

Backbench Business Committee

Representations: Backbench Debates

Tuesday 4 June 2019

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Watch the meeting

Members present: Ian Mearns (Chair); Bob Blackman; Patricia Gibson; Nigel Mills; Mr William Wragg.

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Representations made

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[II](#): Norman Lamb.

[III](#): Peter Kyle, Antoinette Sandbach, Lilian Greenwood and Mark Pawsey.

Nick Boles and **Norman Lamb** made representations.

Q1 **Chair:** Welcome to the Backbench Business Committee. We hope you are all suitably rested following the Whitsun recess, with nothing interesting happening whatsoever. We have three applications in front of us this afternoon. The first is from Mr Nick Boles. The subject of the application is assisted dying.

Nick Boles: Thank you very much, Mr Chairman. The subject of assisted dying is, as the Leader of the House said recently when she was asked if the Government would make time for a debate, a classic issue of conscience that would be something for Parliament to decide, and is therefore not a subject that is ever likely to come up as part of a Government debate or an Opposition motion. In a sense, it will only ever be debated if Back Benchers and the Backbench Business Committee make an opportunity for it.

It was last debated in the Commons in 2015, when Rob Marris moved his private Member's Bill. Since then, and particularly in recent months, there have been quite a number of significant developments.

First, and as a background, the level of public support for some kind of very focused, very limited assisted dying legal change keeps on rising and is now up to mid-80%. Amazingly, that goes across all sorts of parties and age groups, including people who say they have an active religious faith—again, you get very, very high majorities in favour of it. It is one of those issues where Parliament seems to be lagging behind public opinion.

Medical opinion has also been shifting quite dramatically. In recent times, two of the most important Royal Colleges have shifted from being formally opposed to assisted dying reform to being formally neutral—that is the Royal College of Nursing and the Royal College of Physicians. We anticipate that the Royal College of General Practitioners and the British Medical Association will be reviewing their positions shortly.

There have also been some very high-profile legal cases and legal opinion. There was the legal position of the Whaley family. Ann Whaley, whose husband Geoff took his own life with the assistance of the Dignitas clinic—they did not want to go to Dignitas but were forced to because they were not able to make the same arrangements here—was interviewed under caution by police as part of that process, when all she was trying to do was help the man she loved be in control of his final moments.

We have had this extraordinary statement by Lord Sumption in "The Reith Lectures", as recently as 21 May, in which he basically said that the law shouldn't be changed, but that people should continue to break it if their conscience prompted them to do so. That is an extraordinary statement by a very senior jurist and one that reveals how entirely out of sync with not just current opinion, but current moral sentiments the law in the UK is. That is why Canada has changed the law, various states in Australia have changed the law and various states in the United States of America have



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changed the law—to make some provision for people with terminal illness to be able to bring their lives to a close at a time and in a manner of their choosing.

We have a great deal of cross-party support for this on the Back Benches, but also, significantly, on the Front Bench. The Lord Chancellor and the Secretary of State for Justice recently said, following the case of Ann and Geoff Whaley, that he believes that some change in the law is justified. On that basis, I hope that you will find it a worthwhile subject for Parliament, which, as far as I can tell, has not much to do, to grapple with one of the most fundamental issues of our time.

Norman Lamb: Very briefly, I strongly support everything that Nick has said, but I will make just two points. First, as Nick said, it has been four years or thereabouts since we debated assisted dying. Although I totally understand that opinions on this issue are sharply divided in Parliament and I totally respect the other point of view, it is surely an issue that our Parliament ought to be discussing, and it is a long time since it was last discussed.

The other point is, in a sense, related to Nick's point about Lord Sumption's contribution. We put families into an extraordinarily invidious position, because it remains a criminal act to assist someone, yet the Crown Prosecution Service provides guidance that errs on the side of not prosecuting unless there are particular circumstances that suggest greed or some other ulterior motive. Inevitably, in every case where there has been an assisted suicide, the home immediately becomes a crime scene, the police have to investigate to reach their judgment, and families go through months of emotional turmoil as they wait to know whether they will be prosecuted for murder. It is very hard to justify putting loved ones through that turmoil. The case for some clarity on the law is long overdue.

Q2 **Mr Wragg:** I do not have the full list of names in front of me, but I wonder if your list of names to speak in the debate reflects the variety of opinions on the issue, or are those who have put their names to the debate in favour of a change in the law?

Nick Boles: I believe that the names that we have listed are all in favour of a change in the law, but I imagine that there will be a great deal of interest from those who oppose it.

Norman Lamb: You can double the number, at least.

Nick Boles: They are not slow to come forward with their views.

Q3 **Bob Blackman:** Is there any time sensitivity for holding the debate? Are there any anniversaries or anything happening?

Nick Boles: Not really. I guess that we had thought that it would be good to get it in before the summer recess, but if you were pressed for slots and other things were time sensitive, early in the autumn would also be fine. What is important is that the debate has as much as time as possible and that as many people as possible participate.



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Q4 **Bob Blackman:** The other issue is that you have called for a general debate to air the issues, which I understand, but as you obviously recognise, there would need to be a change in the law. Have you considered putting forward a votable motion calling on the Government to make time available for such a debate and for a change to the law?

Nick Boles: That is a very good question, and one that we constantly review—"When is the best time to come forward with a specific proposal again?" Obviously, the Marris Bill was a specific proposal. There is a range of views on the kind of change in the law that would be appropriate, and some would prefer to take a more radical step than what Lord Falconer and Rob Marris proposed, as some other countries have done. I—and, I believe, Norman—would favour a more narrow and constrained change of the kind that Lord Falconer proposed. We felt that at this point, the right thing would be to have a general debate in which all views could be expressed and then, hopefully before the next general election, we would hope to find a vehicle—probably a private Member's Bill starting in either House—for a more specific proposal.

Chair: I appreciate your confidence that there will be a summer recess. Thank you very much for the application, which we will consider in due course.

Norman Lamb made representations.

Q5 **Chair:** Next up we have Mr Norman Lamb. Norman, your application this afternoon is on the subject of whistleblowing.

Norman Lamb: Yes, and thank you for putting up with me twice in a row. On this application there is a proposed motion, calling for a fundamental review of whistleblowing legislation. To briefly summarise the case, this country was a pioneer in whistleblowing legislation back in, I think, 1998. Since then, there have been very significant legislative developments internationally, and we have now got to the point where we lag significantly behind other countries in the development of whistleblowing legislation. I would highlight two particular areas where it is deficient.

First, the legislation in this country excludes a number of groups that often need protection, for example, job applicants, foster carers—there is an all-party parliamentary group on foster care work in this House. Foster carers have no protection and can often be placed in a really difficult position, for example, if they have concerns about the behaviour of a social worker in the local authority that sends them children. If they raise those concerns in any way, the local authority could turn off the tap of children it sends to the foster carer, thereby ending their ability to earn a living.

That has a chilling effect on the ability of foster carers to speak out about areas of concern, which might relate to child protection, so this is really important. The excluded groups also include priests, as another example of office holders, and non-executive directors of companies, who again have no protection.



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The other area in which the legislation needs reform is that it provides a remedy after the event. You can pursue your claim if you have suffered the detriment of being dismissed, suffering a demotion or whatever it might be, but there is nothing in the law to set high standards in the first place, to prevent the need for whistleblowing or to enable people to speak out openly within their companies. There needs to be a shift in the law to provide much more proactive support for people in the workplace.

Then there are other issues, such as gagging clauses that are often used in termination agreements. What is the legal position then for someone who has signed up to a termination agreement that prevents them from speaking out, when it might be about something that involves illegality? There is a clear need for greater protection for people who want to speak out in the public interest.

I have three particular areas that I have pursued with Government: first, foster carers, because I think they are badly in need of protection; secondly, people working in the NHS, who often feel unable to speak out and suffer awful consequences when they do; and thirdly, I had a constituent who was a whistleblower in the banking industry, working previously for RBS, who tried to blow the whistle on egregious behaviour in the run-up to 2008 and the banking crash, but whose career and health have been destroyed since, and who has had no real support from the regulator, the Financial Conduct Authority.

I think there will be Members from across the House—as has been demonstrated by the people who have supported this application—who have interests in all those areas and others, who would want to contribute to the debate.

Chair: Thank you. I should declare an interest, because I helped to establish and chair the all-party parliamentary group on foster care work.

Norman Lamb: As I said it, I realised that.

Q6 **Bob Blackman:** I have a question relating to the previous application, which you might want to take back to Nick, since he has left. Because it is a general debate request, would you accept a Westminster Hall slot? That would guarantee you three hours of proper debate as a general debate, and then the potential would be available to come back for a motion on a future Back-Bench day in the Chamber—just for consideration.

Norman Lamb: I will make sure that is reported back to Nick. My instinct would be to say that the preference is for the main Chamber, but I think it would be better to have it in Westminster Hall than not to have it.

Q7 **Bob Blackman:** The other consideration is that you have three hours guaranteed in Westminster Hall. This evening we have had to withdraw a debate in the main Chamber on the basis that time is squeezed.

Norman Lamb: Having experienced that myself, I understand.

Q8 **Bob Blackman:** Is there any time sensitivity around this request?



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Norman Lamb: No, I do not think there is. I think the need for reform is long standing.

Q9 **Bob Blackman:** Are there no pending cases or anything that is going on against whistleblowers?

Norman Lamb: None that I am particularly aware of. There are always cases pending, particularly in the NHS, but I do not think there is anything particularly significant that means it has to be before the summer recess or in the autumn.

Chair: Thank you very much Norman.

Peter Kyle, Antoinette Sandbach, Lilian Greenwood and Mark Pawsey made representations.

Q10 **Chair:** Good afternoon everyone. The subject of the application is ending the sale of new petrol and diesel cars and vans, for a substantive motion debate in the Chamber. Over to you, Peter.

Peter Kyle: Thank you, Chair. This application comes via the report of the BEIS Committee, which three of the Members here sit on. You can see that it has full cross-party support. I went into the inquiry as an enthusiast but have come out of it evangelical about the role that the electrification of our vehicles will have, not just for our streets and our community but right the way down to public policy and the effect it will have on very small neighbourhoods. That is why I have become very involved in this issue.

From my perspective, in one or two sentences, I want to stress is how broad the policy implications are for the electrification of vehicles. This is not just an issue that will have an impact on the manufacturing sector and how we manufacture cars in future; this issue affects almost all our national infrastructure. It will have an impact on the way we produce the electricity and the amount of electricity that we have to produce as a country. It will have quite profound implications for transport policy and for regulation.

The thing that nobody really thinks about is the implications for devolution, because Government policy on electrical vehicles is to a large degree devolved. All local authorities are responsible for the charging infrastructure, but a quarter of all local authorities have not built a single charging point in the last 12 months. You can see that there will be a postcode lottery going forward, and that central Government to a large degree has devolved policy implications for it.

Secondly and very importantly, we have a situation where the demand for electric vehicles will outstrip the ambition of our own Government in terms of targets. The ambition that manufacturers have to produce electric vehicles is also outstripping our Government's targets and policy. If you look at all those areas, there will be a lot of interest geographically and in terms of policy interests and party interests and the response of Government as well, which will make this debate very important and quite heavily subscribed. On that note, I turn to Antoinette.



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Antoinette Sandbach: I support everything that Peter said about the infrastructure implications. It is clear that the Government will need to make some serious policy decisions in order to lay the groundwork for the kind of infrastructure changes that will be needed. In terms of devolution, we have seen already that there is a different date in Scotland from England for bringing forward electrification of vehicles. I therefore think that this matter needs to be addressed, not least because, if we are going to try to achieve net zero, in terms of climate change, we will need to take those decisions soon. Demonstrating cross-party support is really important, to give that kind of policy stability and certainty going forward.

I absolutely support this on a number of levels, including air quality, climate change, infrastructure requirements and devolution. It hits a number of boxes, and I think a considerable number of MPs will be interested, not least those who have diesel manufacturing in their constituencies. There needs to be some honesty around the debate we are having in Parliament at the moment.

Mark Pawsey: I am a west midlands MP, which is the traditional home of the motor industry, and I am very interested in the opportunities from the move to electric vehicles for UK manufacturers to take advantage of. We are part of the Faraday challenge in the west midlands, as part of the Warwick Manufacturing Group. We are behind right now on battery technology and we need to advance that, and a clear date for a move towards electric vehicles would assist with that.

I also have a constituency interest in power generation and the way we bridge the gap in the certain instances in which we do not have sufficient infrastructure. I am also very interested in the use of electric vehicles as a resource to store electricity—in some instances, if you are not going to use the car the following day, you can put the power back into the grid—and the use of smart technology. There are a whole host of opportunities that accelerating the move forward can provide us with.

Chair: From west midlands to east midlands—Lilian.

Lilian Greenwood: Thank you, Chair. You will be aware that the Transport Committee was part of the Joint Committee that published a report on improving air quality in March 2018. That report made specific recommendations about the transition to ultra low emission vehicles. We debated the wider report in June last year, but it was very wide ranging, covering the whole issue of air quality. I think it would be really helpful to focus on the part that cleaner vehicles can play, not least because the Government's "Road to Zero" strategy was published in July last year, after we had that debate. A year on, it would be timely to consider progress.

A debate would not only provide an opportunity to scrutinise the Government's target of ending the sale of diesel and petrol vehicles by 2040, as colleagues have said. It would also be particularly timely now in the light of the Committee on Climate Change's recent "Net Zero" report, which specifically advises that the target is insufficiently ambitious and



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calls for it to be brought forward to 2030 or 2035. A debate would enable people to really scrutinise the steps the Government have set out to meet the existing target and how plausible it would be to bring those forward, whether they are on incentives, changes to vehicle excise duty, Government fleet procurement, public education, research, infrastructure investment or the role of local authorities.

Particularly thinking from a transport perspective, there are opportunities to talk about how suitable the new low emission vehicles are and how they compare to the existing fleet. We could also pick up issues around freight, some of the difficulties around mass transit—particularly buses—how we deal with the cost implications for individual consumers and how new models of ownership might play into that, some of the wider implications for driver and mechanic training and how we meet those needs, and vehicle standards. There are many different aspects to this that would benefit from wider debate and scrutiny.

- Q11 **Bob Blackman:** One quick question: you ask in the motion for the date to come forward, but the Government could say that they will make it 2039, which does not really answer it, does it? Do you not have a—

Peter Kyle: Yes, we have. The Select Committee report asks for the date to move forward to 2032, which matches the Scottish target and harmonises it across the UK.

- Q12 **Bob Blackman:** Why not put that in the motion?

Peter Kyle: I am sure we could put it in the motion. We are certainly open to that.

Bob Blackman: It is your motion, not mine.

- Q13 **Chair:** The application is in but the motion is your property, so if you want to amend it you are entirely free to do so, if you feel that would be useful.

Peter Kyle: That is good advice. Thank you.

- Q14 **Chair:** Are the utility companies not interested in putting in charging points for electric vehicles?

Antoinette Sandbach: I attended the *Spectator* energy debate today, and certainly National Grid—it is sponsored by National Grid—has a real interest in it, but it also has implications around planning. For example, on new build housing we may need to change planning regulation to include, automatically, charging points—building, effectively, for the society we are going to become, because we know that decarbonisation of transport will have to happen. So they are looking at it, but in all these matters there are very complicated sets of permissions, and therefore setting a clear policy direction from the Government is absolutely critical, and if we can demonstrate that there is likely to be some continuity, no matter who is in government over the next 10 years, in terms of how this is approached and the kind of support that there is across the country for this kind of investment, I think that is really important.



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Peter Kyle: Sixty per cent. of all charging happens at home, but the key thing is the 40% that doesn't happen at home needs to give reassurance to people who own cars that they can always charge whenever they need to, and that means public infrastructure on motorways and so forth—but also on-street parking. If you live in an area like the community that I represent, in Hove, half of which is very high-density housing, you have got to get on-street parking right. Parts of London have trialled street lights being converted to charging stations as well, but all these things need investment, and they also need reward, and some of the utility companies would benefit from the supply of electricity but the hardware installation and the planning application and some of the fees that might be paid to local authorities might make it difficult. That is why we are going to need this to be ironed out and Government to take responsibility for getting the regulation right.

Antoinette Sandbach: In Norway we saw parking garages—multi-storey car parks—where residents were charging overnight. They had to move their cars in the morning so that business users could then go into the multi-storey car parks, but if you are looking at that kind of model, the implications for planning are very interesting. I think it is something that Government needs to be looking at and thinking about now.

Q15 **Chair:** That raises another question in my mind, because there are quite clearly implications for a number of different Government Departments. Which Department would you want to be answering the debate?

Peter Kyle: BEIS would be the lead Department but BEIS has a duty to co-ordinate across Government, and, again, it is a really good question whether BEIS has the authority or the sway among other Departments to do so, because it is Transport, it is CLG—a lot of investment is needed from the Treasury. It really does cut across everything, but BEIS would be the lead Department.

Q16 **Chair:** And there is no time sensitivity?

Peter Kyle: Before 2032 would be nice.

Q17 **Chair:** I am pretty sure that is a possibility—before 2032; but if we could get it in advance of the summer recess?

Peter Kyle: That would be great.

Q18 **Chair:** Thank you very much. We don't know: normally our slots are on Thursdays, but as we have seen this week, we have got slots—well, we had a slot tonight but we had to withdraw that because of other business being brought forward; but we have got a slot tomorrow and two slots on Thursday. If slots were to become available at relatively short notice—say two or three days' notice on a day other than Thursday—would you be able to take it?

Peter Kyle: We would love it.

Chair: Okay, thank you very much indeed. That concludes our public deliberations for this afternoon.