

Backbench Business

Representations: Backbench Debates

Tuesday 6 December 2016

Ordered by the House of Commons to be published on 6 Dec 2016.

Watch the meeting

Members present: Ian Mearns (Chair); Bob Blackman; Kevin Foster; Gavin Newlands; Mr David Nuttall; Jess Phillips; William Wragg.

Questions 1-18

Witnesses

I: Mr David Nuttall

II: Greg Mulholland, Mr Laurence Robertson

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



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Mr David Nuttall made representations.

Q1 **Chair:** Good afternoon and welcome to the Backbench Business Committee. This afternoon we have two applications before us, beginning with Mr David Nuttall. The subject is Kashmir.

Mr Nuttall: May I start by declaring that I am the chairman of the all-party parliamentary group on Kashmir? I also have a couple of extra names to add to the list of Members who wish to take part in the debate. The Labour Member for Luton South, Gavin Shuker, and Philip Davies, the Member for Shipley, have both indicated that they would be happy to join the debate.

As I am sure all members of the Committee will be aware, Jammu Kashmir is an area of land that straddles a line of control between India and Pakistan and has been the subject of dispute between India and Pakistan since 1947, when partition took place. Having said that it took place in 1947, it goes without saying that there is a long and complex history to the whole issue, which time does not permit me to go into. Suffice it to say that over the years, the area has been subject from time to time to various outbreaks of violence and in recent months, there has been an escalation in that violence. That is the main reason why I, on behalf of all those who have indicated that they would like another debate on the issue, think that this is now the time for a debate.

I should add that hundreds of thousands of our constituents across the United Kingdom are of a Kashmiri-heritage background. There are many constituencies in the country that will have a substantial Kashmiri-heritage population. Although it may appear that this is a relatively minority interest area, it is actually of major concern to many of my constituents and those of Members on both sides of the House. I should add in passing that both Labour and the Conservative party now have Members of Parliament of Kashmiri backgrounds too.

The issue has not been debated in this present Parliament. It was debated in a Westminster Hall debate in the previous Parliament at a time when Westminster Hall was not in use as a debating Chamber—the debate was held on this Committee corridor, as I recall. That was the last time and it was some years ago. The only previous occasion when it was appropriate through the Backbench Business Committee for a debate on the issue to be held was in a more general debate on the human rights situation in that part of the world—I think it was described as human rights in south-east Asia. There was much concentration on Sri Lanka at the time, although Kashmir was certainly mentioned in that debate.

In terms of the detail of the application, I have supplied sufficient names to meet the criteria for a three-hour debate and I have tabled a substantive motion, which would only be able to be heard in the Chamber. Obviously, as a member of this Committee, I am conscious of the pressures on Chamber time and the fact that there are some applications

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that have been on the books for quite some time. Therefore, I am realistic and have explained to those who have indicated that they wish to take part that it may be some time before the Committee is able to allocate time for this debate. I would be happy to answer any questions that you or the Committee may have, Mr Mearns.

- Q2 **Chair:** Thank you for the application. I make one small point: you have Members who support your application who are shadow DFID, Treasury, Health and Justice Ministers, and I know that members of this Committee are sticklers about that.

Mr Nuttall: They may well be members of the shadow teams. I think we have said that they can't be lead Members. They are very keen, because of their constituency interest, to try to take part in this debate—speaking from the Back Benches.

Chair: That entirely and appropriately covers the point. Thank you for the clarification, Mr Nuttall.

- Q3 **Kevin Foster:** Two questions, Mr Nuttall. First, are any of the Members listed planning to speak against the motion, or from a different perspective? I ask not necessarily because I agree with that, but because we like to see a genuine debate, as you know.

Mr Nuttall: It is very nuanced. I don't think any of them will speak against the motion in principle, but anyone who has had any involvement with Kashmiri issues will appreciate that there are a number of different strands of opinion. I obviously have no way of knowing what may happen once this goes on the Order Paper, but it may be that amendments are tabled to deal with the question of the different United Nations Security Council resolutions and the different strands of opinion in the Kashmiri community. Individual Members may come under pressure to amend the motion from one side or the other, and it may be that there are others who may wish to speak against the whole motion in principle.

Certainly, my aim is to ensure that we try to deal with the question of the human rights situation—that's the No. 1 thing. There are essentially two issues: the long-term political situation, which has been ongoing for decades; and, because of the present escalation in violence, those with an interest in the Kashmir area recognise that that issue is having to be parked until something that more resembles normality—or what passes as normality—in that part of the world is able to be returned to.

- Q4 **Kevin Foster:** I have a brief second question—you certainly well answered my first. I notice those listed as wanting to take part in the debate. Sometimes the issue is that those who sign and say they want to take part don't follow through—that is sometimes flagged to the Committee. How many of them are actually likely to regularly take part in Backbench Business debates and will take part in this debate?

Mr Nuttall: All these people have expressed a wish to actually take part in a debate on Kashmir. As always, because we do not yet know when the debate will take place, if one is to be scheduled at all—with the caveat that there may be people who drop out at the last minute. Equally

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there may be others who are attracted to the debate once it appears on the Order Paper.

Q5 **Bob Blackman:** Can I just be clear: of these people who have put in to take part in the debate, how many are members of the APPG?

Mr Nuttall: I think they are all members of the APPG.

Q6 **Bob Blackman:** Exactly—they come from a particular viewpoint.

Mr Nuttall: Yes. They all have an interest in the Kashmir issue. Their particular interest is up to them. The purpose of the APPG is to raise awareness of the situation in Kashmir.

Q7 **Bob Blackman:** I do not want to get into the details of the debate, seeing as I am the last MP to have visited Srinagar before the situation came to its current head, but I think there is an important issue here—Kevin has highlighted it—which is that we need to get a balanced debate with both sides represented. My concern is that this could be a debate where we have people all with a very similar viewpoint, so we would not get a balanced debate with a counter-viewpoint, which would be helpful for a debate in general. I will be speaking in the debate eventually, when it gets put to the House, but the key is ensuring that there is a reasonable balance of viewpoints, rather than a series of speakers all saying the same sort of thing.

Mr Nuttall: Absolutely. I think that it is quite open to any Member of the House to table amendments to the motion, and to speak in the debate for or against the motion. I am able to demonstrate that there certainly are enough people to fill the debate. When one takes into account the fact that there may be others who have a completely different viewpoint, that will add to the flavour of the debate.

Chair: I thank you all. Thank you, Mr Nuttall. For the record, I state that Mr Nuttall is a member of this Committee, but he will not take part in the private consideration of whether the debate is merited and would go forward. Thank you for your application.

Greg Mulholland and Mr Laurence Robertson made representations.

Q8 **Chair:** Next up, we have Mr Greg Mulholland and Mr Laurence Robertson with an application on the statutory pubs code and the Pubs Code Adjudicator. Good afternoon and welcome.

Greg Mulholland: Thank you, Chair. First, I give a big thank you to the Backbench Business Committee for the support it has given to this wider issue over the past few years. It has enabled MPs to express their views on behalf of their constituent publicans and pub campaigners, but through that the Backbench Business Committee also played a role in enabling us to change the law and introduce the historic pubs code, which came into force this year, and the accompanying Pubs Code Adjudicator. Without the time given by the Committee to air some of those issues, we would not have got to the stage of legislation, which shows the power that Back-Bench time can have.

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I asked a business question on this very subject last week and got a disappointing answer—actually, I got a non-answer and a further attempt by the Government to brush the issue under the carpet. The Leader of the House gave a clear indication that there would be no Government time available to discuss the issue. That is why it is essential to come back to the Committee to ask for some time.

The debate would cover two related issues. The first is the pubs code. The legislation came in with the Small Business, Enterprise and Employment Act 2015, but it was the historic vote in the House that introduced the market rent-only option. It went through on a majority vote against the will of Government in November 2014, and then the pubs code was introduced this year following the consultation. It is getting on for six months into the operation of the pubs code, and it is being overseen by the Pubs Code Adjudicator. All the evidence that has been supplied to me and many hon. and right hon. Members is that the pubs code is currently being thwarted by the six large pub companies who are subject to its terms. Effectively, those pub companies are currently thwarting the will of Parliament, because they are denying tenants the right to trigger the market rent only option, which majorities in both Houses of Parliament voted for. We have not had the chance to express that and make it clear that it is utterly unacceptable.

The second issue is the Pubs Code Adjudicator. The choice of the Pubs Code Adjudicator by BIS, as it was at the time, was wholly inappropriate. They simply did not understand the conflicts of interest. Very simply, the holder of the role of Pubs Code Adjudicator has loans to his former company, Fleurets, which acts on behalf of the companies he is supposed to regulate. He is therefore dependent on having those loans paid back and on that company's success in attracting business from the companies he is supposed to be regulating. He still holds shares in that company. That is absolutely absurd and would not be allowed in any other similar situation—certainly not in any genuinely quasi-judicial role, which this is supposed to be.

The Business, Energy and Industrial Strategy Committee has done an excellent job over the years in scrutinising the actions of the large pub companies and their operation of the tie. It had an evidence session earlier this year and concluded that the Pubs Code Adjudicator, Mr Newby, could not command the confidence of tenants. It therefore wrote to the Secretary of State saying that the application process should be reopened. It took four months for the Secretary of State for Business, Enterprise and Industrial Strategy to respond to the Committee, and the response was simply, "We are not looking at it again." It took four months to say that. In the meantime the Secretary of State has been sent considerable evidence detailing the loans that Mr Newby and his wife have to Fleurets, which are dependent on pub company income, information about the shares he continues to hold, and information to show that Mr Newby misled the Select Committee about the nature of those shares.

Q9 **Chair:** This is an important issue and adds weight to the application, but that is a level of detail that should be brought out in the debate itself, should it go ahead.

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Greg Mulholland: That is all I needed to say. I felt that I had to provide you with the basic evidence, which has been entirely ignored by Ministers, who simply say, "No, we don't see any reason to look at that again." On behalf of members of the Select Committee and the Save the Pub group, we now wish to have a debate on a substantive motion to have a vote about whether to back the Select Committee's decision to reopen it. Many right hon. and hon. Members have made contact with either the Save the Pub group or the British Pub Confederation, and are hearing from their tenants who are getting nowhere and are being bullied and intimidated by their pubco. It is vitally important, if the pubs code is to succeed, that we have a debate in the next month or couple of months so we can put these issues on to the agenda and re-express the will of Parliament.

Mr Robertson: Very briefly, I am here to support Mr Mulholland. I want to declare a non-declarable interest: a close family member has a pub. The benefit of that is that I see at first hand some of the practices. That person has been told that they don't have a right to trigger the free market option, when in fact they do, and all sorts of completely irrelevant legislation has been put to them. There are other things as well, such as being forced to take out an insurance policy for a building they don't own at a very high rate—they can get a policy, which they don't need anyway, at a much lower rate—because the wording isn't absolutely identical. I could bore the Committee all afternoon with some of the things that are going on.

Certainly in their case, and I think in a lot of cases, the new legislation has not improved the situation. We need the debate to thrash out these issues and see which way we go. My constituency is not unique, and I can think of three pubs that have been knocked down—they are now building sites—and others are under threat. We have got to try to do something about it. That is why I am here supporting the call for the debate.

Q10 **William Wragg:** I do not want to question the merits of the topic of debate at all. I just wondered whether any of the Members supporting the debate or, indeed, wishing to speak had expressed a view or opinion contrary to any aspect of the draft substantive motion.

Greg Mulholland: No and it is certainly not our intention to do so. We are not coming here saying that we would like to have an excellent two-sided debate. We are here to re-express the will of Parliament and to challenge the Government, which is an equally important role of the House of Commons, as I am sure you would agree, William. That said, there are people who I am sure would seek to defend the Government's position and their handling of this, so I am sure that there would be a debate and I hope the Government would have the courage to take part in that. Whether they would or not, we would have to see.

Q11 **Bob Blackman:** Your main aim is to get your views on the record and to get a view from the House, and the people you have are really on one side of the argument. Given that, what if we were able to offer a shorter debate—90 minutes instead of three hours—that would allow you to debate the issue and get a Division, if that is what you wanted, and if we

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were able to offer that sooner, rather than you waiting in the queue? Would that be something that you were interested in?

Greg Mulholland: Thank you Bob. I think it would be very difficult to do this in the context of a 90-minute debate. It might result in not allowing time for the many hon. and right hon. Members who have said, “This doesn’t seem to be working. Is that what you’re finding?” I would be very cautious in accepting that—as kind an offer as it is. I think we could talk about the topic for longer than three hours, but in the context of the time you have, three hours would be more appropriate, considering the importance of the issue and the fact that, as Laurence said, this legislation is not working—not because of the legislation we passed, but because it has been deliberately misrepresented, in some cases ignored, and in some cases directly thwarted.

Chair: Thank you very much indeed for the application. That concludes the formal open business of the Committee. We will now go into private session.