

Backbench Business Committee

Representations: Backbench Debates

Tuesday 3 March 2020

Ordered by the House of Commons to be published on 3 March 2020.

Watch the meeting

Members present: Ian Mearns (Chair); Nickie Aiken; Bob Blackman; Fiona Bruce; Patricia Gibson; Nigel Mills; Lia Nici; Claudia Webbe.

Questions 1-32

Members making representations

I: Mr David Davis, Dr Julian Lewis and Ruth Cadbury.

II: Crispin Blunt.

III: Mr Kevan Jones.

IV: Tim Loughton.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Mr David Davis, Dr Julian Lewis and Ruth Cadbury made representations.

Q1 **Chair:** Good afternoon and welcome to the first sitting of the Backbench Business Committee in the 2020-21 parliamentary Session. We have four applications this afternoon. The first is led by Mr David Davis, Ruth Cadbury and Dr Julian Lewis. Welcome to you all. The first application is on the loan charge, and the Amyas Morse review and subsequent Government action.

Mr Davis: Thank you, Mr Chairman. The loan charge is an important issue of natural justice, and it cuts across party divides. You will have seen that our 46 signatories include Conservatives, Labour, Lib Dems, SNP and DUP. We have had two previous debates on the charge, one in Westminster Hall and one in the main Chamber. The Westminster Hall debate was in 2018 and had, I think, 28 or 29 speakers. The main Chamber debate was on 4 April 2019 and also had 28 speakers, so there is a lot of interest in this.

The reason for that is that it affects roughly 50,000 people, so lots of people in every constituency—I will not go into the details of the argument unless you want me to, Mr Chairman. There have been seven suicides associated with this. Even HMRC has recognised its involvement in one of those suicides—it was referred to the IOPC. Since the last debate, there has been the Amyas Morse review. The Government made that concession. Most of us think that this is nowhere near enough. It takes about 10,000 people out of the 50,000 involved. It still leaves a large number of people caught up with what Sir Amyas Morse said was a retrospective piece of legislation.

This is incredibly distressing for them. These are not bankers and billionaires; these are locum nurses, contract workers and so on, many or most of whom were told that this was how they had to be paid. They did not have any choice. It took until 2017 for the law to be clarified in court. Therefore, to choose 2010 as the break point, as the Government still propose, is in our judgment unjust. The simple truth is that we will have a Finance Bill later this year. It would be quite a good thing for the Government to be able to see the concern about this, understand the concern and hopefully act. Otherwise, we will have to take other action ourselves. Do you want to add anything, Ruth?

Ruth Cadbury: The debate almost a year ago was one of the most highly subscribed Backbench Business debates that there has been. As you know, Chairman, people from across the House have had normal taxpayers coming to see them raising their concerns, as Mr Davis said—from low-paid public sector workers through to quite well remunerated but very badly affected, high-paid white-collar workers.

A lot has moved on, yet the loan charge is still an issue, and people are still being caught up with disguised remuneration packages. The word “loan” is not there, but there are still more people being caught up in these schemes, and we fear that HMRC will go for them afterwards. Many people do not even realise they are caught up in these schemes, and with



the roll-out of IR35 into the private sector, this issue and the way HMRC is dealing with it will only multiply. We think the time for a debate is soon—it is urgent.

Dr Lewis: I endorse everything that has been said so far. The key point from my perspective is that people acted in good faith. They took the best advice they could get. Accountants told them that they were absolutely bulletproof in the arrangements that were being made, where they had a choice—as we have heard, many people did not have a choice. Strangely enough, I have been involved in a campaign for very worthy war widows who lost their pensions, trying to get them reinstated. There, the Treasury says, “Oh, we can’t do anything about this, it would be retrospective,” but when it suits them, they apply a different standard. This is not going away. They have shifted some way in the right direction, but, as Mr Davis says, not nearly far enough.

Chair: Thank you very much indeed. Questions?

Q2 **Bob Blackman:** This is clearly a very good application—I strongly support it—on an important and urgent issue. One question I have is that you have applied for six hours in the Chamber. You will appreciate that Chamber time is very precious for us. If we were able to grant the application for only one of two debates on the day, so a three-hour debate instead of six hours, but get it on early, would that be acceptable to you? Or are you going to stick out for the full six hours?

Mr Davis: Clearly, I would prefer six hours, because we have so many people wanting to speak on this—and bear in mind that there will be a number of new MPs, because there has been quite a large take-up of this issue among the new Members of Parliament, who will want to make points. But at the end of the day, the most critical thing is that it is before the Finance Bill. That is the key issue.

Q3 **Bob Blackman:** For members of the Committee, when do you expect that to be?

Mr Davis: I am not sure. That is down to—

Q4 **Bob Blackman:** But from your experience?

Mr Davis: I would say in about six weeks or thereabouts, so we have some time.

Q5 **Fiona Bruce:** This is a strong application. I am interested in the proposed title of the debate and the words “and subsequent Government action”. What are you aiming to achieve?

Mr Davis: There are two elements of concern. One is the Amyas Morse recommendations, which were too much of a compromise, because he basically tried to give the Government a lot of leeway, and the second is what the Government themselves will do as a result. I expect them to address this in the Finance Bill, and my argument will be that nothing pre-2017 should be treated as anything other than retrospective—I would



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probably go later than that, but certainly 2017, when the last piece of legislation happened. That is what we are materially trying to change.

Chair: Thank you very much. Anyone else, please? In that case, thank you very much for your application.

Mr Davis: It is a pleasure to be the first of the first.

Chair: Indeed. Up next we have Mr Crispin Blunt, please.

Crispin Blunt made representations.

Q6 **Chair:** Good afternoon. The application is lesbian, bisexual and trans women's health inequalities and Lesbian, Bisexual and Trans Women's Health Week 2020. Over to you, please.

Crispin Blunt: Thank you very much. I am here in support of Hannah Bardell, who sends her apologies; she is at home sick with a cold. Next week is Lesbian, Bisexual and Trans Women's Health Week, which was recognised by Penny Mordaunt when she was the Minister for Equalities as an important opportunity to recognise the challenges that lesbian, bisexual and trans women face. You have some of the data in the application, which I will not choose to repeat here.

The context for the request is that this issue has never been discussed in the House of Commons. It was discussed in the House of Lords in 2014, the last time there was a LGBTQ+ women's health issue debate. Just before the Dissolution before the general election, the Women and Equalities Select Committee reported on health outcomes in LGBT communities, and described the outcomes as "unacceptable". The data collection by the NHS was described as inadequate, so not enough is known about the challenges faced by LGBT people.

There has been a reasonable amount of focus on gay men's issues—particularly around HIV, for example—but there has not been as much, if any, proper attention to lesbian, bisexual and trans women's health inequalities. Given that next week is the week to mark this, and given that the House of Commons has never discussed the issue directly, I hope that the Committee will look favourably on this request. The language in the Select Committee report about the problems that people face is stark.

Q7 **Chair:** We are not going to get any Chamber time next week due to the Budget. Will you accept a Westminster Hall slot?

Crispin Blunt: We've never had anything before, so Westminster Hall will do nicely.

Chair: Good.

Q8 **Bob Blackman:** Quick question: you asked for a 90-minute debate. Obviously at the moment you have enough speakers to justify that, but in your application you mention that you might get more people supporting that. Have you got a list of extra names?



Crispin Blunt: Once we secure the debate, then I will be strongly encouraging members of the all-party parliamentary group on global LGBT+ rights, which I chair, and which is also the caucus now for looking at LGBT issues within the United Kingdom, to apply to take part. There are 52 out LGBT Members—I think that is the number—in the House, making us the gayest Parliament in the world. Among those 52, there are no trans Members. Lesbians and bisexuals are significantly under-represented as far as gay Members of Parliament are concerned, so I will be encouraging my gay colleagues to support this. Many other people will do so too, and it is an important women's issue overall. I am sure there will be plenty of support for this debate.

Q9 **Bob Blackman:** To clarify the Chair's position, if we were able to offer you Westminster Hall time during that week, would that be good?

Crispin Blunt: That would be ideal. Thursday would be appreciated.

Q10 **Nickie Aiken:** You've got seven Members down to speak. Are they all pro the subject? It is a debate, obviously; a good debate has pro and anti feelings. Are those seven all pro?

Crispin Blunt: I am not sure that there is too much dispute about the issue that inequalities in outcomes exist. There is an issue over the quality of the data, and that is because the data is not collected. One of the recommendations of the Select Committee report published on 22 October 2019 stated that the NHS ought to collect the data. We know the challenge we are dealing with. If a community has less confidence in coming forward, it is sometimes not dealt with as it should, in terms of the lack of training, with people not asking the right questions. I accept that it is probably a rather one-sided debate. It is an opportunity for the House of Commons to raise the issue. People may think it does not deserve attention, but I would be surprised.

Chair: Thank you very much indeed. We will be making our deliberations, and we will let you know as soon as we possibly can. I hope Hannah recovers very quickly.

Mr Kevan Jones made representations.

Q11 **Chair:** Next up we have Mr Kevan Jones on the Horizon settlement and the future governing of Post Office Ltd.

Mr Jones: Yes. Thank you, Chair. To give some background, I have been campaigning on this issue for more than 10 years with Lord Arbuthnot when he was in the House of Commons, and he has continued to do so from the Lords.

The Post Office introduced the Horizon system, which is one of the biggest IT systems, across the country. It became quite clear early on that there were major problems with it, whereby sub-postmasters and mistresses' reconciliations could not be rectified. The Post Office took a very draconian attitude to this and basically accused people of stealing money. I got



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involved when one of my constituents, Tom Brown, was one of the individuals accused of stealing money; he lost his home and his livelihood because of it. Others were imprisoned.

The unique position is that the Post Office has prosecution rights, and so acts as judge and jury in some of the cases that are taken to court. We have had subsequent issues of people committing suicide and individuals whose lives have been completely ruined. A campaign group of sub-postmasters and mistresses successfully took the Post Office to court in the past three to four years.

I and other MPs have argued for debates. Quite rightly, they were ruled out because of the court case. It is only now—the court case was concluded in January—that we can apply for a debate. The judgment found against the Post Office, and the settlement covered 555 ex-postmasters and mistresses. I cannot say this too strongly, Chair: the way the Post Office and the Department for Business, Energy and Industrial Strategy ignored their pleas is a national scandal.

As was outlined in the court case findings, many of the issues arising around the computer system were glitches that were pointed out and covered up by the Post Office, leading it to sue innocent people who were hard-working in their communities. If you follow some of the press around this and see some of the individual cases, it is completely heartbreaking that decent, honest individuals have been persecuted. Has there been a cover-up? Yes, from Government downwards. This all came out thanks to the court case, and it was only because of the tenacity of the claimants' group that that got to court.

The problem with the court settlement of £57 million is that because the claimants funded the case through a conditional fee agreement, most of it was swallowed up in fees, so the settlement figure is going to be in the range of £15,000 to £20,000 for those individuals. The average amount individuals have lost is somewhere in the region of £70,000. In some cases, like that of my constituent, it was somewhere in the region of £200,000—they had their homes, business and livelihood taken away.

This is something that I feel very strongly about, because the claimants now want the Government to have a full inquiry into how this was allowed to happen. Although the Government have hidden behind the fact that the Post Office is an arm's length organisation, it had a Government shareholder on the board throughout this period. There are questions to be asked about the oversight a succession of Ministers and that individual shareholder had, not only on covering up the scandal around the Horizon system, but then on spending £100 million of public money defending the case when it went to court.

This is a cross-party application. Since we put the application in, the claimants' group has been very active in asking the individual postmasters and mistresses affected to lobby their MPs. They have approached something like 80 individual MPs so far, so there will be a lot of interest in



this. It will be the first time that what I and others have known about all along—the cover-up of what James Arbuthnot, to be fair to him, pointed out many years ago was an injustice—will get a public airing. The Minister and Government will have to explain their role in that. It will generate quite a lot of interest across the House. I know that individuals affected have been lobbying Members of Parliament.

Q12 **Bob Blackman:** Obviously, I am sympathetic to the cause, but there is a debate in Westminster Hall on Thursday, which Lucy Allan is leading, on this subject.

Mr Jones: I did not know about that.

Q13 **Bob Blackman:** It is about the Criminal Cases Review Commission's process for the review of convictions relating to the Post Office and the Horizon accounting system. Presumably it is looking at the legal position in relation to the victims who have lost their livelihoods. How does that fit with your application?

Mr Jones: She did not inform me or anyone else involved in this before putting in an application, but that debate covers one small aspect of this case. A number of individuals were convicted and went to prison. Nearly 10 years ago, James Arbuthnot and I got the criminal cases review body involved in those cases. We got those cases called in; they had been stayed until the main court case was finished. Personally, I would not have made that application, because I think there is little that anyone will be able to say about those ongoing cases. That is why our debate is not about individual cases.

Q14 **Bob Blackman:** Can I suggest that you have a conversation with Lucy? I do not know the background to it.

Mr Jones: They are live cases, so I doubt whether the Minister will be able to say anything about them.

Q15 **Bob Blackman:** The second issue is that you have asked for a three-hour debate. From looking at this, you have potentially eight or nine speakers. We would expect to see 15 speakers for a three-hour debate, to get the balance of debate. Will you be able to secure some extra names?

Mr Jones: Can I assure you that there will be more than eight speakers? The campaign group have been working hard in the last few weeks.

Q16 **Bob Blackman:** You have asked for a debate in the Chamber. Chamber time is extremely limited. If we offer you a debate earlier in Westminster Hall, would that be acceptable?

Mr Jones: Can I say no? What this needs now is maximum pressure on the Government and maximum exposure. No disrespect to Westminster Hall, but the main Chamber will get more publicity. These are heartbreaking stories. This is the worst example I have ever seen of the



state persecuting individuals to an extent that is shocking. It is not just the way they did it initially, but the cover-up afterwards. It is a scandal.

Q17 **Fiona Bruce:** It is obviously a deeply concerning issue of widespread interest. Is there a possibility that the judgment could be appealed?

Mr Jones: No.

Q18 **Fiona Bruce:** You are confident of that?

Mr Jones: There has been a settlement now, so it cannot be appealed.

Q19 **Fiona Bruce:** It's an agreement. Is there no question of the sub judice rules coming into play?

Mr Jones: No.

Q20 **Chair:** Thanks. We are not going to get any Chamber time before 19 March. Is there any time sensitivity from your perspective? There is nothing impending?

Mr Jones: Let me have a quick look. No. That timescale and 19 March would be fine. We have a keenness to get the issue heard. I and other Members, including Andrew Bridgen, have put in applications that have been ruled out, quite rightly, because of the court case and sub judice rules.

Chair: I am not saying that you are going to get 19 March; that is just the first date that we have available, Kevan.

Mr Jones: We would very much appreciate 19 March.

Chair: Thank you very much indeed.

Tim Loughton made representations.

Q21 **Chair:** Last but not least this afternoon, we have Mr Tim Loughton, who is vice-chair of the all-party parliamentary group on Yemen, on the situation in Yemen.

Tim Loughton: Last but not least. I am sorry I'm on my own, but this was at slightly short notice. This has been rather foisted on me, because Flick Drummond, who was the chair of the all-party group, has been made a PPS and so has had to give up as chair. It looks as though I am going to be taking over.

The situation in Yemen is familiar to everybody. What is not familiar, perhaps, is that we have not actually had a debate in the Chamber for around a year. There were various urgent questions on the subject back in September, largely from our late lamented colleague Keith Vaz, who was very involved with Yemen.

March is five years since the start of this conflict. It is still the most significant humanitarian crisis in the world: 24 million Yemenis—80% of the population—need aid and protection; 10 million are one step away



from famine; and 11 million children desperately need humanitarian assistance. This is a huge global problem, and we have a particular role to play.

One reason it is important to keep the profile of Yemen as high as possible, the aid agencies would say, is that UK support for the peacekeeping process is pivotal in bringing about change in that country. The role that various British diplomats have played, and the visits of Government members, are crucial. It is not just about us having a debate among ourselves; it is about the message that it would send, which is that the UK Parliament still considers this a very important subject, that the world needs to act, as do the warring parties within Yemen, and that we haven't forgotten about it.

That is why it is important to have a high-profile debate. The preference, for that reason, would be for a main Chamber debate. With respect, if it were in Westminster Hall, that would slightly relegate it to a second-tier issue, when clearly it is not. All the other world conflicts that we discuss are raised in the main Chamber.

Although March marks five years since the conflict started, there is the possibility of a trip by parliamentarians over Easter, if it is safe to go to parts of Yemen. If that happens, having a debate in the main Chamber after Easter would give this Committee greater flexibility, and there will be some first-hand reporting back by parliamentarians. We are very flexible in that respect, taking account of the comments made about the availability of Chamber time.

As we know, this has been a real roller-coaster. There were grounds for cautious optimism at the end of 2019—the prisoner exchanges, the Riyadh agreement—but much of that has fallen apart again. There were some serious fatalities and missile attacks back in January. There is real concern about the lack of access for aid groups and the security of aid agencies.

There are several things that we need to keep the pressure up on our Government, and that our Government need to keep the pressure up on the warring parties and the rest of the world, in terms of access for aid, a ceasefire and the whole aspect of arms sales. There is widespread interest in a range of different aspects across all parties, so although I am here on my own, I think it would be a well supported debate.

Chair: Thank you very much indeed. Questions? Fiona, please.

Q22 **Fiona Bruce:** You put it very well, if I may say so. I remember in 2015, when I was on the Select Committee on International Development, this issue was then considered an urgent tragedy of enormous proportions, and we are five years on, so this is critically important. Can you tell us if the International Development Committee will look at this again in this Parliament? Do you know, and have you made any inquiries?



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Tim Loughton: I don't know, because it has not yet met. It was only formulated last night. We will obviously want to speak to Members of that Committee and see what their intentions are.

Q23 **Fiona Bruce:** It was of continual interest throughout my time on the Committee, and I am sure that has not ended.

Tim Loughton: The all-party group reformed quite soon after the election. It was a well attended meeting, with briefings from some of the aid agencies. They were very keen for us to go and visit, and for the profile to be raised in the House. A sense of urgency has been shown by a number of people.

Q24 **Bob Blackman:** I'd like to clarify one or two things about your application. For a three-hour debate, we would expect 15 speakers. Based on UQs and various other debates, I do not think you would have a problem getting those names, but we need a list of 15 names for a three-hour debate. The second thing when it comes to getting a debate is that as you heard, not only is Chamber time precious, but we will not get anything any time soon. Your application says that, ideally, you would like a debate in the week commencing 23 March, but you then say that a delegation may be going, so after Easter may be better. For our purposes, which would you prefer?

Tim Loughton: I would prefer to have a decent debate in the main Chamber. The possibility of the trip has emerged literally in the last 24 hours. I think there are good grounds—it gives the Committee greater flexibility to plan ahead, too—for having it after the Easter recess, so ignore 23 March. This form was submitted by one of my colleagues, before—

Q25 **Bob Blackman:** That's fine. I just wanted to clarify, because obviously we have to prioritise the debates.

Tim Loughton: Sure. We put 90 minutes or three hours. I absolutely appreciate your point. I think we could get plenty more people to take part in a three-hour debate. If there is a possibility of doing the 90 minutes soon after Easter, I think we would like to take that, so that we can get this on the agenda and flag it up, rather than waiting however long it may be, because the Finance Bill and anything else will take priority.

Q26 **Fiona Bruce:** Another short question: which Department were you thinking should respond?

Tim Loughton: I think it is primarily a humanitarian disaster, so International Development, but it is a major foreign policy issue as well. I am not too bothered; the key thing is that parliamentarians raise it in the Chamber, a high-level Government Minister responds formally and the message goes out, so either Department would work.

Fiona Bruce: I agree, but I urge you—I do not know whether our Committee can do anything—to ensure that there are two Ministers, one



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from each Department, in the Chamber throughout the debate.

Bob Blackman: Good luck!

Fiona Bruce: Oh well. We continually find that a partial response is obtained to debates on such subjects. If we as Back Benchers are to hold the Government to account, we need a full response.

Tim Loughton: I agree with that. Alas, it is not in the remit of we mere Back Benchers requesting a debate to determine which Ministers respond.

Fiona Bruce: We should all do our best to ask the Government to respond fully, not partially, to such matters.

Q27 **Bob Blackman:** Could I make one suggestion? It is up to you, but there is a possibility of taking the first debate of the day in Westminster Hall on 24 March. You could take that and then have a debate after Easter, after people have been there, which would not count against you. We have certain dates, which can fill up, on Tuesdays in Westminster Hall. International Development will be answering that day. It fits with your anniversary and might brief people before you go to the country to see what is going on.

Tim Loughton: Well, we're in the hands of the Committee. As I say, I think it is important that we are in the main Chamber. I am not personally too wedded to that 24 March date. We know, as for all sorts of other subjects, that having a debate on a specific day, or even week, is something of a luxury. I fear that on 24 April this will still be the problem that it was on 24 March.

Chair: Thank you very much indeed. That concludes our public deliberations. We will now go into closed session.