

Backbench Business Committee

Oral evidence: Representations: Backbench Debates

Tuesday 24 October 2023

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Watch the meeting

Members present: Ian Mearns (Chair); Bob Blackman; Kevin Foster; Patricia Gibson; Wendy Morton; Kate Osborne.

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Representations

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Written evidence from witnesses:

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Theo Clarke made representations.

Q1 **Chair:** Good afternoon, everyone. Welcome to the Backbench Business Committee. We have a cast of thousands, haven't we? It's marvellous, and lovely to see you all. Thank you very much for coming, and for bearing with us as we endured the vagaries of waiting to start the sitting because of Divisions. We have seven applications in front of us this afternoon; the first is from Theo Clarke. Theo, your application is on the subject of HS2 compensation. I almost feel I should get some HS2 compensation myself, having spent 15 months on the Hybrid Bill Committee. Over to you, Theo.

Theo Clarke: May I just point out that I submitted this application before the Prime Minister's recent announcement, so it has become even more topical.

My constituency, Stafford, is affected directly by this news, as are many people in other constituencies along the route. They have not been paid their HS2 compensation, in many instances several years after submitting their claims, and numerous constituents have contacted me to say there has been a severe lack of communication from HS2 Ltd. We also have examples of constituents not having their professional fees paid by HS2, and of constituents not having been paid several thousand pounds for negotiations with HS2. In the debate, I would like to ask the Government to ask HS2 why it is not paying these bills in a timely fashion, and what steps will be taken to stop the practice of non-payment by HS2. Previous debates on HS2 have focused on the revised timetable and budget.

There has not been an entire debate focused solely on HS2 compensation. In the light of the Prime Minister's announcement, such a debate is very timely. Numerous additional MPs have indicated that they would now like to support this application, and I am happy to submit additional names if that would be helpful.

Q2 **Bob Blackman:** The clear issue here is that you have the requisite number of names for a Westminster Hall debate, but you lack Opposition Members. It might be that, given the announcements, you might get several Opposition Members who would be delighted to sign up to the proposal, but before we can bless it, it really has to be a balanced debate.

Theo Clarke: I would be delighted to submit the names of additional Opposition Members if that is helpful.

Q3 **Chair:** I am just wondering about the constituencies affected geographically. Is there a preponderance of Conservative as opposed to Labour Members in that area? I would guess there probably is.

Theo Clarke: It would be a mix, certainly, because there is all of phase 1 and phase 2a.

Q4 **Kevin Foster:** Theo, looking at the application, you ticked whether it is a



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Chamber or Westminster Hall debate. Obviously you will want to get more Opposition names anyway, but are you looking for a motion that calls for something, or just a general debate?

Theo Clarke: In light of the Prime Minister's announcement, I think it would be helpful to have a motion to ask the question about making sure that something is done on compensation.

Chair: If you have to submit additional names, and if you want to submit a motion as well, the application is open. As of Prorogation, this Committee dissolves and all the applications go on a list to the successor Committee, which will be established after the King's Speech. So we will not be in a position to allocate any time immediately after the King's Speech until the Committee is re-established, and then it is up to that successor Committee to decide on that, but of course your application will be part of the bequest list to them. Okay?

Theo Clarke: Thanks very much, Chair.

Chair: Thank you very much indeed.

Sammy Wilson, Marion Fellows and **Sir Mike Penning** made representations.

Q5 **Chair:** Good afternoon, and welcome. Your application is on the subject of loan charge and taxpayer rates.

Sammy Wilson: The application is on behalf of the loan charge and taxpayer fairness all-party parliamentary group, which is one of the biggest APPGs in the House—we have about 120 members, I think. The APPG deals with the issue of the loan charge, which has been hanging about for a long time now. Basically, it has arisen as a result of a retrospective change in the law, which resulted in people who thought that all of their tax affairs were settled then finding that they were faced with huge tax demands from HMRC.

We have a number of concerns, including about the nature of the retrospective taxation, the way in which HMRC has been pursuing those who they deem to owe the tax as a result of the change in the law, the fact that we have now had 10 suicides—HMRC have had to refer themselves in respect those suicides—and the inequitable way in which HMRC has been dealing with the issue. While it is pursuing individuals for tax demands, the people who sold the tax plans have not been pursued and have not had the same rigour applied to them as the individuals who HMRC believe owe the tax.

The APPG believes that this is a massive issue, yet we have not been able to get a meeting with the new Minister responsible—there has been a bit of frustration there. There has been a debate in the past. In fact, I think that in the last debate on this in the Chamber, which was two or three years ago, the roof came in in the middle of the debate; we were flooded out and the debate had to be terminated. We believe that it is an issue of such magnitude that it deserves another public hearing, and we would hope you would grant us the opportunity to do so in the Chamber.



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Sir Mike Penning: I used to be the vice-chair of the APPG—I am no longer—and this has got cross-party support. I think that it is about natural justice. These schemes were put together by large accountancy companies, and we understand that HMRC itself actually employed some people under those schemes. They were signed off by HMRC, and years later—not three or four years but 10 to 15 years later—HMRC has changed the rules itself, almost retrospectively. It was not actually a change in law; it is just the way that HMRC is interpreting what the rules were. People have got married and got mortgages, and they have now been asked to pay these unbelievable debts. The suicide rate is phenomenally bad. It is right that the House debates something that has a massive effect on nearly all of our constituencies in the country.

Marion Fellows: I would echo that. HMRC failed to shut down these schemes, and it was aware of them. There is also the fact that it failed to collect tax from agencies that were involved in this. HMRC has done a lot of things that are not right, and pursuing people who are actually victims of mis-selling is one of the main things it has done. As my two colleagues have said, people have committed suicide over this. It is a permanent brick hanging over people—just awful. We have not debated it for three years, and nothing else has happened, so I think that it is due its turn, especially in the Chamber.

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

Q6 **Bob Blackman:** You have applied for a six-hour debate, given that a large number of people wish to speak, obviously, and the large number of individual cases that you would no doubt like to refer to. One concern that I think this Committee would have is that we have very limited time in the Chamber, and actually allowing a debate for the whole day, basically, means that someone else would miss out. Would you be able to constrain the debate to three hours, rather than the six hours that you have requested?

Sammy Wilson: I think that the six hours was requested on the basis that there are so many members of the APPG, and it is fairly active. Some of the APPGs are attended by sometimes five or six people, but we usually attract a fair number of Members. If it was a case of not getting the main Chamber because we were asking for too much time, then I think the preference would be to have it in the Chamber, and also then to try and persuade—

Q7 **Bob Blackman:** You have a motion, so that means we are constrained in that you would have to debate it in the Chamber, rather than in Westminster Hall. Obviously, Chamber time is extremely precious, as you will appreciate.

Sir Mike Penning: To be fair, Chair, because it is almost certainly going to be a Thursday, if it is in the first part of the day, that will make it a lot easier for colleagues to stay for the debate. This affects the whole country. That would be better than, having experienced it like a lot of us, the latter part of the day.



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Bob Blackman: If it is a divisible motion, we would seek to put it on first anyway.

Chair: We give priority to divisible motions over general debates, so that way it would be in the first part of the afternoon. Patricia?

Patricia Gibson: No, I am fine, Chair. My question has been answered.

Chair: In that case, your application is very much appreciated. Thank you for coming along this afternoon.

Elliot Colburn made representations.

Q8 **Chair:** Good afternoon, Elliot, nice to see you. Thank you for coming along. Your application this afternoon is on the subject of banning conversion practices.

Elliot Colburn: Yes, thank you very much for agreeing to hear this application, which I think has come at a very timely moment. We have been awaiting in this Parliament a draft Bill on banning conversion therapy since the Parliament was established. It was a manifesto commitment by the Government. It has been in every Queen's Speech so far, and there has been a lot of media interest and briefings about whether or not it will appear again, in the King's Speech that we are all anticipating in the coming days. The issue of banning conversion therapy arose as a result of the 2018 Government LGBT action plan, which was the largest ever survey undertaken of LGBT people in the UK and the sort of issues they were facing. Conversion therapy came up time and time again, which is why the Government in 2018 committed to banning it. Yet to this day it has still not been banned.

We continue to hear stories from people who are undergoing conversion practices. In fact, there was a story coming out of Sheffield just this past weekend of a mass exorcism that took place to try to convert LGBT+ people. This is still happening in our country, yet we are seeing no legislative progress on the promises that have been made. We feel that this would be a timely opportunity to bring a debate to the House to challenge the Government on why a ban has not come forward so far. I also think this would be a good opportunity to air the variety of views among colleagues, because there are those who do not want conversion therapy to be banned, for a number of reasons.

Chair: Thank you very much indeed. Questions?

Q9 **Bob Blackman:** Can I just ask the obvious one? Obviously, when the King's Speech and state opening take place, we will know, one way or another, whether the Government are proposing something. Does that affect your application at all?

Elliot Colburn: I think it does. I will be brutally honest about that. If we see proposals within the King's Speech, I am sure that colleagues would be willing to give the Government fair time to bring forward something a



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lot more concrete, but if there is nothing within the King's Speech, I think we would be very keen to see this debate continue.

- Q10 **Kate Osborne:** Thanks for bringing this forward, Elliot. If we do not see it in the King's Speech, have you considered a divisible motion that asks the Government to do something? As you have pointed out, there have been many years of talk and speculation, but no actual action. I wonder whether you have considered that, and what you think that might look like.

Elliot Colburn: We would be very open to doing that. I think the divisible motion would be something along the lines of, "This House agrees to bring forward legislation before the end of this Parliament." It would be something as clearcut as that. As has been said a million times, this has been promised in the manifesto, in two Queen's Speeches—it may even be three—and has been repeated at the Dispatch Box by Prime Ministers and various Ministers over the course of the last few years. We would be very open to amending the application to be a divisible motion, in the event that it does not appear in the King's Speech.

- Q11 **Patricia Gibson:** Although I may be missing something, I am surprised to hear you say that if it comes forward in the King's Speech, you would be prepared to withdraw the debate. I would have thought that would be a good moment to keep the pressure piled on and help inform any proposals that come out from the Government, given what you said about it being promised before and never materialising.

Elliot Colburn: That is a very fair question. The issue there is that I am being realistic that this Committee may want to prioritise other debates if it were to be the case that it did appear in the King's Speech. I agree completely—it would be an excellent opportunity to talk about that. I have been led to believe that if there were to be something in the King's Speech, it may accompany a draft Bill, so we actually have something more concrete to look at. We would have to examine the circumstances at the time to be sure. You make a very decent point, but I am realistic that the Committee may want to allow the space for other debates where there are no such proposals, and I'm prepared to accept that.

- Q12 **Chair:** The thing is, Elliot, the application is in—it's with us, it's in order. All I would ask is that you make clear to the Committee your intentions immediately after the King's Speech, whatever the outcome is, please.

Elliot Colburn: Of course. I will write immediately and let you know, Chair.

Chair: That would be very much appreciated. Thanks very much.

Elliot Colburn: Thank you for your time.

John Howell and **Jim Shannon** made representations.

- Q13 **Chair:** The application has been made in concert with Tony Lloyd, but Tony is not with us today. It is on the 75th anniversary of the universal declaration of human rights. John, over to you.



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John Howell: Thank you very much and apologies from Tony, who has covid at the moment.

10 December represents the 75th anniversary of the universal declaration of human rights. We need to recognise the historic nature of that document and its fundamental role in trying to make sure that the sort of things that happened in the second world war simply cannot occur again. It introduced the concept of the right to life and liberty. It prohibited discrimination. It sought equality before the law for everyone. It also promoted freedom of expression and freedom of religion, and the prohibition of slavery, of torture and of arbitrary arrest.

There are specific concerns that arise from that piece of, effectively, legislation. A huge number of countries are involved. To name just a few of them: Afghanistan, Belarus, China, Myanmar, Egypt, Saudi Arabia, Turkey, and of course Russia, which has to be at the top of the list. The debate links into a number of APPGs, and it will undoubtedly provide a wake-up to the Government, raising a number of concerns that they will need to consider as recommendations.

If possible, we would prefer to have a debate on 11 December because it is the nearest sitting day to the 75th anniversary.

Chair: I am afraid we only get time allocated on Tuesdays and Thursdays, John, so that would be the 12 and 14 December, okay?

John Howell: Fine, I was just stating a preference. I absolutely understand your position on this. I do think the universal declaration is an important thing that we should look to remember, acknowledge and appraise.

Chair: Thank you very much indeed. Questions, colleagues? Wendy?

Q14 **Wendy Morton:** My first question about clarity on the days of the week has been answered—thank you very much. My other question is about the names. You have a really strong list of colleagues from across the House who will support the bid. Usually I am sitting here saying, “Can you have some more from the other side of the Chamber?”, but I note that you have only got three Conservatives on there, John. Could you get a few more Conservatives so we have a bit more balance?

John Howell: Of course, of course.

Wendy Morton: Perfect. Job done.

John Howell: I would be delighted if there were more Conservatives on the list—*[Interruption.]*

Chair: Sorry, John. Just for the record, can we add Dame Maria Miller? *[Interruption.]*

John Howell: And, of course, Jim Shannon as well. It really would be an important thing to make sure that there are Conservatives on there, to



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make sure that Conservatives understand that human rights are important and that they play an important role in society today.

Q15 **Bob Blackman:** John, you have asked potentially for the Tuesday, so we need to know which would be the answering Department. Justice or—

Wendy Morton: FCDO?

John Howell: I imagine the Foreign Office would be

Bob Blackman: The thing is that if it's not the answering Department that week, we can't schedule the debate for that Tuesday, and we won't know that for some little while.

John Howell: I understand that.

Q16 **Chair:** We will do our best to come up with a solution. Does anyone else have a question? No. Jim, did you want to add anything?

Q17 **Jim Shannon:** I just want to support John on this. Obviously, the issue of human rights and freedom of religious and other belief is very important for us. John has illustrated very clearly that the debate is worthy of support across all the political parties. I am sure he will have no bother whatever in getting the names to support it. I think it would be remiss of the House if we did not recognise the 75th anniversary of the declaration, and therefore I fully support what he's about.

Chair: Thank you very much indeed. That is much appreciated.

Dame Maria Miller made representations.

Q18 **Chair:** This application is in the name of Dame Andrea Leadsom, but in fact we have Dame Maria Miller. Welcome, Maria. The subject of the application is the work of the Independent Complaints and Grievance Scheme.

Dame Maria Miller: Thank you, Chair. I am here on behalf of Dame Andrea Leadsom, who sends her apologies. She is on a Treasury Select Committee delegation.

The debate is on the Independent Complaints and Grievance Scheme. This was an important innovation in the way we run the House of Commons. A review has been announced this week, to be led by Paul Kernaghan—a former head of police in my county, actually. I think the application becomes even more pressing because the debate would be an opportunity for Members to talk about their views and thoughts on the scheme, the way it has been implemented, the way it is working in practice and the way it interacts with other governance structures in the House of Commons. It is really important that the debate happens before the conclusion of the review by Paul Kernaghan; I understand he will report in early 2024. It will be important to have the debate while the report is being compiled, to ensure that Members can have a full say and express their views on what has been sometimes quite a controversial innovation. That's the pitch.



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Chair: Thank you very much indeed. Questions please, colleagues.

- Q19 **Bob Blackman:** Maria, you mention when the review is due to report back, but the application talks about finalising the terms of reference for the review. Do we have any dates for that, because I think it would increase the time sensitivity—make it quite considerably earlier, possibly even next month?

Dame Maria Miller: Yes, I think that the terms of reference are currently being set. Whether we can have the debate prior to that being completed is, I think, somewhat unclear at the moment, but certainly the earlier the debate is, the better, most notably because I think the way the ICGS has been implemented is not entirely consistent with the way it was originally planned. Colleagues will know how timely this discussion is, given the impact on one of our colleagues in the last few days. So yes, the idea of having the debate earlier rather than later has to be good. I hope Members or colleagues would be appreciative of that.

Chair: Are there any further questions, colleagues? No. Maria, thank you very much indeed. That was very clear. Thank you for the application.

Dame Maria Miller: Thank you. I hope I did Dame Andrea justice.

Chair: I am absolutely sure that you did. Thank you.

Mr David Davis made representations.

- Q20 **Chair:** Welcome, David. Your application is on the vexed question of special educational needs and disabilities educational provision and funding.

Mr Davis: Before I deal with that, Chairman, may I offer a view? I did not know whether it was right to intervene from the back. When you asked Mr Howell about the answering Department on the ECHR, it could be the Foreign Office, the Ministry of Justice, the Home Office or the Cabinet Office. If you choose that week—

Bob Blackman: One from four.

Chair: In essence, we do not get to choose. What we do is we can make a suggestion to the Government, but it is up to them who they put up to answer our particular debate.

Mr Davis: So you have a bit more freedom, perhaps.

You are quite right that my application is on special needs and special needs funding. By the way, I have not ticked the “declaring relevant interests” box. Forgive my sense of humour, but it struck me that I probably do have a pertinent interest, because this graph shows funding by local authority, and my local authority gets the lowest amount. You can see that I have a prejudice, if not a relevant interest.

The simple truth is that there is a growing shortfall across England, amounting to something like £2.5 billion by the end of next year. My local



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authority alone already has a deficit of £14.5 million on special needs funding. As you can see, funding is distributed rather disparately across the country. Normally speaking, it is perfectly proper to have higher funding in deprived areas, but there is no particular correlation between special needs children and the social background of their parents, so it is particularly reinforced. The final 40 group—the bottom of that group—think that we are something like £4.6 billion short in terms of higher needs funding. That is more than twice that of any proposals that the Government have put up to deal with it.

The Government recognise the problem and have made a number of interventions—the so-called safety valve programme and a Delivering Better Value programme—but delivering better value will not meet a 50% shortfall. This has really serious direct implications. It means that special needs children very often do not get the treatment that we know would work. There is a variety of techniques and methods designed to help special needs children which are just not available—certainly in my county and in many others. Indeed, in my county and probably in others, the legal requirements are not being met—the educational needs plans and so on—so this is really serious.

I am not a new boy at this Committee; I have been a few times. This is the proposal that got the most spontaneous support of any I have done. You will have seen—I know that Wendy will certainly have noticed—that there is a range of people from various parties, including the Liberals, the Greens, Labour and of course my own, the Conservatives. It seems to be an extraordinarily important issue. I was tempted to put in for six hours, but I think three hours will do the job, but it is a main Chamber issue. It is an issue that will run for years, and we will not get it all solved this time, but we need to flag it up to the Government.

Q21 Wendy Morton: There certainly is a lot of spontaneous support. I think 34 names are on here, but only seven of them are Opposition. I imagine that we would be looking for a few more Opposition Members, but perhaps David could get some more just to get that bit of balance.

Mr Davis: I can guarantee you loads more, if that is what you need. It wasn't difficult. With everybody I talked to, it was instant. Everybody has any number of local constituents bringing these issues to them.

Q22 Chair: I am a member of the Education Committee, and we produced a report on special educational needs and disabilities in 2019, at which juncture the shortfall in the special needs funding pot was about £4.8 billion. The Government did put some more money in to respond to that, but it was not £4.8 billion, so the numbers you have put out there do not surprise me, David. One of the really sad things is that when local authorities and their staff produce education, health and care plans for children, quite often the plans are really about what provision is available, rather than the provision that the child needs.



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Mr Davis: When I referred to illegalities, those plans are nearly always out of date at the moment. They are required within certain time periods, and they are not meeting them.

Chair: Okay. Are there any further questions?

- Q23 **Bob Blackman:** You put down for a general debate, and you have identified the problem here. Is there any action that you want the Government to take?

Mr Davis: I want them to increase the funding for the higher needs category, full stop. As I said, the final 40 group, just for their own members, sought £4.6 billion. That was not the national number; it was £4.6 billion for the final 40, out of 43 authorities, so you are probably talking about a £6 billion shortfall now. We are not going to get that, obviously, but I want to put pressure on to get as much of it as we can.

- Q24 **Bob Blackman:** Why not have a motion on that?

Mr Davis: I could. Why don't I do it at the same as I go round the Opposition—

- Q25 **Chair:** The application is in, David. At the same time as you submit additional names, please feel free to add a motion, which might secure Chamber time. But as I said at the start, this Committee is probably not going to be re-established for two or three weeks after the King's Speech, so it might be in the gift of the Government to find some time for a general debate or something of that nature—or not.

Mr Davis: They don't appear to be flush with money, Chair.

Chair: Thank you very much indeed. It is very much appreciated.

Mr Davis: It is one of those days when I want you to vote for every single measure in front of you.

Jim Shannon made representations.

- Q26 **Chair:** Lastly, but certainly never leastly, we have Jim Shannon. Jim, you are very welcome. It is good to see you again, for what is effectively the last meeting of the last iteration of this Committee before prorogation. Your application is on the persecution of Buddhists in Tibet. Over to you, Jim.

Jim Shannon: I am often called last, Chair, as you know and everyone else knows, but it is always good to be called; that's the important thing. It does not matter when, as long as you get the opportunity.

This subject has been on my mind for some time, because I am the chair of the APPG for international freedom of religion or belief. We have a stakeholder group from the Buddhist faith and religion, so I wanted to bring this up. There is a cross-section of active members who wish to participate in the debate, and we need to recognise that.



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Those of the Buddhist faith in Tibet have suffered systematic oppression over a large number of years. I think it has been some time since we had a debate on Tibet, and specifically any debate to do with the Buddhists. The Chinese Communist party has subjected all those in Tibet to a level of persecution and human rights abuse, which affects their religious beliefs to start with, but also their human rights belief. It is very disappointing that the Chinese Communist party has been at the forefront of that. In the FCDO's latest "Human Rights and Democracy" report, the Government classified China as a priority country when it comes to the level of abuse and persecution of religious beliefs, but also human rights.

We all know about the human rights abuse in China. The Government have said that Buddhists face "severe constraints on media freedom, freedom of religion or belief, and the rule of law" and "continued repression of culture and language in Tibet". If you ever want to have a debate with an organisation and those with a religious faith, we represent the Buddhists through the APPG for international freedom of religion or belief. Ninety minutes would be the request, either on the Tuesday or the Thursday, and we are pretty sure that we will have a section of those who will come along to participate and be involved.

Q27 Chair: Thank you very much, Jim. I take it that you are happy to take a Westminster Hall debate.

Jim Shannon: Oh yes, that is what I want.

Q28 Bob Blackman: It is a fact that you almost always get called last in the Chamber. The novelty is that you always come up with something new to say, despite the fact that everyone else has spoken before you. Obviously, this is an important topic. Is there any time sensitivity at all on this? Obviously, there are various big themes for debate.

Jim Shannon: I am happy to accept the opportunity that the Committee gives us.

Chair: In that case, Jim, thank you very much for your application.

That concludes our public deliberations, and we will now go into a private session.