

Backbench Business Committee

Representations: Backbench Business

Tuesday 7 March 2017

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Watch the meeting

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

Questions 1-21

Witnesses

[I](#): Neil Parish.

[II](#): Rt hon Caroline Flint and John Penrose.

[III](#): Kevin Foster and Graham Jones.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]

Neil Parish made representations.

Q1 **Chair:** Good afternoon. The House of Lords clock shows 2.30 pm, so welcome to the Backbench Business Committee. We have three presentations from Members this afternoon; the first, by Mr Neil Parish, is on animal welfare. Over to you, Neil.

Neil Parish: Thank you for inviting me and for letting me go first because I have a Select Committee sitting soon—it is most appreciated. I very much want an animal welfare debate. Do you want me to read the title out, Chair?

Q2 **Chair:** The title we have is “Animal Welfare”, but can you give us a short precis of the issues that you would like to discuss?

Neil Parish: We have done a report recently on animal welfare and particularly on breeding and selling dogs. We would like a ban on third-party sales because we want people to be able to go to where the dog is bred to see the puppy with the mother. In some ways, that would make sure that sales are self-policing, because people would start to the type of establishment it is. We reckon that nearly 1 million puppies a year are sold.

We are also very worried about animal cruelty and about the fact that there is currently a six-month maximum sentence for animal cruelty. If you plead guilty, you get an automatic 30% reduction, so even if you have strung a dog up and beat it to death, as some people have unfortunately, you get a maximum four-month sentence.

We want to bring all these things to the attention of the Government. As you can see, 15 Members have signed up; I can assure you that there would be no lack of support and speakers in the House, were you to grant the debate. We are asking for a three-hour debate to take place as soon as possible, naturally, but we are in your hands on the decision about whether we can have it and the timing.

Q3 **Bob Blackman:** How long ago did you publish the report?

Neil Parish: Oh, gosh—in November.

Q4 **Bob Blackman:** Has there been any reaction from the Government yet?

Neil Parish: Yes, some of it was not as good as I would have liked, certainly on sentencing and whether they want third-party sales, and they have not really come forward with any real ways of tightening up the regulation on the present breeding establishments. We think a debate would be a good way to scrutinise what the Government are not doing.

Q5 **Bob Blackman:** Is there any time sensitivity to your request?

Neil Parish: Not hugely, but because the report was done a little while ago, the sooner the better. In terms of getting people present to debate it in the Chamber, I think it will be very popular.



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Q6 Bob Blackman: Could you clarify what you mean by a ban on the third-party sale of dogs?

Neil Parish: Yes—that is when they are sold through a third party, so you would have to go to the kennels to see them bred. We came to this conclusion after what happened when we went to Wales. We only managed to get into one puppy farm, and although it was probably not the worst, the conditions were pretty awful. I feel that if people had to go and get these puppies and see what the establishment was like, they would first, see it with the mother and secondly, know what the establishment is like and if it was not good, they would report it. At the moment there is not enough inspection and I feel that there never will be. It may sound quite extreme to call for a ban on third-party sales, but puppy dealers and others were making the money and it was not going back to the breeders either, so all in all, animal welfare is not being helped through the breeding. There is a quite a lot to discuss, but I do not want to have the debate this afternoon; we can have that later.

Q7 Chair: I must admit I was unaware that there seems to be some sort of mechanism for puppy touting—people taking the puppies from where they are reared and then selling them on.

Neil Parish: What seems to happen in Wales is that a lot go to the midlands—into Birmingham or wherever—and they are then traded. The trouble is that you do not see them with the mother and you are not entirely sure that they are properly socialised. You also find that the breeding establishment in Wales gets paid £200 for the puppy and it will probably sell for £600 or £700 in Birmingham through the dealer. It is a welfare problem and also a financial problem, because the puppy breeder has not got enough money to breed those puppies in the way that they should—so it has a knock-on effect.

Q8 Jess Phillips: Obviously, you have got a divisible motion. Do you intend to call a vote or, if we cannot fit in this debate in Chamber time, would it be just as suited to be held in Westminster Hall?

Neil Parish: I would much prefer it to be in the House. We have not recently had one generated from the Select Committee in the House itself, so I would be keen to do so.

Q9 Jess Phillips: Do your other Select Committee colleagues support you in that?

Neil Parish: They do, very much so. Although there were differing views in the Committee, it very much supports the overall conclusion in our report. There is a really good reason to have it debated.

Q10 Jess Phillips: So would you say that all in the Select Committee would want to vote in favour of this motion?

Neil Parish: Yes.

Q11 Kevin Foster: You may be aware of the couple of Bills that recently attempted to change the sentencing for animal cruelty offences. Given



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that there have been debates before, certainly in Westminster Hall, how do you see this debate building on trying to persuade the Government to drop their objections, particularly to the idea of a five-year sentence?

Neil Parish: The Bills put forward have been very useful. I also think that Select Committee reports are useful and help to put pressure on the Government. I am a great believer in this place. It is like dripping upon stone: eventually, you wear it away. We have got to use every method known. I very much appreciate the work that you and others have done, and the work of the Select Committee, in holding the Government to account. When you bring a debate into the Chamber, the Ministers have to be there, and the press and publicity which follows that all helps. On sentencing in particular I think that there is a relatively easy win, if they want to go there. I cannot quite see why they will not; I do not know whether it is because of the simple argument that we have got too many people in prison already. It is the maximum sentence of six months that I challenge. If we could have a higher sentence, it would be up to the courts to decide whether to impose the maximum sentence or some reparable system of justice—whichever. But at the moment, to send out the message that you can absolutely beat a dog to death and the maximum you get, if you plead guilty, is four months, is the wrong message.

- Q12 **Gavin Newlands:** To follow Jess's point, I want to make sure you are aware that at the moment there are seven debates for the Chamber on our waiting list, plus your own application and another today—so that is nine, and we do not have much time available. In the end, if you want a debate, Westminster Hall might be a vehicle for that, although I accept the point that you made to Jess.

Neil Parish: I understand the pressures you have. I would like you to consider the request and give us a possible date for a debate in the Chamber. If we decided that that was too far away, we could look at it again, but I would like it thrown in the hat and looked at, to see when it will be.

- Q13 **Chair:** Just for your information, Neil, we have one day available at the moment, but that is subject to House of Lords ping-pong on another issue. That date would be the 16th. As far as we understand, we have four days left available in the Chamber between now and the Queen's Speech, so we are very limited on time.

Neil Parish: I do understand—and that will depend a little bit on their lordships, won't it. You may have more influence over that than I do; I would not be facetious enough to say that. If you could give it due consideration, naturally we will accept your verdict.

Caroline Flint and John Penrose made representations.

- Q14 **Chair:** Next we have John Penrose and Caroline Flint. Good afternoon. We have an application on energy prices, so over to you.

John Penrose: First, thank you for giving us a chance to put this in front of you. Caroline and I care quite a lot about energy, but we were delightfully surprised when, having sent out just one email between the

two us, we ended up with responses from more than 50 colleagues who also want to see this aired, who saw the text of the motion and said, “Yup, we want to see this debated.” We have not been going around the Lobby trying to sign people up with bits of paper or anything like that. It has been a very prompt and widespread reaction on an issue that probably affects every part of the UK—Scotland, Wales, everywhere. It also covers households right across the country. According to *Which?* and others, there are at least 16 million people who are being charged heavily on standard variable tariffs of one kind or another.

This is also a long-running issue, one that successive Governments have attempted to address. The CMA started looking at it back in 2014; they reported in 2016. Ofgem has been considering the CMA’s recommendations. There is a great deal of disquiet about some of the recommendations, about whether they are going to work and how long they are going to take. We are now 18 months further on and during that time, particularly since the CMA’s suggestions were published, there has not been huge opportunity to debate this properly in Parliament. There have been a couple of debates on smart meters but that is all.

We now have part of the consultation on the industrial strategy which, as you will know, is due to be completed by mid-April. That seems to be the opportunity to make sure that colleagues’ voices are heard, and heard properly. I suspect that this response from 50-plus Members on a light-touch request expresses not just broad-based support, but also a degree of frustration among colleagues across the House. These are not just Labour and Conservative colleagues: there is SNP representation too.

Therefore, we would like to make sure that the opportunity is grasped before the moment slips away. The consultation finishes in mid-April. Obviously, with recess on the horizon, we have limited opportunity before the due date—we do not want to let that go past.

Caroline Flint: I am delighted to be before your Committee, Mr Mearns. It is the first occasion that I have been here, and possibly not the last.

I know from my experience shadowing this brief for five years that there is interest across the House about how fairly the big six energy companies treat their customers. I get no satisfaction from the fact that what I was saying when I was shadow Minister has been confirmed by the Competition Markets Authority, because it was the last coalition Government who referred this matter to the CMA. What they found was that two thirds of customers on the standard variable tariff had been paying over the odds. That is equivalent to something like £8 billion since 2012.

The urgency on this results, as John outlined, from the Government’s industrial strategy consultation paper, part of which looks at the energy market and the way it works. However, the urgency also comes from what we have seen in recent weeks—and even just today—with the big six putting up their prices way beyond what Ofgem thinks is fair. Only a few weeks ago I asked the Prime Minister a question on exactly this because



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npower was putting up its prices in a way that even its former chief executive said was disgusting. So this is very topical. It is about a fair energy market and the way it works, but the truth is that no amount of suggesting people switch, in and of itself, is really protecting this sticky customer base.

The Government and Ofgem have recognised that those on prepayment meters should be protected in some better way beyond switching. If that is good enough for people on prepayment meters, what about those other people—often people who are not computer savvy—stuck on these standard variable tariffs?

Because of the depth and numbers of Member support, the cross-party nature of the issue, the recent price rises beyond what even the regulator says is acceptable, and because it affects so many of our constituents across the UK, we think this is an opportune time to have a debate in the Chamber.

Chair: Thank you very much. Questions, please, Bob.

Q15 **Bob Blackman:** Just a suggestion, really. I understand that you are concerned about the close of the consultation. You will have heard that we have very limited time available for debates in the Chamber; the only time we potentially have to allocate is Westminster Hall time. I recognise the urgency of the debate and the level of interest, but if we were minded as a Committee to allocate you an early Westminster Hall slot, you could get the view of the Government, and then reapply for a Chamber slot, which might, because of the time we have available, be after the consultation closes. In that way you could get a view from the Government while the consultation is going on, and then put an alternative view once the consultation has closed. Our concern, which we will share in a few minutes, is when we can shoehorn time for such a debate into the time available.

John Penrose: I guess with support from over 50 colleagues, and a couple more have signed up this morning, it feels a bit big for Westminster Hall. Obviously, much will depend on how the Government were to respond to any debate that we had, but the whole point of having a debatable motion is that if enough of us are not comfortable with the response when we get it, we can push a Division at that point as well. Those will be our two strongest points. Do you want to add anything to that, Caroline?

Caroline Flint: I understand exactly what you are saying, Mr Blackman. On the issue of time—I know we have put in for six hours, which is entirely up to you—with three hours in the main Chamber we would seek to make sure that our speakers were limited and enforce our own Speaker's ruling on that, as it were.

For some time now, and not just since the last general election, the Government have looked at this issue. It has been a rising problem and they have always said they would go away and look at it. In fact, that is what was said to me a few weeks ago when the Prime Minister answered



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my question. I also raised it with the Chancellor at the autumn statement last year. Given all that, I think the status and importance of having the debate on such an important issue—which is not a one-off—in the main Chamber would be appreciated by us, but it is entirely up to the Committee, obviously.

- Q16 **Bob Blackman:** Hang on, let me be clear. It is your application. Our job is to facilitate debate. All I am looking at is a potential way whereby you can get an early debate in Westminster Hall. That does not preclude you from having a debate later in the Chamber if and when time is allocated to this Committee to allow that. Right now, we do not have any guaranteed time in the Chamber to allocate.

John Penrose: I am with you. I appreciate entirely the sentiment with which you are asking the question. I guess it would clearly be very much second best, given the number of people who signed up so quickly to this and the breadth and the importance of it and, indeed, the topicality. Caroline has already mentioned that today, perhaps while the Committee has been sitting, E.ON has just announced that it is putting up its prices by 8.8%. Considering inflation is under 2%, that is eye-watering. This debate is genuinely topical at the moment.

- Q17 **Chair:** Caroline, is the standard variable tariff also known as the default tariff?

Caroline Flint: Yes, it is. Basically, it is people who do not move and who can therefore be rolled over to contracts that are worse off year by year. Basically, yes, that is what the standard variable tariff is. It is a standard tariff, but the variable bit is that the company can move you on to something that is even worse than you already have.

John Penrose: Most people are on it. If you have not switched, you are on it. It almost certainly means that you are being charged a lot more than if you did switch. Most of us are on that and the gap between the default tariff, as Caroline described it, and the switching tariffs is getting wider and wider, so the rip off is getting worse.

Caroline Flint: About two thirds of bill-payers are on the standard variable.

Chair: Thank you.

Kevin Foster and Graham Jones made representations.

- Q18 **Chair:** Last up, we have our very own Kevin Foster, who is a member of the Committee, and Graham Jones. For clarification for the millions watching from outside, as a member of the Committee Kevin is in attendance and will be in the room while the deliberations take place on whether to accept his application, but he will not take part in those deliberations.

Kevin Foster: Thank you, Mr Chairman. I am delighted to be joined by Graham Jones, which is a sign of the cross-party support for this debate.



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The application starts from the fact that I have two car parks in my constituency that are managed by one company. It is safe to say that I get about 10 times the number of complaints about each of those car parks as I do for the entirety of Torbay Council's 39 other car parks and on-street parking. Some of the tactics used leave a lot to be desired and it is safe to say that there are many people who feel that they are almost bullied into paying or get very frightened when official-looking letters turn up with their registration details and photographs of their vehicles.

Having had those complaints in my own constituency, I started to speak with colleagues and discovered that quite a lot of people have had similar issues, so I wanted to look at having a debate. I feel it is appropriate for Westminster Hall at this stage. If we all have similar problems—I suspect that some members of the Committee may also have had experience of this issue—a debate would give Members a chance to speak about what the solutions might be and to test out the Government's thoughts by getting a Minister to reply. A Back-Bench debate, rather than the usual Speaker's selection, would show that there is a wider level of support on this issue than if it were just me having a moan about the circumstance in my own constituency and then asking a Minister to reply.

When we tested the water on who would wish to sign up and take part in the debate, we instantly got quite a number of reactions, to the point that we could request a Westminster Hall debate. I could probably have got more people signed up—if I was looking for a Chamber debate, I would have done—but I felt that once we got to the level where we had enough for a Westminster Hall debate, we should submit the application. I hope that the Committee will wish to support that and see what we get out of it. Depending on reaction from the Government, and perhaps ideas coming forward, it may then be appropriate to look at a Chamber debate later in the year with a divisible motion containing some real proposals.

My own concern—and where I think the problem comes from—is the fact that these companies operate by accessing information from the DVLA. That is the key part of the issue and where the Government come in. There has rightly been action to ban private wheel-clamping, but the way this system operates is that the companies can approach the DVLA for information. The criteria are not robust enough on how the companies operate, how the appeals work and on dealing with sharp practice.

I must make it clear that there are private companies that operate in Torbay and other places about which there are very few complaints. They operate in a reasonable way, enforcing rules where people try to break them.

A debate would give Members the chance under privilege to express perhaps more forcefully their views about companies that seem to have a business practice based on fining people, rather than running a car park.

Graham Jones: As Kevin said, it is simply the Wild West—I am sure every MP will recognise that. We have an unregulated system in which cowboy private parking firms can act almost with impunity. At the



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sharpest end, we have seen some very poor practices and some very vulnerable people being picked on, for some quite expensive tickets, which start off at face value but double in a very short period of time, depending on the sharp practice. There is no appeals process.

In my own case, I have two companies. More recently, similar to Kevin, I have had numerous complaints about people putting the wrong digits into the button machine and suddenly finding that they are facing a fine. It is outrageous. These are old people or people who are bending down to the machines. It again highlights the unregulated nature of this whole industry and the fact that companies are willing to operate in such a sharp manner. In my case, the appeals were lost because people had clearly entered the wrong digits for their licence plate into the machine. When you are dealing with someone aged 85 who has some sight problems, who entered it into the machine or had some difficulty entering it into the machine or made a mistake, there needs to be some allowance for that. There isn't any in the practice that is going on.

Prior to that, I had companies that were simply issuing tickets like confetti. I ran a large campaign in the constituency against those sharp practices. The companies were using automatic number plate recognition—ANPR—systems. When I approached the retailers on the site to say, "You do know that this is happening in the car park," they did weigh in because they were receiving a high volume of complaints from customers. A lot of those complaints were upheld and when the corporates on the retail park got involved, the car parking firm was ultimately sacked. The contract was withdrawn because of the level of sharp practice.

It makes me laugh because the people who did not pay—who refused to pay—got away with it. I got the National Motorists Action Group to take action under the Disability Discrimination Act 1995 against a company that had forced a disabled person to pay. The company lost that case in court and I was jumping up and down saying, "Thank you very much," to NMAG for doing that. That shows the level of contempt companies have for some of their customers and the fact that it is just a profit-oriented Wild West.

The people who did not pay ultimately got away with it because the companies were not even members of either of the private appeals services, which are unregulated in themselves, and they refused to give refunds to those who had supposedly done the right thing and paid. People paid because the notices look very official and formal, as though they are part of a statutory regulated framework. People feel compelled to pay them. These are a lot of vulnerable people.

There is a huge void in the legislation controlling these companies. Customers, consumers and retailers are affected, but vulnerable people are being picked on by these companies who think they have a licence to print money once they get a contract for a private car park.

Q19 **Bob Blackman:** This may sound bizarre, but which Department do you see answering this?



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Kevin Foster: I think there are two Departments that could possibly answer.

Bob Blackman: Exactly.

Kevin Foster: One would be the Department for Communities and Local Government, on the basis that they issue guidance on how council car parks should operate. Ultimately, private car park enforcement would be under the Department for Transport, with the DVLA. That is the key link for me.

If someone cannot be bothered to pay for a space in a private car park, I accept that there needs to be enforcement. I have particularly found the issue of those who make tickets look very similar to official ones but after you have left camera enforcement, which is all done via letters coming through the post, following DVLA details.

If we want to crack down on these companies, the way to do it is to have a more binding code of practice so that, like local government, if they do not comply with the code, they are not able to access DVLA's records. With no ability to wheel-clamp and no access to DVLA, control of the companies would be stronger.

Q20 **Bob Blackman:** So if you were offered Tuesday 21st, could you take that?

Kevin Foster: I think we would be very grateful to be able to get this on so promptly.

Chair: Jess?

Q21 **Jess Phillips:** No, no. That's all. They're buggers.

Kevin Foster: Well, Chair, I was concerned that only three out of 30 on my list of speakers were female, so I hope we have just gained a fourth.

Jess Phillips: I will come along.

Chair: Right. Thank you very much indeed. That concludes the formal business of the Committee this afternoon.