



Backbench Business Committee

Transcript of meeting

Tuesday 10 November 2015

Representations made before the Backbench Business Committee on Tuesday 10 November 2015.

Members present: Ian Mearns (Chair), Bob Blackman, Mr Peter Bone, Mr Philip Hollobone, Gavin Newlands and Mr David Nuttall.

Mr Owen Paterson and Paul Flynn; Mr Nicholas Brown; Geraint Davies; Chris Heaton-Harris made representations

Questions 1-19

Mr Owen Paterson and Paul Flynn made representations.

Mr Owen Paterson: Thank you very much for inviting me before the Committee and allowing me to bid for a debate next week.

The UK's membership of the Parliamentary Assembly of the Council of Europe lapsed on 7 November. There is real urgency in getting a decision, because the Council will meet on 27 November and the proposal for our delegation should be put in at least a week before that. This is a matter of real urgency. We have really broad support from across the House. I cannot think that many motions come before you with the support of Conservative, Labour, SDLP, DUP, SNP and UKIP Members—it is right across the board.

Q1 Chair: Cross-party support is normally a prerequisite for applications, but to have so many parties is good.

Mr Owen Paterson: Six parties is pretty strong, and we may yet attract more support. The real nub of the issue is that this matter was raised in business questions, and in answer to a point of order the Speaker hinted pretty strongly—he made it clear—that he will delay making a statement of names until the House of Commons has considered it. I really think it is appropriate that, rapidly, this issue is discussed by the House of Commons on a substantive motion. That is the basis of my application to your Committee.

Paul Flynn: I have been the senior member of the Council of Europe delegation for a long time now—I have been going there since 1997—and I know the work of the three Members who have been dropped. I feel a sense of outrage because the three contributed hugely to the work of the Council

of Europe, holding prominent positions there and greatly respected by other nations, and it appears that they have been dropped from the delegation because they have been caught in possession of independent ideas, which is a serious offence in the Conservative party.

I have another reason for being here, which is that I think we should not accept the delegation as a prime ministerial diktat. These people go to represent this country to the 47 other countries in the Council of Europe, and there is one person who has been added to the delegation about whom I would like to make an objection. I will not mention his name now, but it is someone I complained about to the House of Lords. He was disciplined by that House and forced to make an apology, but the offence of which he was found guilty by the House of Lords standards Committee involved lobbying, and the last place you want to put someone who is susceptible to lobbying is the Council of Europe, which is infested with lobbyists. If it does come to a debate, I want to make the point that it should be a parliamentary decision, not a prime ministerial one.

Chair: The point is well made.

Q2 Mr Bone: You have asked for only 90 minutes and you already have a lot of people who want to speak. I guess there is a debate because there is a difference of view between the people who have signed your application and the Government, so that is good. We don't want to put on a debate in which everyone says the same thing; we want a proper debate and a vote. It does not necessarily bear weight with this Committee, but am I right in thinking that, when the question was put to him at business questions, the Leader of the House indicated that he would welcome such a Backbench Business debate?

Mr Owen Paterson: The Leader of the House said on 29 October: "no doubt the House will give this matter careful consideration." That was a very helpful contribution.

I would add that this is really unfinished business. We have direct elections to departmental Select Committees; it is a bit odd not to have direct elections to a parliamentary assembly whose job is to hold to account the Governments in the 47 countries. It seems to me that it would be tidying up and follows on from what the Prime Minister said: that he wanted Parliament to be "a real engine of accountability...not just the creature of the Executive".

Q3 Bob Blackman: Can you explain to us the urgency? When would the delegation go? How quickly do we need to get our delegation in place?

Mr Owen Paterson: Our membership has lapsed. You have six months from the date of elections, so on 7 November the UK's membership of the Council of Europe stopped. There is an opportunity for the matter to be reconsidered on 27 November when the Council meets in Sofia, but to get the names prepared they have to be handed in a week before, to give them time to consider. This really is urgent. I know that Mr Bone thinks that 90 minutes is probably not enough, but we need to get this matter considered, especially as the Leader of the House has said that Parliament should consider it and the Speaker has made it clear that he will hold back names until it has been debated and clarified by the House. This is a really classic case where the Backbench Business Committee serves a very valuable purpose, because you are right on top of the case and you are making a decision today that could have impact next week, which could possibly clarify this issue.

Q4 Bob Blackman: So that we are clear: if we don't have debate next week, there isn't actually an urgent rush, but ideally you would have the debate next week. Am I right?

Mr Owen Paterson: No, I think it does need to be done next week.

Q5 Bob Blackman: Sorry. It is either next week or the opportunity basically lapses and we then look at the next opportunity. I am looking for guidance, because we are going to get competing bids here.

Mr Owen Paterson: I totally understand that. Should my motion be accepted, that triggers elections, so there has to be time to organise those elections. If you are going to meet the deadline of 27 November to produce an agreed slate and to give it to the Council, you really have to, in fairness to that organisation, give it a week, which means that you are going to have to get the elections organised very rapidly after Monday's debate.

Q6 Mr Bone: Following on from Mr Blackman, there is a slot on Monday 16 November. Would you and your colleagues be available for that debate?

Mr Owen Paterson: Yes. We have significant number. As long as my aeroplane is on time, I will be able to lead.

Mr Bone: That is one of the issues. If we make a decision today, we have to make sure that somebody will be there.

Q7 Chair: For your information, we have, quite unusually, three hours of protected time this coming Monday. We are guaranteed three hours—the time will not be squeezed by statements—so we could actually put on two 90-minute debates or a three-hour debate in that slot. If we invited you to have your debate during that period, would you be happy to take that slot?

Mr Owen Paterson: Yes, and we won't be greedy. We would be happy with 90 minutes just to get this decided by Parliament.

Chair: Thank you.

Mr Nicholas Brown made representations.

Mr Nicholas Brown: Mr Mearns, thanks very much for the opportunity to make this bid on behalf of myself and other Members of Parliament for the north-east of England. We are requesting a half-day Backbench Business debate on "The Devolution Deal for the North-East of England. The title has been deliberately chosen so that it is neutral, and it would not be the intention to divide the House. We are seeking the debate itself.

The issue is probably the largest single issue for the north-east of England. It is controversial and Members of Parliament differ in their views. It is a territorial debate, focused of course on the north-east, but the principles that underpin the detail will be of interest to other Members who want to raise broader questions about the northern powerhouse, the shape of these deals and the relationship of the constituencies, particularly in urban areas, that they represent to the way in which the Government approach such matters.

There is a snag, which I confess to you. The lead Members for the debate are myself, Helen Goodman and Kevan Jones, and the supporting Members are Mary Glindon, Stephen Hepburn, David Anderson, Ian Lavery, Ronnie Campbell, Emma Lewell-Buck, Pat Glass, Julie Elliot and Sharon Hodgson, who are all Members representing the north-east. I have written to the two Members who are not members of my party to try to make this an all-party bid: one is a Whip and is probably constrained from replying, and the other has not replied at all. It is not in the rules of the House—nor should it be—that people have to give their reasons for not supporting these things, but it seems to me a bit unfair if members of other parties withholding any comment makes this a one-party bid that therefore fails your perfectly proper test of having such debate on an all-party basis.

The title, I reiterate, is “The Devolution Deal for the North-East of England”. The debate would be on the Government’s policy and it would be open to Government supporters to come in and support the deal if that was their point of view, or to comment on it, just as it would be for us. We as a House do not get much opportunity to debate English regional affairs. There are opportunities to raise matters pertaining to Scotland, Wales and Northern Ireland, but there is not a specific regional affairs slot for England. Whichever way you see it, the implications of what is being done, whether it is local government reform or the Government’s economic development approach for the north-east of England, are extraordinarily important for the region we represent, so we are exceptionally asking for a half-day for our part of England.

Chair: Thank you very much.

Q8 Mr Nuttall: Certainly from my point of view, every rule has an exclusion. You have done all you could be expected to do and, as you rightly say, it should not be held against an application if, because of the nature of the application, it has not been possible to secure cross-party support from Members. That is not to say that on the day others might not want to attend, and it would be up to the Chair on the day whether they were called to participate. There might indeed be interest from a neighbouring region, perhaps on a cross-border issue or something like that.

You have indicated on the application that you want the debate in the Chamber. As you will be aware, there is enormous pressure on Chamber time and it occurs to me that this might be the sort of the debate that usefully could take place in Westminster Hall, where there is more time available in the next few days. I just wondered whether if that were offered it would be considered.

Mr Nicholas Brown: I am in your hands. The priority for the Members who represent the region is an opportunity to debate the matters in the House.

Q9 Mr Bone: Following on from what David said, we have had some very successful Westminster Hall debates from which an issue has arisen and it is then later transferred to the Chamber for a separate debate. In the future, it may well be that Conservative Members, SNP Members, or any Members who are not from the region would support the debate because there was an issue to do with devolution that might affect their area. It seems, initially, that this would be a cracking debate for Westminster Hall.

Mr Nicholas Brown: The bid is for the Floor, but I am in your hands and I fully appreciate what you say. Of course, you have to judge the competing pressures for the popular slots.

Q10 Chair: I have to ask you this same question: you are asking for three hours of Chamber time, so if the three hours on Monday were offered could you accept that and could you muster the troops?

Mr Nicholas Brown: Yes, I could.

Chair: Thank you very much indeed. To be honest, Nick, I think that there are two parts of the UK where the balance of membership is of certain proportions. One is Scotland and the other is the north-east of England, so that is where that difficulty would come.

Mr Nicholas Brown: I am grateful to the Committee for its approach.

Geraint Davies made representations.

Geraint Davies: I have put in a submission for a debate about TTIP and CETA. They are the Transatlantic Trade and Investment Partnership—the EU-US free trade deal—and the Canadian free trade deal. I think a previous speaker said he had six parties supporting his application; I have eight. Obviously, there is a good number of Conservatives and Labour Members, as well as Members from the Scottish National party and all the other parties.

The situation is that CETA, the Canadian version of TTIP, was formally agreed a year ago, last September, and it is in what is called legal wash-up. The problem is that within CETA is something called investor-state dispute settlement, which is an arbitration panel in which private companies are empowered to sue democratically elected Governments over laws that are passed that undermine their future profitability. Such laws may be designed to protect the citizen in relation to health, the environment or whatever. People classically talk about Philip Morris suing Uruguay and Australia over plain packaging for cigarettes or Lone Pine, one of the big north American fracking companies, suing Canada for \$250 million because Quebec had a moratorium on fracking. There is a case in Slovakia where the reversal of some privatisation of the health service resulted in a fine. There are countless other instances.

There are currently about 35 names from across the board on this application. Different people are entering the debate for different reasons. One of the primary reasons why many Conservatives are supporting it is that this particular agreement would bind future Governments for 20 years. For those who want to leave the EU, for example, Britain would be free to leave, but in the event that we signed CETA and then left, we would still be bound by its terms.

The other thing is that CETA acts as a Trojan horse for TTIP. Everyone is talking about TTIP and spending all their time blockading the front door while the powers of TTIP are coming through the back door. For example, an American company could use a Canadian subsidiary to sue the Government over fracking. In a simple example, assuming that the Government go ahead with their current fracking ambition and then downstream that comes into conflict with other national laws, such as carbon capping or environmental or health implications, the tribunals, because they deal in international law, would trump national law. No matter what we said in Parliament, in those arbitration panels, which would meet in closed session and involve a number of commercial lawyers, would basically come to a decision to impose fines on Britain. That would trump and would have a chilling effect on our legislation.

Given the scope of the powers, which dwarf the debate over Europe and which could be ratified in the spring by the European Parliament and then by national Parliaments, there is a growing view among parliamentarians that we should have scrutiny over the detail of the agreements and then

take a view. Different people have different views. I am pro-EU and pro-trade, but I am against secret courts. Given that we have mature court systems in both Canada and Britain that basically invoke commercial law, the ISDS framework is unnecessary.

This is hurtling along. You obviously have concerns about the urgency as well as the importance of a particular debate. I suggest that it is urgent and important, and there is a strong case for a general debate. A similar debate was granted approximately a year ago, immediately after CETA was formally agreed, but we have moved on a year and are in a situation where it is basically being finalised. Once that blueprint becomes law, it sets the framework for TTIP and, in turn, it sets the framework for all global trade.

I am not absolutely against TTIP. I am pro-trade and pro-EU, but I think TTIP could form a framework into which we could add issues about sustainable development, carbon pricing, human rights and other such things. Ultimately, the US-EU free-trade agreement will set the blueprint for all future global trade. If we don't get it right, the implication is that we will get it wrong. If we just have a growth package that does not embrace the need for a globally sustainable environment, it will trump what is happening in Paris next month and our other ambitions. These are matters of tremendous importance. Different people will have different views, nuances and so on, but we should all unite around the need for scrutiny and debate before we take such a momentous decision. Otherwise, we will end up sleepwalking into a future that we cannot change that will come back to bite us.

Chair: Thank you very much, Geraint.

Q11 Mr Bone: Though substantive, the motion is a bit woolly. It essentially says, "Will the Government provide some sort of time to discuss it?" You could have had a motion saying, "Oi, let's reject it!" or, "Isn't it the best thing since sliced bread?" Do you get my point? It is almost a general thing, isn't it?

Geraint Davies: It says that it "should be subject to parliamentary scrutiny in the European Parliament and the UK Parliament". Currently, it isn't. Don't misunderstand me; we could go further, I agree, but the current state of play is that there is a frame of mind that is basically, "Democracies get in the way of good trade negotiations." We have secret negotiations between EU and US representatives. It has been very difficult to access this information. Ministers have had to go into closed rooms and cannot take copies. The motion is saying that there should be an open discussion and we could have an advisory role to say to the EU, "Why don't you change this and that before it comes back for ratification?" We would be part of the dynamic.

I serve on the European Scrutiny Committee, and TTIP will be coming to us, but the problem is that it comes to us done and dusted, and you cannot say, "Well, okay, I would agree this, but this needs to be changed a bit." I wouldn't want to be in that situation. Arguably, the motion should also say something about amendments, but to be honest I was trying to get cross-party consensus so that everybody in Britain basically agrees that there should be parliamentary scrutiny of something that is going to bind us for 20 years. Implicit in that is that we could make suggestions that were taken on board seriously.

Q12 Chair: Thank you. In terms of time sensitivity, what is the latest you would want to hold the debate?

Geraint Davies: It would be good to get it done in December or early January.

Q13 Chair: At the latest, but if you were offered time before that, could you take it?

Geraint Davies: Yes, probably. Obviously there are 35 names here and we had more last time—I have put in the application early. I think a lot of people would want to speak about this issue. I am not saying you are saying this, but if we suddenly said it was next Monday or something, there wouldn't be the same number of people wanting to get involved.

Q14 Chair: We would never be averse to you adding more names subsequently. The bid is in and registered, but we would never be averse to that. Last week we asked a colleague for additional names and he has come forward with 53.

Geraint Davies: If you require me to get more names, I can. I just applied at this point with 35. I think there was mention of whether anyone else is interested in this matter: it has been considered at some point by the Business, Innovation and Skills Committee and the European Scrutiny Committee. I sit on the Environmental Audit Committee, and we are looking to investigate it in the light of the sustainable development ambition.

Chair: Thank you.

Chris Heaton-Harris made representations.

Q15 Chair: Chris, you have an application on World Prematurity Day.

Chris Heaton-Harris: Yes. Forgive me for getting it to you quite late. When World Prematurity Day was announced back in June, I didn't honestly think that there would be much appetite for a debate on it, but as Members around the table will understand, there was an Adjournment debate in the House only a few days ago on bereavement care for babies that was amazingly well attended. Many passionate speeches and interventions were made.

Bliss, which is one of the leading charities active in this field, held a reception in the House to launch a report about how premature babies are looked after and what happens with bereavement afterwards. About 60 Members turned up, and I spoke to several of them. Actually, a number of Members of this House have had what can only be described as terrible tragedies within their own families, when a baby has been born prematurely or stillborn. There is an appetite now within the House, I believe, to discuss such issues as what premature babies require when they arrive, how we can keep more of them alive and the best practice that we can learn and spread across our health service.

Forgive me for the fairly rushed attempt at trying to get something before this Committee, but I did not realise that an opportunity might open up before World Prematurity Day on 17 November. The mover of the Adjournment debate last week, Will Quince, the hon. Member for Colchester, has agreed that it is a very good idea to have this debate. I also have the support of a former Health Minister, Daniel Poulter, who was in charge of this, and I know I could get more. I hope that you understand that there is an appetite out there for it, but because of the proximity of the date, I just wanted to get the application in as quickly as possible.

Chair: Thank you very much. Any questions?

Q16 Bob Blackman: Ideally, what do you want to see come out of this debate? Is there an action plan or is there something that is already in formulation?

Chris Heaton-Harris: There are a number of action plans. At the end of the Adjournment debate last week, the Minister who answered the debate grasped the mood perfectly and said that he was really keen to push the agenda within the Department. In the last Parliament, I had a number of debates and questions on the matter of stillbirth. We have always had very good words and well meaning actions—ish—from the Department, but actually, we have learnt very little and spread very little best practice. There is a pack or list of things that you could demand that go alongside the debate for World Prematurity Day, but I just wanted to have a general debate, because I wanted to get a Minister in front of us as well who can understand those concerns and talk about actions rather than reflecting on them.

Q17 Bob Blackman: If you are offered a slot in Westminster Hall, would that be acceptable?

Chris Heaton-Harris: Yes. I just want to have a debate.

Q18 Gavin Newlands: I appreciate what you said about it being a rush job to get this in front of the Committee, but as a general point, perhaps for future reference, health is obviously a devolved matter but sometimes there is a reticence about approaching Scottish Members about these issues if they are devolved. On an issue such as this, I think you would find common cause with Members within the SNP and with other Scottish Members as well. My first child was six and a half weeks premature, for instance, so the issue goes across borders and whether it is devolved or reserved. If you approach Scottish Members, I am sure that you would get support for your application.

Chris Heaton-Harris: Fantastic. Thank you very much.

Q19 Chair: I have to ask a vexed question. You probably missed this, but we have three hours of protected time on Monday. If you were offered 90 minutes in the Chamber on Monday, could you accept it?

Chris Heaton-Harris: I would, most definitely.