentleman possess some sort of insight? There is absolutely no guarantee that I will call him to speak next.

I propose that we debate the motion and the amendment together before voting on them separately. I trust that that is acceptable to the Committee.

Several hon. Members *rose*—

The Chair: I call Mr David Nuttall.

Mr Nuttall: Thank you, Sir Roger. I hope that your calling me first does not cause any consternation in the shire of Somerset.

The Chair: I doubt that.

Mr Nuttall: I approach this by going back to the basic question of what criteria we should adopt when determining the amount of time that the Committee needs to consider the Bill. That is the first question we must decide before we can choose between the original motion and the amendment. I make no apology for reminding the Committee that this is no ordinary private Member's Bill. In any other era, the Bill would have been introduced by a Government Minister. We heard on Second Reading that the Bill's cost to the public purse would be in the region of £1 billion. To be honest with the Committee, I am not clear whether the figure cited by the Government Minister at the Dispatch Box on Second Reading was for one year or for more than that. I make that clear because I do not want to give the impression that the cost of the Bill is £1 billion a year if that is not the case. It may turn out to be £1 billion spread over two financial years. Either way, it does not really matter, because the point is that this very expensive measure will undoubtedly have an impact on the public purse. That is relevant to this motion because the value and cost of the measure affect the amount of time needed for its consideration. That is what the public would expect.

Jacob Rees-Mogg: I am delighted that my hon. Friend is preceding me in this debate because he speaks with more eloquence and flow than I could possibly hope to muster. Is his point that we need extra time so that Her Majesty's Government can calculate the proper cost of the Bill so that our deliberations may be properly informed?

Mr Nuttall: I am grateful to my hon. Friend for his point. That is a good reason for considering an alternative date for the Committee's next sitting. We heard about

the great number of outside bodies mentioned on Second Reading—I will come back to those—but it seems to me that the views of Work and Pensions and of Treasury Ministers should be sought as they will have an impact on our deliberations. We cannot consider the Bill in isolation or purely from the point of view of those who will be affected by its substantive provisions. I will not go into the detail of those provisions now—the Committee will proceed to do so—but suffice it to say that we are talking about many thousands of people, or perhaps millions. We might need to look at that in detail.

Kwasi Kwarteng (Spelthorne) (Con): With regard to the seriousness and gravity of these issues, does my hon. Friend believe that the membership of the Committee should have been extended? Given the interest expressed on Second Reading, we should have more members. Does he believe that the Committee, as it is currently constituted, is not suited to deal with an issue of such importance?

The Chair: Order. We will go no further down that route because it is not a matter for the sittings motion or the Committee. It might well be a matter for the hon. Gentleman to raise with the Committee of Selection, but it does not need to be considered this morning.

Mr Nuttall: I am grateful for that guidance and for my hon. Friend's intervention. I put it on record that many Members who spoke on Second Reading are disappointed that they are not members of this Committee. I am conscious that the Committee has two more members than the average membership of such a Committee, so the Committee of Selection has tried to reflect the importance of this matter in that way. I appreciate that my hon. Friend intervened because there was consternation among our colleagues who were not able to serve on the Committee.

Let me go back to my point about the criteria that we need to consider when determining for how long and when the Committee should sit. This is not just about those outside the House who would be affected by the Bill, because we must consider those who would have to pay for it, and we heard nothing on Second Reading about that side of the equation.

When we consider the Committee's sittings, we should take account of the fact that we should be seeking people's views, and I would prefer that do that through some means of taking oral evidence. I entirely agreed, Sir Roger, with what you said about outside bodies' ability to submit their views to each and every member of the Committee, but that does not give us the opportunity to cross-examine them, which would be possible during oral evidence sessions.

10.45 am

Jacob Rees-Mogg *rose*—

The Chair: Order. Before the hon. Gentleman intervenes, I have to make a point. The hon. Members for Bury North and for North East Somerset are members of the Procedure Committee. There is a conduit—a route—by which we can take oral evidence, but it requires changing the Standing Orders of the House. The recommendation would properly come from the Procedure Committee,

of which all three of us are members. At the moment, there is no such provision, so what the hon. Member for Bury North is discussing is hypothetical and therefore not relevant.

Jacob Rees-Mogg: We are such cowed members of the Procedure Committee that we just listen in awe to the Chairman telling us what the procedures ought to be.

Chris Bryant: That is untrue.

The Chair: Order. That was bordering on being out of order.

Jacob Rees-Mogg: I will come to the important point I wish to make. Does my hon. Friend the Member for Bury North agree that if we made the amendment tabled by my hon. Friend the Member for Henley, it would allow time for our joint hon. Friend the Member for St Ives to table a resolution under Standing Order No. 63 to allow us to hear evidence? That would be one of the particular benefits of making the amendment.

Mr Nuttall: That is a good and sensible idea, and would indeed give time for that to happen. Already this morning we have identified a major lacuna in the procedures of the House, which may necessitate a referral of the matter to the Procedure Committee for further consideration. As a member of that august Committee, I know that it is only a matter of months since we concluded a wide-ranging and extensive examination of the procedures adopted in the House on the consideration of private Members' Bills, as Sir Roger has said.

It is fair to say—I stand to be corrected either by you, Sir Roger, or by my hon. Friend the Member for North East Somerset—that when the Procedure Committee carried out that extensive investigation and prepared that report, which is yet to be considered by the House, the need to have evidence sessions was not considered. I am not blaming the past Chairman, my right hon. Friend the Member for East Yorkshire (Sir Greg Knight), or the current Chairman, my hon. Friend the Member for Broxbourne (Mr Walker). It is nobody's fault that it was not brought up at the time, but it is perhaps worth revisiting, if I can put it that way, the issue at some point in the not too distant future. I say that because it affects the matter before us.

It is possible for the Committee to consider evidence, but although at first thought it might seem that that would be less time-consuming than having witnesses, that might not be the case. There may be small points that are not covered in a written submission, and if the person who submitted the evidence can be brought before the Committee they can be dealt with there and then and the uncertainty can be dealt with straight away.

Jacob Rees-Mogg: On the overall point, even if we were to go down the petitioning route, we would need time for the petitions to come in, to collect signatures and to scour the highways and byways not only of Somerset but of Bury, Birmingham, Oxfordshire, Cornwall and so on to find out what people think. That takes time, but time is precious. We risk acting in haste.

Mr Nuttall: We ought to consider the practical logistics of carrying out this exercise. Clearly, if the Committee was to meet for the first time as envisaged in the substantive motion, which states,

“That the Affordable Homes Bill Committee do meet on Wednesday 29 October at 9.25 am”,

that would give only one week from today for submissions to be made. I submit to the Committee that that is simply not enough time, which is the first reason—there are many others—why it would be sensible for the Committee to adopt the alternative proposal put forward by my hon. Friends the Members for North East Somerset and for Henley.

The Chair: Order. I am sorry that I keep having to intervene, but I must remind Members why we are here this morning. We are here to discuss the sittings motion and the amendment to the sittings motion. I hope we have an opportunity to devote time to both, but it is up to the Committee, not the Chair, to decide what it wants to do.

Mr Nuttall, we are once again dealing with hypotheticals. We are not here to deal with hypotheticals but with the motion before the Committee. I must remind the Committee, as this is a matter of record, that the Bill received a Second Reading and was carried on the Floor of the House of Commons by a majority of Members—that is what democracy is about. It is not the duty of the Committee to seek to frustrate the will of the majority of the House. It is the duty of the Committee to consider the Bill before it, to speak openly and freely and, if necessary, to amend the Bill. It is not the duty of the Committee to seek to frustrate the vote of the House of Commons.

It is the duty of the Chair to protect Back Benchers, above all else. That is particularly true, if I may say so, with a private Member's Bill, which, as we all know, is a fairly fragile instrument. This Chairman will do that. Therefore, I hope the hon. Gentleman will bring now bring his remarks to a conclusion and allow the hon. Member for North East Somerset an opportunity to have a say, which he is itching to have. Then perhaps we can move to a vote on both the amendment and the substantive motion.

Mr Nuttall: Sir Roger, I am extremely grateful for your clarification.

Kwasi Kwarteng: Will my hon. Friend give way?

Mr Nuttall: I will give way in a moment. First, I want to thank you, Sir Roger, and assure you, as I will make clear in my remarks, that it is not my intention to frustrate the clear wishes of the House that were expressed on Second Reading. Indeed, it is helpful to those who have brought the Bill before the House that it leaves the Committee in a manner that demonstrates to the rest of our colleagues that we have considered it at length and in detail, so that it can be dealt with swiftly on Report. Were we not to deal with it properly now, it could simply be held up on Report. If we can do a good job here, the chances of that happening are much reduced.

Kwasi Kwarteng: I have been in the House for a few years and is my hon. Friend as surprised as I am at the suggestion that a Committee that is meeting in good

faith to examine an important piece of legislation should somehow be described as frustrating the democratic will of the people?

The Chair: Order. I detect a slight note of criticism of the Chair. I am sure that the hon. Gentleman did not intend that, but the fact of the matter is that there are two measures before the Committee this morning: the substantive motion and the amendment. We live in a democracy. If the hon. Gentleman wants to have his way and his say, the amendment does what he wishes. It gives virtually unlimited time for discussion of the finer and less fine aspects of the Bill, but we will not know unless we put it to a vote. In putting it a vote, I am afraid that there is always the outside possibility that the amendment might not be carried.

Jacob Rees-Mogg: No!

The Chair: There is always that possibility, Mr Rees-Mogg. It is a lottery.

Mr Nuttall: Thank you, Sir Roger.

John Howell: I just wanted to point out that my amendment, in setting a slightly later date—by a week—to the start of the Bill Committee, is about reasonableness and an assessment of the logistics required for the Committee as a whole.

Mr Nuttall: I shall deal with both interventions. In response to my hon. Friend the Member for Spelthorne, I certainly did not take it as any criticism of the Chair; I took it as a criticism of me that I was perhaps trying to frustrate the wishes of the people. I can assure him that that is not the case. I have an entirely honourable intention, which is to scrutinise the Bill, as we are charged to do under the Standing Orders and in accordance with long-standing conventions and the wishes of hon. Members, who would want us to try to reach the best possible outcome.

Turning to the intervention from my hon. Friend the Member for Henley, he is absolutely right that when I read the amendment for the first time—admittedly only late last night because of the breakneck speed at which we have reached this stage—I considered it reasonable. It is entirely sensible to provide an extra week—an extra 168 hours—for the Bill to be examined by Committee members, who may want to table amendments, and by those outside the House, who may want to make submissions either in favour or against the Bill's content. It is important that we set aside sufficient time, because if we do not get this process right, if it is rushed, there is a danger that the intention of those who bring the Bill before the House may be frustrated because of the risk of legal challenge. I see it as our duty as a Committee to make sure that, whatever sitting pattern we ultimately decide to adopt, there is enough time to go through each of the seven clauses and be as clear and certain as we reasonably can be that we have removed any element of uncertainty.

11 am

Kwasi Kwarteng: With respect to the 168 hours that my hon. Friend described as an extension or delay in our proceedings, what information does he hope that the Committee will learn in that extra week, during

which we hope to gain submissions and more evidence from the various parties that were mentioned on Second Reading?

Mr Nuttall: That is a reasonable question and I am not surprised that my hon. Friend has raised it. I can give him only my view of what I hope will come out of it. Our hon. Friend the Member for Henley told us earlier what he thought. As I understand it, he thought that it would give more time. I am sure that my hon. Friend will intervene if I get this wrong. I am not trying to get it wrong, but I understand that his intention was that there would be more time for bodies outside the House to look at the Bill, put together their submissions and let us have them. That is why we need the extra week.

John Howell: My intention was that there would be more time in general for the discussion of the finer points of the Bill. We are not discussing the content this morning, but there are a lot of fine points that it will be necessary to examine in great detail. The extra time that we would buy by this would allow us to do that.

Mr Nuttall: I am grateful to my hon. Friend for that clarification and it is very much along the lines that I thought. I hope that that answer satisfactorily deals with the intervention from my hon. Friend the Member for Spelthorne. He mentioned the word “delay”. I want to make it absolutely clear and place on record that there should be no delay.

Kwasi Kwarteng: Perhaps my use of words was misguided. I did not mean delay, so much as postponement. For the record, I wish to state that with regard to my earlier intervention, I meant no disrespect, and was casting no shadow of guilt on the Chair, who has very ably guided our proceedings this morning.

Mr Nuttall: I am grateful to my hon. Friend for that clarification. I thought that he was referring to me and I am quite happy to accept that criticism. I have no wish to delay consideration of the Bill. However, it is fair and reasonable, when looking at the two alternatives before us, to decide on what days of the week it would be best for the Committee to meet and at what times. What procedure should we adopt for determining the answer? The present process is simply randomly to table two alternatives, then vote on them. That does not seem logical. It does not take into account, for example, the commitments of each member of the Committee.

Kwasi Kwarteng: My hon. Friend has given a lengthy and eloquent speech about the alternatives, but on the critical question of which day of the week we should meet he has been resoundingly silent.

Chris Bryant: You cannot be resoundingly silent.

Kwasi Kwarteng: I am delighted that the hon. Gentleman noticed that deliberate contradiction. My hon. Friend the Member for Bury North has been resoundingly silent: his silence has been deafening on the issue of which day of the week this Bill Committee should sit. What is his view on that?

Mr Nuttall: The first thing that any Committee should do when determining its sitting hours is consider what the quorum should be. That is laid down in Standing Orders. We know that the quorum for this Committee is five, so at the very least we should make sure that whenever we meet at least five members are present, otherwise the Committee would not be able to sit. There are 18 members of the Committee and, as I understand it, at least one quarter of the membership should be present. Where that is not a whole number it should be rounded up to the next whole number, so it rounds up from four and a half to five. That is the prime legal requirement for the Committee to meet in quorate fashion.

It would be logical for each member of the Committee to submit, either to the Member in charge, or to the two nominated Chairmen, a straightforward list of their regular weekly commitments so that it can be established that whenever the Committee meets the legal minimum is always available to make sure that the Committee is quorate. We heard from my hon. Friend the Member for Henley that another four Public Bill Committees are under way, and meet on a Tuesday. It would therefore be sensible to rule Tuesday out. I am not sure whether my hon. Friend the Member for Spelthorne serves on one of those Committees.

Kwasi Kwarteng: It is obvious to most members of this Committee that Wednesday is much more convenient. The Pension Schemes Bill Committee, of which I am very pleased to be a member, sits on Tuesday. As my hon. Friend suggests, four Committees meet to discuss legislation, generally on a Tuesday. It would make much more sense for us to meet on Wednesday, rather than Tuesday, which is particularly busy with legislation at the moment.

Mr Nuttall: I am grateful to my hon. Friend for that clarification. We are now getting down to the detail of the provisions. I submit that that we should never meet on a Monday. We have already heard this morning good reasons why Tuesday is not appropriate. We may hear some more about this when we hear from my hon. Friend the Member for North East Somerset. Several Committees meet on a Wednesday afternoon, including the European Scrutiny Committee of which he is a member. He and I are both members of the Procedure Committee, which meets on Wednesday afternoon. There are two Chairmen of this Bill Committee, so it would not be impossible for the other Chairman to take over a Wednesday sitting, but nevertheless it impacts on my view about the substantive motion that we are considering.

Bob Blackman: We are planning how we will consider the Bill and the various clauses. According to the motion and, to a certain extent, the amendment, we seem to have an open-ended commitment to meet every morning and every afternoon on Tuesdays and Wednesday, presumably until the end of this Parliament. For Members, for planning and for orderly business, we should have some idea of the number of sittings we will have. I have never served on a Committee considering a private Member's Bill before—

The Chair: Order. That is an intervention not a speech.

Bob Blackman: I ask my hon. Friend for his view on that.

Mr Nuttall: That reminds me that I did not deal with an earlier point. Before we consider whether we should accept the sittings motion tabled by the promoter of the Bill or the amendment to it, we need to determine what we are trying to achieve. Is the most important thing the notion that the Bill should leave Committee by a certain date? That is one way of doing it. We could say that it does not matter whether we do a good job or a bad job, the Bill should leave Committee by, let us say, 31 December. The alternative would be to say that what is more important is that we sit regularly at a set time on a given day every week when the House is sitting until we have completed the detailed scrutiny that the House has asked for. We may be able to put our hand on our heart and say that the work will be completed within three or four weeks—

Kwasi Kwarteng *rose*—

The Chair: Order. The argument is beginning to become circular. I suggest gently to the hon. Member for Bury North that while he is entirely at liberty to carry on speaking as long as he is in order, he might be denying his hon. Friend the Member for North East Somerset an opportunity to participate in the debate, which might be a shame. I just ask him to consider the courtesy.

Kwasi Kwarteng: I wanted to bring a practical consideration to the debate. My hon. Friend has talked theoretically about the level of scrutiny and the amount of time that is needed to consider these issues. From my point of view, Tuesday is a very difficult day. I would stress that Wednesday is a better day. I want to know whether he has a distinct view on this.

Andrew George: On a point of order, Sir Roger. I beg to move that the Question be now put.

Jacob Rees-Mogg: On a point of order, Sir Roger.

The Chair: Order. You cannot raise a point of order.

It is clear that only one other Member has risen to speak, other than the hon. Gentleman who currently has the floor, and that the Front-Bench spokesmen did not rise to participate in the debate at any time—*[Interruption.]* No, nobody rose. One Member is still waiting to speak, so it is not appropriate for me to take a closure motion at this moment.

11.15 am

Mr Nuttall: It is certainly not my intention, Sir Roger, to continue too much further, but I have some specific points to conclude on. May I seek your guidance? Is it the case that the Committee, if needs be, may have more time to consider these matters than is available? Perhaps I should have raised that on a point of order.

The Chair: Technically, it is perfectly possible.

Mr Nuttall: I am grateful. I rather sense that, while colleagues may not initially have risen to try to catch your eye, the nature of the debate may have provoked one or two hon. and right hon. Members to rise later in the debate, and there may be other views, which it would be sensible and appropriate for the Committee to hear.

However, I would now like to proceed with my views. Before that intervention by the hon. Member for St Ives, my hon. Friend the Member for Spelthorne was exploring whether I had a preference between a Tuesday and a Wednesday sitting. I will declare my hand and say that a Wednesday sitting would be preferable, and I would have no difficulty supporting the amendment to the substantive motion. However, I am not fixed in that view; I am a reasonable chap, and if others put forward alternatives that they think are better and more logical, I might be persuaded. Of the options before the Committee at the moment, however, Wednesday is the most sensible.

Kwasi Kwarteng: Does my hon. Friend have an articulate view on where we stand with regard to the observation from my hon. Friend the Member for Harrow East about the length of time the Committee will sit?

Mr Nuttall: It is the \$64,000 question. *[Interruption.]* Yes, it is \$1 billion. This is the \$1 billion Bill, and this is the \$64,000 question. My view, for what it is worth, is that the Bill needs to be scrutinised at an appropriate level. There is no point in our trying to rush it, but equally we should not frustrate the clear wishes of the House, which were expressed on Second Reading. To be honest, we should just try to do a reasonably good job—the best job we can—within the confines of all our other duties and obligations to the House and our constituents. If that means giving up some time every Wednesday morning between now and the end of this Parliament, so be it.

This is a very important Bill. Indeed, many would consider it the most important private Member's Bill that has been brought before the House for a long time, although personally I think that there are other Bills of equal importance to our fellow citizens. Nevertheless, everybody will be affected by the Bill. We cannot try to suggest that it will only affect people who live in social housing; perhaps they will be more affected by it but everybody will have to pay the bill. It will have an impact for every citizen of the United Kingdom. When one looks at it in those terms, our task becomes clearer.

Chris Bryant: On a point of order, Sir Roger. On Second Reading, the Chair decided that—notwithstanding the fact that there were significant numbers of people who still wanted to speak, including the Government Minister—it was right to allow a closure motion. The House then voted on that motion. I note that the hon. Member for Henley stated quite clearly that the argument in favour of his amendment was that the motion allowed too much time for debate. Therefore, I move closure and propose that we now go to a vote, which I think might be the will of the Committee.

Jacob Rees-Mogg: Further to that point of order, Sir Roger. First, may I inquire why there is a twenty-second difference between the two announciators? I would like

to know which clock we are following. *[Interruption.]* I am not that grand; I do not have a Rolex. Secondly, in Committee there is unlimited time available for debate, unlike on a Friday in the House, when events finish at 2.30 pm, whether or not consideration is completed. Therefore, we face completely different issues of debate in Committee.

The Chair: The hon. Gentleman is correct. The right hon. Gentleman is, I am afraid, incorrect.

Chris Bryant: I am not right hon., so you are wrong.

The Chair: That clearly is an oversight by the hon. Gentleman's party leadership, for which he will have to seek to redress.

The hon. Member for Rhondda is not correct; the Committee is not bound by the same procedure as the Floor of the House. In any event, it is up to the Chair to exercise judgment. I respectfully suggest to him that I have been reasonably robust in the manner in which I have tried to handle matters, but the fact is that Mr Rees-Mogg indicated very clearly indeed that he wished to speak in the debate, rather than on intervention or on points of order. I have a duty to recognise that. Not only that, but the right hon. Member for Wirral West, leading from the Front Bench, has indicated that she wishes to speak. Under those circumstances and given that we have only been debating for an hour and a half, I do not think that that is sufficient. *[Interruption.]* We are wasting time now. I am afraid that the hon. Member for Rhondda will have to abide by the Chair's ruling. If he chooses to challenge that, he can do so elsewhere.

Chris Bryant: Further to that point of order, Sir Roger, I want to seek clarification. As I understand your ruling, you are saying that whenever another Member

wishes to speak in Committee or has indicated that they wish to speak, at whatever length they may wish to speak, you will never allow a closure.

The Chair: That is ridiculous, and the hon. Gentleman knows it is; it is not worthy of him. It is up to the Chair to exercise a judgment, but it is absolutely clear that there is one hon. Gentleman who has spoken on points of order and interventions—he has not actually made a speech—who has made it plain from the start that he wishes to participate. Not only that but, while I have a duty to protect the Back Bench, I have some duty to protect the Front Bench. The Minister has not had a chance to speak on the subject either. As a courtesy to her—and I hope the hon. Gentleman would agree—that should be permitted. I will rule on the matter in a couple of minutes, but first Mr Nuttall wishes to speak.

Mr Nuttall Thank you, Sir Roger. I am grateful—

James Morris: I beg to move that the Committee do now adjourn.

The Chair: Order. The hon. Gentleman cannot move an Adjournment motion while Mr Nuttall has the Floor. However, we have reached the witching hour of 11.25 am, so the sitting will be adjourned.

11.25 am

The Chair appointed Wednesday 29 October at half past Nine o'clock for the next sitting of the Committee.

The Chair adjourned the Committee without Question put (Standing Order No. 88)

