



Backbench Business Committee

Transcript of meeting Tuesday 22 March 2016

Representations made before the Backbench Business Committee on Tuesday 22 March 2016

Members present; Ian Mearns (Chair), Bob Blackman, Kevin Foster, Mr Philip Hollobone, Mr David Nuttall and Jess Phillips.

Mrs Cheryl Gillan, Jim Shannon; Barbara Keeley, Ian Blackford and Sir Peter Bottomley; Alex Chalk; Greg Mulholland and Sir Peter Bottomley; Robert Neill and Tom Brake; David Davis made representations.

Questions 1-43

Mrs Cheryl Gillan, Jim Shannon and Dr Lisa Cameron made representations.

Q1 Chair: Good afternoon everyone, and thank you for coming along to the formal session of the Backbench Business Committee. We have agreed to a slight change in the running order, so the first application is from Cheryl Gillan, Jim Shannon and Dr Lisa Cameron. It is an application regarding World Autism Awareness Week. Cheryl, over to you.

Mrs Gillan: Thank you very much, Mr Mearns. I am very grateful to my colleagues, Jim Shannon and Dr Cameron, for joining me here. I have had support from five political parties for the application for the debate: the Labour party, the Liberal Democrat party, and obviously the DUP, the SNP and my own party.

I am currently the chair of the all-party parliamentary group on autism, which has 197 MPs and 44 peers as members—some 241 in total—and we are applying for a three-hour debate in the Chamber to coincide with World Autism Awareness Week, which is from 2 to 8 April. Obviously, that would be difficult, but we are applying to have the debate after the Easter recess, if you choose to grant it.

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May I just say that I have also been very pleased to receive support from a member of this Committee? I do not want to put her in a difficult position, but I am grateful for her support—

Jim Shannon: Who would that be?

Mrs Gillan: I think it is only fair and just to point that out, or it would be wrong and discourteous to other colleagues who are also applying for debates.

May I just tell you that more than one in 100 people have been diagnosed with autism? I think we in this House all know how they have battled to get their needs identified, diagnosed and understood; 71% of children with autism also experience mental health problems, and 70% of adults, responding to a recent National Autistic Society survey, said that they do not receive the support they need from social services. With only 15% of adults with autism in full-time paid employment and the average wait for a diagnosis now being longer than two years, this would be a golden opportunity to highlight the journey that we have made so far—since the Autism Act 2009, which I was privileged to sponsor—and to hear from Government what they are doing.

Public awareness is very important, and a debate such as this would contribute to public awareness. Over 99.5% of people in the UK have heard of autism and are aware of it, but 87% of autistic people and their families responding to an NAS survey said that they did not think that the general public had a good understanding of autism. I think that is true. Many of my colleagues would bear that out.

A debate would give us the opportunity to highlight the new promotion from the National Autistic Society, “Too Much Information”, which is a campaign that is aimed at showing why people with autism have a meltdown and what people can do to create autism-friendly environments, to help individuals and families to achieve their potential. It would be an opportunity to look at what is happening in, for example, our criminal justice system, where Feltham has just become the first prison in the world to have accreditation as an autism-friendly prison. I have been there myself to look at it, alongside the Minister, and there is an invitation to the APG to go and see it, because it is truly helping in the rehabilitation of young prisoners.

A debate would also be an opportunity to look at something that has come out recently, the Autistica report, which is rather alarming, but a very good piece of research that says that autistic adults with learning disabilities are 40 times more likely to die prematurely due to a neurological condition, with epilepsy being the leading cause of death. Autistic adults without a learning disability are nine times more likely to die from suicide.

A three-hour debate would give us a great opportunity to highlight some of the things that have come along. My colleague Jim would like to contribute on support for adults with autism, and then Dr Cameron on employment, benefits and education, just briefly.

Jim Shannon: It is always a pleasure to come before the Backbench Business Committee to ask for a debate—

Chair: It’s some days since you have been in front of us, Jim.

Mrs Gillan: I like to bring a seasoned campaigner.

Jim Shannon: I am not sure the “seasoned” part is right, but there you are.

I am keen to support this debate, because first of all it is a massive issue in my constituency. I get regular contacts, not just from adults, but from children. I know about the health and education

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issues and, clearly, that we need to address the issue of autism at an earlier stage—we are perhaps not doing that in the way we should be. Now that we are doing it for adults, it tells you that maybe we have not been doing it beforehand. We need to address the issue in business and in justice, as Cheryl has said.

When I asked for the debate along with Cheryl, I was conscious that this is for the Government's benefit as well, because the savings for Government in addressing the issue are some £67 million. You are looking at a cost-saving measure that can first of all improve the health and quality of life of those with autism and also be of some benefit to the Government when it comes to balancing the books—we will hear all about that when vote on it in a few hours. These are things I am very keen to see.

The fact that we have all-party support from both sides of the Chamber shows the interest in this issue. I know that the Labour party is always keen to bring forward issues relating to health and so on, but on this occasion the leader of the debate will be from the Conservative party. It is good to have that in the Chamber for a change of direction. This issue is so important that it transcends all the parties, and it is a debate we should have.

Dr Cameron: If I could briefly add my support, it would be an extremely important debate on a field I worked in prior to becoming an MP last year. I am acutely aware that we really have a long road still to travel on developmental disorders. We need to put in place strategies not only for health but for early education and for early diagnosis. We need teacher training programmes to make sure that teachers can pick up signs of autistic spectrum disorder. Services need to go right the way through. Many constituents come to me to say, "My child had some services at school, but now school's finished. What employment is there?" We need to get the strategy right. The Government have committed to halve the disability employment gap, but I'm afraid that in terms of autistic spectrum disorder it remains static. There is much more to be done in all these realms, and it is a really worthwhile debate to have.

Q2 Bob Blackman: Cheryl, I understand the issue very well, and of course I have a number of constituents who are sufferers. There are just a few process issues. For a three-hour debate we would normally be looking for a minimum of 15 speakers. I'm sure you will not have a problem securing that many, but we don't have a list of 15 speakers in front of us. We would want to see that.

Mrs Gillan: May I just say that I have nine supporters across five parties? With the APPG having such a large membership of 197 MPs, I don't think there will be any shortage of speakers.

Bob Blackman: I understand that, I am just gently pointing it out.

Mrs Gillan: Would you like me to give you the names of the people I've got?

Q3 Chair: We've got your application, Cheryl. It is just a formal thing. It is not a problem for today, and we wouldn't need to see you again to add names, but if you could please filter in some names to the Clerk, that would be very useful from our perspective.

Mrs Gillan: I would be delighted to do that. I'm sorry, I was unaware of your procedures, and I'm sorry—

Jess Phillips: You should've asked Jim.

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Mrs Gillan: Yes, he's let me down!

Q4 Bob Blackman: The other issue is that you have asked for a general debate. I can understand why, but for a general debate—you'll see that we have a large queue of people who also want time in the Chamber—we will often say we need to point you at Westminster Hall, because you can have the debate and get a response from the Government and then, if the Government don't come up with the response you would like, you might wish to pursue a Chamber debate with a motion, which would be divisible. Here is your opportunity to convince us that you should get Chamber time as opposed to Westminster Hall time.

Mrs Gillan: I contemplated using Westminster Hall, because as you know, Mr Blackman, I'm familiar with it and have chaired many debates in there myself, but I felt that this is such an enormous topic of such great interest to a large number of MPs. Of course, the statistics and data gathering on this are not perfect, but we estimate that every MP probably has 1,000 people in their constituency with autistic spectrum disorder.

I am tired of having disability issues pushed to one side. This is one that should take centre stage again. After all, this is one area of disability for which we have the only existing disability-specific piece of legislation on the statute book in this country. It deserves a very wide airing and to be centre stage. When we have a world awareness week, with people looking at this issue right across the globe, it would send the wrong message from Parliament for us to put it into a Chamber other than the main Chamber. The world is going to be looking at autism and looking to the UK to see how we are dealing with it and how seriously parliamentarians are taking it.

It also cuts across so many different areas of Government. This is not just health; it is education, the criminal justice system, local government and the services that are available. Every single MP will have had someone in their surgery in meltdown, and we need to start talking about this and placing it centre stage so that in fact we are able to come up with changes to our administrative processes that will mean that many more families get that help before they get into meltdown. I think for once this really justifies the centre stage of a Westminster debate.

Can I also say that I do not appear very often in front of this Committee? I think I have done it only once before, for epilepsy, which I thought was equally important. I would not come before the Committee and make that application if I did not really believe that that was the parliamentary stage for this debate. I do not know whether my colleagues want to add anything.

Q5 Bob Blackman: What do you want the Government to do as a result of this debate?

Mrs Gillan: I want to ensure that Government is aware that it has to have cross-party and cross-Department co-ordination in order to find some of these solutions. I want to make sure that the Government responds to some of these reports: for example, the horrendous statistics that Autistica has come up with following some very solid research. I want to make sure that people in each Department of State do not forget this, because it is important. It is a cross-Departmental issue that Ministers need to be aware of.

I will probably be replied to by the Health Minister who takes the lead on this—that would be fine by me—but it would ensure that the Government Minister that does come to the Dispatch Box will have to make contact with all of the other Departments to uncover some of the issues that we have outlined here today that I know will be raised by colleagues.

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Chair: I am conscious of time, and we have a big queue.

Q6 Mr Hollobone: “That this House draws up a cross-departmental action plan to make sure that the problems of autism are tackled in our society.” Frankly, unless you have a substantive motion calling on the Government to do something, given that this Committee is faced with a queue of eight substantive motions for four Chamber time slots, I do not think you have got a chance of getting a debate in the Chamber. That is not because this Committee does not recognise the importance of autism. It is because this Committee can only allocate the time given to it, and there is a long list of very important issues with substantive motions, which can only be tackled on the Floor of the House.

Mrs Gillan: Mr Hollobone, forgive me, this is my first time leading an application of this sort before the Committee—I was supporting Laura Sandys on the epilepsy one. I could prepare and have delivered to you a substantive motion before the House goes down today if that would be sufficient.

Chair: That would be entirely appropriate. Thank you very much indeed.

Mrs Gillan: I am very grateful for your advice.

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

Barbara Keeley, Ian Blackford and Sir Peter Bottomley made representations.

Q7 Chair: Barbara, please can you briefly outline the reasons for your application?

Barbara Keeley: Indeed. There are three parties represented here. I do know that Members of other parties have supported debates on this issue, but we are here as Labour, Conservative and SNP hon. Members. I have been asked by my colleague, Frank Field, to attend today on this application, which I back. Admittedly we have had four debates on the issue of the increase in state pension age for women born in the 1950s, but it is an important issue. It affects 2.6 million women born in the 1950s, including 3,700 in my constituency alone. I led the first debate in Westminster Hall, which was on 2 December.

I want to talk about the background, because I do not think in any way in those four debates we have yet explored all of the issues. The women affected by that acceleration of increases in the state pension age are asking for fair transitional arrangements—anyone who has been around the debates we have had will know that. The House voted 158 to nil on 7 January to ask the Government to introduce those, but of course we have not seen anything yet. The reason, I think, is that in the Second Reading of the Pensions Act in 2011 the former Secretary of State for Work and Pensions talked repeatedly about making transitional arrangements to help those women, but it did not happen. I have looked back at that debate a number of times, and Members in that Second Reading debate—it was an important piece of legislation going through—were raising issues about certain cohorts of women within the larger cohort who would be particularly badly affected. I have raised in debates that the worst cases affected by that legislation are women who were told at the age of 57 and a half that the state pension age would move from 60 to 66. That is an enormous change, and those individuals—the worst-affected—stand to lose £36,000.

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There are some serious and difficult issues that we have started to explore, but we have not got to all of them yet. **The** Work and Pensions Committee has covered those issues and has published its report, but there are women who were not informed of the changes, and the Committee's report covers that extensively. They made decisions in their lives and took early retirement or voluntary redundancy, expecting to get a state pension at the age of 60. They are now struggling. There are women who have given up work to care and women with health problems. That is a serious matter that needs debate. I have tried to raise it, but we have not had time to cover it in the debates we have had. It is about where the work or support programmes are to support the 2.6 million who are affected by the change.

It is interesting; I have looked back, and the questions were much discussed in the 1990s, when the very first changes were made by the Pensions Act 1995. At that time, the independent Social Security Advisory Committee said that savings made by the Government by raising the state pension age should be spent on vulnerable groups of women. Interestingly, that never happened. The advice that came in on that was never acted on.

The impact assessment for the Pensions Act 2011 glossed over a number of things that we have touched on in our debates, but have never really explored. That includes such issues as life expectancy and healthy life expectancy, which is very different in different parts of the country. In certain wards in my constituency, healthy life expectancy for women stops at 55, yet the pension age is moving to 66. How that leaves people and how you support them is something that we have only just started to explore.

It is interesting that after we started these debates, the former Pensions Minister who took the legislation through the House said that the Government made a bad decision on the changes and that he was badly advised. The impact assessment did not cover healthy life expectancy. There was an assertion made that "on the available evidence, the change to the previous timetable will not have a disproportionate impact on any group compared to another." Well, it is having an enormous impact. That is the top and bottom of it. From things I have heard from my constituents and from many other Members in debates, that group of women is disproportionately affected. They need some solutions and measures.

It is a vital issue to debate. It is supported across political parties. We had that vote that was 158 to nil. If the Committee will consider it, I would like to see you allocate time for a debate in the main Chamber on a **voteable** motion. That is very important, because there are differences of opinion on this.

Sir Peter Bottomley: Can I add two or three things? The first is that the issue is not whether the pension age gets raised. We know that has got to happen. In my lifetime, life expectancy has gone up by 15 years. In the rest of my life, it will go up by another four. The issue is current. In fact, on Tuesday last week I went with a colleague of mine to see the then Secretary of State and his colleagues, and we discovered that they had not even done a calculation on the actuarial reduction that would be necessary to make it cost-neutral for the particular group who not only saw the three and a half to six-year increase, but got an extra six months beyond most other people. The Government have things to talk about and things to answer.

There is the whole WASPI campaign that people know about, but in particular I would focus, as would Tim Loughton, on the group in the middle who are the most harshly affected. There is a possibility that the Government could follow the words put into the DWP Committee report, which although they were on a slightly different issue, made a suggestion that the Government should consider. We are going with the Select Committee system.

The last thing I will say is that I have been to a number of debates in Westminster Hall that have affected large numbers of people, and the room for visitors to observe what is going on is very

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limited. This is the kind of debate that would almost certainly half-fill the Gallery, even if it were at an unfashionable time.

Ian Blackford: I reiterate everything that Barbara and Peter have said, and I draw people's attention to the quite excellent report that came from the Select Committee, particularly to the conclusions and recommendations—specifically point 5, which is really what Peter referred to. A number of specific recommendations were made there and I think the Government have to look at those.

Subsequent to that, given everything that has happened within the Government over the past few days, Baroness Altmann came out with a statement at the weekend. She stated that she had been frustrated in remedying some of the inequalities that she saw affecting the women. She was frustrated by the previous Work and Pensions Secretary. It may well be that there is an opportunity for the Government to look at this with a fresh eye.

Nobody is against equalisation. That is a point that Peter made, and I know that Barbara and the rest of us would agree. It is the way that it is being done that is the issue. We are where we are with women who are now aged 63. You have to be 63 to retire—that is for women born in 1953. I have used this date before, but someone who was born on 10 February 1954 will retire two and a half years later than someone born in 1953. It is those kinds of problems that really need to be addressed. That is why we must have the debate.

The last point that I would make—I think things have moved on—is that although everyone understands that life expectancy has increased tremendously over the course of the past 20 years, there has actually been very little reflection and it has stopped. The death rate has changed over the past few years. Indeed, the death rate was up by 30,000 deaths last year. We need to have a proper debate about the inequalities that are there and look at what is actually happening in terms of healthy life expectancy, as you said, Barbara. We need to think about some of the regional differences within that as well.

Sir Peter Bottomley: Can I add a half-sentence, Chair? There are two issues: at what age a woman can get the pension and what amount she gets. The two need to be interlinked. That is the kind of thing that is totally right for a debate. It is not just the Government who will have ideas; Members of Parliament will, and that includes the considerations of colleagues on this Committee.

Q8 Chair: Am I right in thinking, though, that there has been no formal Government response to the Select Committee report yet?

Ian Blackford: No.

Barbara Keeley: No, there hasn't, but this is not entirely just an appeal from the Committee. This is an appeal from a group of MPs who think that there is actually a lot of ground to cover. To be honest, I would go further than the Committee does in its report, because I think there are some real issues of hardship. But the Committee has decided to put forward recommendations that are actuarially neutral. They had to achieve consensus in their Committee and I understand that.

Q9 Kevin Foster: I do not want to get into the whole subject of and questions on the equality debate. For me, one thing that has perhaps been lost slightly is that men's retirement age will start rising within this Parliament. It will be going up to 66. I am one of the people, and I think that Jess is

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the same, who is on 68 already. Is that the sort of thing you will cover, or is it just about women born in the 1950s?

Secondly, how will this debate be different from the previous two we have had? **We** had the debate on WASPI, effectively—the Back-Bench debate. We have had the one on the petition, and we have had the Opposition day one. I would particularly like to know how this will be different from the Opposition day debate. I would say that that debate, bluntly—I include my own Front Benchers in this—was two parties blasting into each other. Perhaps people were making comments that forgot some decisions in 2007, and perhaps some forgot decisions that they had made in 2011. How will this debate be different? How will it be a Back-Bench debate and not, if I can say this, another Opposition day debate via the back door?

Barbara Keeley: I think you are right. There are some life expectancy issues there. As Ian has said, there is some new evidence that since 2013, life expectancy has been falling. In fact, this is part of a much bigger picture of a debate that we should be having in this House about what is happening with life expectancy. There is a view that certain low-income groups are being affected and that they are losing life expectancy—it is going backwards. The good thing about having these debates is that it attracts an awful lot of social media from men, interestingly enough.

How different will it be? I think it will be different. I led the first Westminster Hall debate and that was not a party versus party debate. There was a great deal of agreement, as there was with the second Westminster Hall debate. The sheer problem with a Westminster Hall debate is that we do not get to vote on anything, and I think we have a sensible motion here.

The second problem is that there just is not enough room. People had to leave the last Westminster Hall debate without getting a chance to be part of it and to speak—even to intervene—because they could not sit down. I agree with Peter's point about the Gallery. An awful lot of people wanted to be part of that debate. The issue affects 2.6 million people, so we will always be able to fill a Gallery with it. So we have to consider the Chamber.

Ian Blackford: Can I just add to that?

Chair: Sorry, I think we need to move on. I will bring Philip in and then back to you, Kevin.

Q10 Mr Hollobone: I think there have been four debates: two Westminster Hall debates, a Back-Bench debate in the Chamber and an Opposition day debate. I think **the** hon. Member for Harrow East and I were the only two Conservatives to support the motion in the Back-Bench debate, so I am very much on your side. However, I would say that the motion perhaps doesn't go far enough. The Government will consider the proposal—Governments always consider proposals from Select Committees. Why aren't you asking the Government to accept the proposals from the Select Committee? That would actually beef up the motion.

Frankly, however, you've heard already today that this Committee at the moment is operating like the Heathrow stacking pattern. We've got eight substantive motions lined up for four slots. Unless you have something really substantially different than what has come before, I would suggest that your chances, unfortunately, are perhaps rather slimmer than you imagine.

Barbara Keeley: I would say that the thing that is different from before—apart from the fact that we've now got a very different Work and Pensions Secretary, which does change things somewhat, particularly given what the Pensions Minister in the House of Lords said about the impact on her work of the previous Work and Pensions Secretary—is **that** we now have this report putting forward suggestions and recommendations that could make a difference. Only at the end of the

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Opposition day debate did we get, for the first time, some suggestions put forward. We won't move this debate on for these 2.6 million women, and the men who are affected, unless we have some options to consider.

I don't think this is going to be an easy debate and I don't think we're going to win it in any one particular debate, but we need to keep it moving on, and that's what I'm asking for time for.

Q11 Kevin Foster: It was interesting to hear some comments about looking at life expectancy, because running alongside this, there is a Government review of the state pension age going on. It says that it won't consider before 2028, but that, of course, is the year the age increases to 67. Do you see this as being purely about this particular cohort or—this is an attempt to be slightly helpful—with state pension ages rising generally, and men and women going to 68 in the long run, is this a debate about a more general principle? Is it about whether you could get a reduced pension at an earlier age or is it just about this cohort?

Ian Blackford: There is a statutory obligation now to review it, Kevin, and I think the fact that the Government have appointed a Committee to look at this is most welcome. The point is that the clock is ticking and it really is an issue for women born between 1953 and 1955. So I think there is a short-term issue, which is of pressing urgency.

I take what you say about the tenor of that debate, by the way, and I think we all bear a responsibility for that, to be brutally honest, and we've got to stop looking back at what happened in the past. It is about how we deal with the specifics of the iniquities that are there and that have been fully addressed in this report. Just as Barbara and Peter have said, I think it is about how we can actually bring some fresh ideas and fresh thinking as to how we deal with that. I think that is what brings a sense of urgency. I take the point about the motion; perhaps that can be looked at.

However, I think the ground has moved because of the report and because of what Barbara said about the comments from Ros Altmann and the change to the Work and Pensions Secretary, which make it actually very pertinent to have this debate.

Barbara Keeley: If I could just make a point in answering that question, I think there is a wider debate, because the Government—apart from not putting in any transitional arrangements to help this cohort of women, and they are suffering real hardship—actually did nothing. I have mentioned this issue about what on earth you do with 2.6 million people who can't now retire at 60, and it is more if you include the men moving up to 66. That is an issue that we need to address properly beyond this cohort of women.

Is it fair or sensible to be pushing people on to the Work programme at 63, when they have got 40-plus years of work behind them, because that programme isn't suitable for such people? I have tried to raise that, and other people have too. That needs thinking through, and a piece of work needs thinking through about that. However, because of pressure of time and the interest in these debates, you just get squeezed down to a very small period of time to speak in, and that's why we don't get to explore it. I think we won't get to all the answers in one debate, but we do need to keep moving it on.

Chair: I am going to be like the Speaker now—I would like brief questions and very brief answers, please.

Sir Peter Bottomley: If it is possible, I will pick up on two points. One is that we should add after the word "House" the words "notes the increases of pension ages for men and women and acknowledges", and then we should go on in the second line to call on the Government to "adopt" the proposal. That would make it firmer and give it the context of others.

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Q12 Bob Blackman: Apart from the obvious point that you require 15 speakers to fill the three hours, which you don't have—you will need to provide that list of names—the other issue is the timing of this debate. I understand the urgency for those women born from 1953 onwards, but this Committee's clear concern is that we have a queue of debates and this issue has had several airings, so why should this one get priority now compared with, say, joining our waiting list and perhaps being allocated time, if time permits, between now and the state opening of Parliament?

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Sir Peter Bottomley: It's like the sanitary products issue. The Government will eventually crack.

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Barbara Keeley: I agree. I would add that it affects 2.6 million people and the number is increasing all the time. It starts as hundreds and gets fairly quickly to thousands. If Members here look in their constituencies, they will see that an increasing number of people are affected. It is dawning on them that they are affected and hitting them that they are affected. A lot of people out there are affected by the issue and that is why it deserves debate.

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Sir Peter Bottomley: Colleagues will queue to get into this debate. There will be a time limit of about five minutes.

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Ian Blackford: It is informed by the report.

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Q13 Chair: I am calling a halt there. Can we take it as read that in the text of the substantive motion you will substitute the word "adopt" for "consider"?

Barbara Keeley: Yes.

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Q14 Chair: And, as with the previous application, perhaps you could give us a list of additional names. It is just a matter of correcting the record.

Barbara Keeley: Yes. Do you need 15?

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Q15 Chair: Yes. Fifteen is the sort of optimum we would be looking for for a three-hour debate.

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Barbara Keeley: I don't think that will be difficult.

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Q16 Chair: I am sure it won't be. Thank you very much for coming along this afternoon.

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Alex Chalk made representations.

Q17 Chair: Alex Chalk, please, on reforming the law of homicide.

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Alex Chalk: This is an application for a 90-minute general debate, not a resolution one, in Westminster Hall. It has the support of three parties. It is not a new point, but it is topical.

At the moment, without boring you too much, the law of homicide has something called the GBH murder rule. Taking it simply, if someone takes a gun and shoots someone in the head, intending to kill them, that is clearly murder, but murder is also the crime when someone intends to do GBH only. A person may say, "Right, I'm going to go and knee-cap that person," and they end up dying. The concern, and the reason why it is of interest, is that there is a mandatory life sentence whether it is GBH murder or what you might think of as intent-to-kill murder. England and Wales is different from the United States where, if someone intends to kill, it is murder in the first degree. If they intend to do GBH, it is second-degree murder.

This has become topical for two reasons. First, the mandatory sentence—the time someone must spend in custody if they are convicted of murder—has cranked up. If someone goes to the scene of a crime with a weapon, such as a baseball bat, a knife or whatever, and is convicted of murder—this is relevant to some of the gang offences we hear about at Victoria station and goodness knows what—they are looking at a mandatory 30-year term. They will serve those 30 years, plus they will have a life sentence. That is particularly relevant when the only mental element was an intention to do GBH, and the person who is one of the also-rans tips up and intends that someone will get a beating and might get a broken toe or whatever. If the principal had tipped up with a baseball bat, that young kid or whoever it is will go down for 30 years.

There is a second reason why this is topical. The first is that the sentence has been ratcheted up so there is a potential for injustice. The second is the Jogee case in the Supreme Court, which is looking at ancillary liability—in other words, the liability of putting it bluntly, the kids who tip up with a gang but don't wield the knife or perpetrate the atrocity.

The issue is not new. The Law Commission produced a detailed set of proposals about this back in 2006, but it is now topical for the reasons I have indicated. I think a general debate in Westminster Hall would be useful because we have some very distinguished speakers who would be prepared to discuss it, including—I think I am allowed to mention them—Queen's Counsel Keir Starmer, Queen's Counsel Dominic Grieve, Queen's Counsel Edward Garnier and Queen's Counsel Joanna Cherry. It would be a useful opportunity to take the temperature and see whether there is an appetite for this. If there isn't, perhaps it will go no further, but if there is, the next logical step would be to look for a further debate.

This would be a proportionate, calibrated debate that I commend to you.

Q18 Chair: Thank you very much. It looks to be a very learned application.

Alex Chalk: Thanks. I don't know about that. I hope it is concise.

Q19 Bob Blackman: I presume that the Ministry of Justice would answer this debate.

Alex Chalk: Yes.

Q20 Bob Blackman: Could you do 19 April, if that were offered to you?

Alex Chalk: If that were offered to me, I would endeavour to achieve that. Yes.

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Q21 Kevin Foster: Of course, one of the things we look to try to secure is a debate. Do you have anyone intending to speak who feels that those who intend serious injury but who end up killing their intended victim should therefore be convicted of murder? That gives us a debate, rather than just people who agree with you.

Alex Chalk: You are right that it is a debate, but I concede at the outset that those people who are slated to come and speak are likely to recognise the force of competing positions. In other words, there is likely to be a strand of public opinion, whether they accede to it or not, and whether they adopt it or not, that will be concerned about that. If this gets enough publicity, and if you are minded to grant the application, I feel sure that I would be able to rustle up some people who have some trenchant observations. I mention no names. (The hon. Member for Shipley—I forget his name—may have some observations to make about that.)

Q22 Jess Phillips: Does that include debating the idea of joint enterprise?

Alex Chalk: Yes, exactly. It is looking at it in the round.

Jess Phillips: You called it something fancier than I know it to be called.

Alex Chalk: Joint enterprise, accessory liability—it is all the same thing. We would also look at the issue of one-punch manslaughter. If you intend just to bop someone on the nose in a nightclub queue and they fall back and die, it is probably going to be manslaughter, but if you hit them hard enough because you intend to break their jaw, or whatever, you will go down for murder. It seems rather artificial. Shouldn't those both be second-degree murder, where the judge has discretion about how long to sentence people?

Q23 Jess Phillips: But it would include a debate around the idea of joint enterprise?

Alex Chalk: It would. That would be an element of it.

Q24 Jess Phillips: I imagine that would bring out opposition, especially from people who live in areas of high gang activity.

Alex Chalk: Exactly. I expect that to come into it.

Q25 Mr Hollobone: Great application. A 90-minute debate would be absolutely appropriate. Would your distinguished list of speakers be prepared to accept what they will face—a five-minute speech limit?

Alex Chalk: If I may say so, that is an extremely good question. I have worked on the assumption, perhaps unfairly, that not every single person on the distinguished list will in fact turn up, but maybe they will. I think the answer is that it will be sufficient time to take the temperature on this. If people feel that, in due course, there needs to be a longer debate, we will have to come back on another occasion, but it strikes me that this is a proportionate application. If it is the will of the Committee, they will have to accommodate that timeframe.

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Q26 Chair: Probably not a great application point to say that your speakers might not turn up.

Alex Chalk: I know.

Mr Nuttall: You've got these QCs turning up, but you don't want the juniors turning up.

Q27 Chair: I think that concludes that. Thank you very much for your application, Alex.

Greg Mulholland and Sir Peter Bottomley made representations.

Chair: Moving swiftly on. Mr Greg Mulholland, please. I think we will have to let you borrow Jim Shannon's season ticket, Sir Peter Bottomley.

Greg Mulholland: Thank you very much, Ian and the Committee, for considering this. It is very appropriate that this application comes before yourselves, the Backbench Business Committee, because this is almost uniquely an issue that has come through Parliament and not through Government. It was the work of the BIS Select Committee under different Chairs that first brought this to Parliament, and then to the Government's attention, and it was the BIS Select Committee that came up with the proposal for a statutory code of practice and a pubs code adjudicator. It was both Houses of Parliament, but particularly the House of Commons, that dragged Governments of several parties kicking and screaming to finally implement it. Of course, it was a vote against a three-line Government Whip that delivered an important part of this legislation.

The importance of the issue and its urgency are absolutely critical for us. The draft pubs code that was published in the autumn clearly does not abide by commitments given by Ministers, including at the Dispatch Box, on abiding by the will of the House to introduce a genuine market rent-only option without further conditionality. The actual draft code itself must be published and must be in place by 31 May, because it goes live in law on 1 June. We urgently need an opportunity to raise these issues.

On top of that, the debate has now been widened. We were going to ask for a debate on the Pubs Code anyway; we have now widened it to the Pubs Code and the Pubs Adjudicator, because a week last Wednesday, it was unexpectedly announced that the Pubs Adjudicator had actually been appointed in December, without the House being informed, and the choice of adjudicator has caused great consternation and concern among tenants' groups, who have said that the appointment is untenable due to clear conflicts of interest and a lack of the perceived impartiality which is clearly crucial for someone in that role. Interestingly, we believe that, had the rules set down for the Pubs Adjudicator been the same as those for the Grocery Code Adjudicator, this appointment could not have been made in the first place. There are serious questions for Ministers and the Department to answer.

Also, that appointment will commence from the time the Pubs Code is in place, so our need is for urgency. In terms of what you said, Bob, about what our approach would be, we need a debate as quickly as possible. We are very happy to have it in Westminster Hall to get these issues on the record. We may then wish to think of a substantive motion for the House and come back to you, but at this

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stage, we would be very satisfied with a debate, ideally three hours long, in Westminster Hall. The important thing is that we get the chance, as quickly as possible, to air these issues.

The final thing is that very frustratingly, two weeks ago tomorrow, there were two hugely important amendments to the Enterprise Bill to deal with two glaring faults in the Pubs Code. Unfortunately, given the timing for the Bill and the debate, neither were heard. I had the lead amendment, and the other was in the name of Bill Esterson. Neither of them were heard in that debate, which is very regrettable. We have had no chance to debate that or challenge Ministers to see if we can get them to agree to make such changes, to make the code acceptable.

Sir Peter Bottomley: I was one of the rebels who helped get this through, and I would like to see it work properly.

Q28 Mr Nuttall: Can I clear up one small thing? The application we have before us states that you wish to have a general debate in the Chamber. Greg, I think you said Westminster Hall.

Greg Mulholland: Yes, my apologies. I have an intern in my office who was doing this for the first time. We are very happy to have it there. The priority is time. We have heard about the huge pressure on the time.

Q29 Mr Nuttall: It is just that timing wise, you are more likely to get a quicker one there.

Greg Mulholland: On that basis, we are very happy with Westminster Hall.

Chair: Okay. Thank you very much indeed. If there is nothing else, I thank you for the application.

Mr Nuttall: BIS to answer.

Robert Neill and Tom Brake made representations.

Chair: Good afternoon, Bob, and welcome.

Robert Neill: Thank you very much, Mr Mearns. I am a debutante here, so forgive me if I mucked up any bits of the application. Although I am alone today, I am doing this on behalf of the all-party parliamentary group on London, and therefore with the support of Members from all three parties across the capital. As you can see from the application, we are asking for a Chamber debate on a substantive motion. The application form has 16 names; I can now say 17, because I have been able to add the name of the Liberal Democrat London Member, so we have full cross-party support. I hope we meet the numbers test. You will see how the motion is set out to make it substantive.

Why are we asking for it in the Chamber, and why now? First, it is the significance of the issue. It is about the Government proposal to have a national funding formula. I think we are all familiar with that—part of the reason is to redress what is perceived to be an imbalance and underfunding in some parts of the country. That is a legitimate issue to debate. Equally, within London, there is a concern that there may be particular downsides. London is, of course, the largest

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region of the country. Any change to the funding formula in London, were it to be adverse, would have a potential impact on the families of every child in a state school in London. We're talking about something that affects literally millions of people, so it's a very important matter.

Education in London is also particularly sensitive because of the mixture—the range of issues and diversity that has to be dealt with—and, added to that, the scale. You put the two together. I accept that some of the range of issues exist in other areas, but if you add the scale you've got a unique state of affairs. It's also worth observing that London's education has, over the past 20 years, been a success story. Schools in London 20 years ago, as many members of this Committee know, performed very, very badly indeed in the state sector. Now, they are outperforming schools in pretty much every other region of the country. This is obviously a genuine matter of public concern. We must make sure any changes to the funding arrangements do not put that progress at risk.

Why is that significant? I've referred to the levels of deprivation and mobility in London. I think we all understand deprivation and the significance of that. Mobility is important, because the mobile nature of London's formula has meant that, up to now, all London local authorities have used mobility as a factor in their local funding formulae. The proposal put forward by the Government would not include that in a national funding formula. That is immediately an issue that could, if adopted in its current form and without some reflection of London's needs, have a very serious adverse impact. We would like to address that at a very early stage.

Q30 Chair: For clarity, Bob, mobility sounds like a positive trait, but it's actually churn of school places.

Robert Neill: It's churn of school places, exactly. You're quite right. You put it much better than I did. It's that churn, and the burden and pressure it places on schools. That's why we think it's important that that continues to be recognised in that very big conurbation, which is effectively one housing and one labour market. That's why we'd like to address that.

The other complication is that it's generally accepted that there's going to be a very significant increase in demand for school places within the capital, because of the accepted growth in population that's going to come along. We're talking about 146,000 new school places being required by 2020.

Also relevant to this debate are the particular issues that London schools have in the recruitment and retention of teachers, because of the living costs, housing costs and so on in London. Some of the evidence that we've found shows that about 50% of headteachers in London schools are over 50 and approaching retirement, so replacement is going to be an issue coming down the track. Re-advertisement rates in London for headteacher posts are already higher than in other regions. We think there is evidence already about why London's particular funding needs have to be addressed.

On the timing, we'd like to get it in as soon as we practically can for this size of debate. The consultation was opened on 7 March, and it can close on 17 April. We understand, given the timeframes, that we would be likely to get a slot shortly after the consultation has closed, but we are keen to do it sooner rather than later. As all of us who have experience in these matters know that the longer you leave it, the more the outcome tends to have already been drawn up. If the House is to have an influence in this matter, it's important that we have the chance to debate it as soon as we can, rather than once decisions have already been taken.

The issue has been raised in the other House, and I wouldn't like us not to have the opportunity not to do so as well. I hope that sets out, as succinctly as I can, why we're asking for it in the way we are.

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Q31 Jess Phillips: I think it's a very noble thing to want to do. As a Birmingham MP, I would say that everything that you have said is almost exactly the same for the children and the schools in Birmingham, except we don't have the 20 years of delightful progress that London has had. My only concern would be that Members from every single other big conurbation will come here and say, "We also want a debate, because we have lots of diversity, terrible poverty, mobility and all of the things that you have laid out in Birmingham." I wonder why it's just so London-specific, and why you are not calling for areas of deprivation to be considered in the new funding formula.

Robert Neill: We have done it partly because there has been a particular debate about inner-city London, and because both the current Mayor and the Chair of London Councils, who have to come from different political parties, have raised this point specifically with the Minister, so it is topical in that regard. I do not say that there will not be a benefit for other regions with similar problems from having this ventilated as well, but that is why we have done it in that fashion.

Q32 Kevin Foster: My point is similar to Jess's; my constituency is one of the f40 ones, which you will know from your time in local government, Bob. What scope would there be for such things as discussing the recent Public Accounts Committee report that highlighted the bizarre funding differences around the pupil premium, due to the accounting formula where it works out that some deprived pupils could have something like a £3,000 difference in funding, depending purely on councils? Could that come into this debate, or would this bluntly be London authorities defending that position against the funding position across the rest of the country?

Robert Neill: Although London MPs would be initiating the debate, given that it would be a three-hour debate in the Chamber, it seems that there would be ample opportunity—or at least, adequate opportunity, to put it more accurately, because of the likely time limits—for Members from other areas to make the converse point. That is an argument for having a Chamber debate at three hours: to enable those two points of view, because a balancing act has to be done.

Q33 Chair: It is all to do with standard spending assessments, Bob.

Robert Neill: It is indeed. Those words are all too familiar to you and I, Mr Mearns—from our cradles, virtually.

Q34 Bob Blackman: You mentioned that the timing would be around the consultation end date. Do you want the debate before the consultation closes or as quickly as possible afterwards?

Robert Neill: In some ways—perhaps this shows my inexperience in this matter; I would welcome the view of the Committee—there might be the argument that it would be better to have it as soon as possible afterwards, so that the Minister can't say, "We are still waiting for the consultation; I don't want to prejudge it," but not so long after that they can say reasonably say, "Well, we have made our minds up" or that they effectively will have done so. As soon as possible afterwards seems to me to be the best pitch, subject to advice of this Committee, which is more experienced in that regard.

Q35 Chair: We have never seen a scenario where the consultation response has been produced 36 hours after the consultation closed, have we?

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Robert Neill: If we do it as soon as possible after it, it feeds in. That is the point. We want to get the best opportunity to feed in.

Chair: Thank you very much indeed for the application.

Moving swiftly on, Tom Brake, please.

Tom Brake: I am one of the lead Members on this, standing in for David Burrowes. We have a cross-party proposal for a topic, which is the rights and needs of unaccompanied children in the UK and how they are supported when they turn 18 years old. It is cross-party and has Conservative, Liberal Democrat, SNP, Labour and Green support. We have eight names down for a general debate either in Westminster Hall on a Thursday or a Tuesday—eight Members should be sufficient, I hope, for the Committee for a 90-minute debate.

The debate is topical because, first of all, we have the ongoing issue of whether the UK should or should not take unaccompanied children. Even in the last 12 months, we have seen a significant increase in the number of unaccompanied children who are already in the UK, so it is topical to look at how they should be supported. Furthermore, regulations will be coming out of the current Immigration Bill that will also touch on the subject of unaccompanied children, which means that a debate is doubly topical.

In brief, I hope that gives the Committee everything it needs to support this outstanding application.

Q36 Mr Nuttall: Which Department's Minister would you like to see?

Tom Brake: I think it needs to be the Home Office, although I hope that they have an understanding of Communities and Local Government matters as well.

Q37 Kevin Foster: Just to confirm, this is about having a general debate around the issue, rather than split into particular requests—although of course we can do that in the debate.

Tom Brake: Yes.

Q38 Bob Blackman: If you were offered 19 April—a Tuesday—would you be able to accept it?

Tom Brake: I am sure we could ensure a very good presence for that day.

Mr David Davis made representations.

Q39 Chair: Thank you very much indeed. That is enough.

David Davis, please.

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Mr Davis: Chair, my apologies for being improperly dressed on parade, but my feet have not touched the floor recently. I know Mr Hollobone will tell me off.

Q40 Chair: I am sure if you had asked us, we could have got you a tie somewhere.

Mr Davis: I will be as quick as I can. The aim of this debate is to have immediate effect. There was a big debate in the Chamber after a six-year delay on the Chilcot report last year, which pretty much unanimously called for immediate publication. He responded by saying, “April 18th”. The Prime Minister gave a promise—well, he wrote intimating that he would clear it in two weeks thereafter. Then this Friday just past, four newspapers reported the intention of the Prime Minister to defer this until after 24 June which, as you can imagine, caused uproar with the families who are looking for closure on this matter. So that is why we put the representation in rather late.

We already have 30 people who want to take part in the debate—I have had two on the way over—and, as I say, if it works it will have immediate effect because we would expect to get the Chilcot report published within two weeks of 18 April.

Q41 Kevin Foster: I notice that the request is ideally for six hours. Sometimes we get requests for six hours, with people saying there will be a lot of people there, then it is scheduled on the Thursday and we suddenly find that people are getting chances to lengthy orations. How much of an impact would it make if you ended up with three, given that we have, as had been touched on already, a stack of debate requests?

Mr Davis: My primary concern is to make a point that the Government will take on board. There is no doubt that three hours would make a point but, as I said, we started to put this together on Friday and I have 30 people already and I suspect there will be a lot more—last time it was overcrowded.

There are two balancing arguments really, one is: would it be unfair to the others? Remember that there are 179 families of dead people, many of whom will have constituency MPs who will want to speak. They are the driving force, although there are other arguments. And the other argument is that the full-day debate will have more impact but, frankly, if it is getting half a day before the 18th or not, I would go for half a day before the 18th. But, as I say, we already have 30 people and I suspect it will be double that by the time we get to it.

Q42 Mr Hollobone: If you had to choose—I am not saying this is the choice you would get—between a half day on the 14th and a full day on the 18th, which would you choose?

Mr Davis: The 18th is Monday.

Q43 Mr Hollobone: If the choice were before you—I am not saying it would be—between a half day on Thursday 14th or a full day on Monday 18th, which would you choose?

Mr Davis: I suspect the Thursday. The reason I say that is that we are saying to them, “We want you to security-clear quickly.” If they have been sensible, they will have started that process already. It is a 1 million-word report. The Saville report took two weeks; lord knows how many words that was, but it was a multi-decade report. If I was being fair to the Government, I would want to give them as much warning as possible—that would be my comment. Saying, “Right, you’ve got to do it in

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two weeks” on 18 April may be seen as a little unfair. Frankly, I am not sure of the answer to that, but my hunch is that Thursday is more important—as early as possible—because it is very important that the Prime Minister understands that this is something the House cares about and that he should therefore pay attention to it.

Chair: Thank you very much indeed, David. That concludes the formal business of the Backbench Business Committee.