Revitalising the Chamber: the role of the back bench Member

First Report of Session 2006–07

Report, together with formal minutes, oral and written evidence

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The Select Committee on Modernisation of the House of Commons

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Committee staff
The current staff of the Committee are Helen Irwin and Gordon Clarke (Clerks), Susan Morrison (Committee Assistant) and Jane Cooper (Secretary).

Contacts
All correspondence should be addressed to the Clerk, Select Committee on Modernisation of the House of Commons, Journal Office, House of Commons, London, SW1A 0AA. The telephone number for general enquiries is 020 7219 3318; the Committee’s email address is modcom@parliament.uk
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Summary

Parliament makes the law, determines the government, holds the executive to account and is the national forum for political debate and decision. It depends on the efforts of all of its Members to discharge its functions. This report makes recommendations to improve the process by which Members learn and develop their careers. It also seeks to build on past reforms by improving the topicality of the Chamber, the engagement of Members and the use of non-legislative time.

The House Authorities and the political parties need to work together to ensure that new Members receive the best possible welcome when they join the House. We believe that extending the period between the election and the first meeting of a Parliament should help to address some of the difficulties new Members face and give them the time to take part in a more co-ordinated induction programme. We recommend that the political parties review their mentoring arrangements and work with the House authorities to address Members’ continuing development needs.

There is no neat job description for a Member of Parliament. The job comprises a number of different but interconnected roles; sometimes mutually reinforcing and sometimes conflicting. Balancing the roles can be difficult and we make recommendations to ensure the Chamber is more topical and relevant to the interests of Members and their constituents. We tackle some of the barriers to participation and propose greater incentives for Members to engage in the work of the House.

If implemented our recommendations would mean:

- extending the period between a General Election and the date of the first sitting of the House;
- allocating part of most question times to topical questions;
- extra debates on topical matters on a weekly basis;
- shorter debates on most general issues and some legislation;
- a weekly half-hour slot for debating Select Committee Reports in Westminster Hall;
- more comprehensible motions including consideration of more debates on substantive motions;
- shorter speeches, including from front benchers;
- greater flexibility on time limits on speeches in debates to allow more Members to take part; and
- the reintroduction, on a trial basis, of Private Members’ Motions, in Westminster Hall.
Preface

In November 2006, the Committee launched two inquiries: one on strengthening the role of the backbencher, the other on making better use of non-legislative time. We have always seen these issues as closely connected and took evidence on them concurrently. Having assessed the evidence we received it seems sensible to produce a single Report dealing with both issues.

In the course of the inquiry we held a number of informal meetings with officials and the whips. We took evidence in public from members of the media, academics, Members, the Chairman of Ways and Means and the Clerk of the House. We received twenty-nine written memoranda. We are grateful to all those who contributed to our inquiry and who helped to inform our deliberations. We are also grateful to the Speaker for agreeing to meet us and for sharing his insights.
1 Introduction

1. Parliament is at the heart of our system of governance. It is sovereign. It determines the law and holds the executive to account. Its legitimacy in the eyes of British citizens, and its natural authority depends on the representative, democratic chamber of the Commons and its exclusive role in the raising of taxation and the granting of ‘supply’—the public’s money—to the executive. Party balance in the House determines which party forms a government and it cannot govern without the consent and continued confidence of the House. Members of the House do not pass laws or hold the government to account in a vacuum; they do so in ways that they judge best meet the interests of their constituents, particular groups, and the nation as a whole. The effectiveness of the House as a whole in fulfilling its purpose depends on the efforts of individual Members.

2. The House’s practices and procedures continue to evolve in response to social and political change. Fifty years ago the pressures on Members of Parliament were less and they has less secretarial and personal research support. Today they enjoy much better administrative help. It is unsurprising then that the role of a Member has evolved and changed over time. The basic elements of the job remain the same but the balance between them has altered. Some of the academic evidence suggests that Members today are more active and independently minded than their part-time predecessors. They welcome the challenge presented by a more assertive, less deferential public. At the same time it can be argued that the during the same period executive control has over the business of the House has increased and the number of opportunities for Members to act on their own initiative, independent of their party, has declined. In parallel there has been a change in the media’s approach to its coverage of politics and the work of the House in particular.

3. Critics of the modern House of Commons sometimes hark back to a lost “Golden Age” when governments were held tightly in check by committed and independent-minded Members far more able and energetic than those who sit on the green benches today. They are wrong. As Michael Ryle, a former Commons clerk, recently argued, ‘simple factual comparison with the 1950s and early 1960s shows that Parliament—particularly the House of Commons—plays a more active, independent and influential role in Britain today than at any time for many years’.1

4. Scrutiny has changed dramatically since the introduction of the departmental select committees in 1979. These have developed into a vital and powerful means of holding government to account. More recently proposals from our predecessors have made significant changes to the legislative process, scrutiny and accountability and to the working lives of Members. Important changes include the creation of a parallel debating chamber in Westminster Hall; more staff and the establishment of a Scrutiny Unit to support select committees; parliamentary oral questions made more topical by reducing the tabling deadline; new public bill committees have recently been introduced with the power to take evidence. Action has also been taken to help Parliament build a closer bond

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with the public. The House is improving its website and already provides one of the most sophisticated online video services of its kind in Europe. Visitor facilities are being improved and the Education Service has developed an outreach function to help its work with schools. Over time, new Members adapt to the norms and conventions of the House. But the norms and conventions are modified and changed by the influx of new ideas and different approaches.

5. The changes introduced by our predecessors have helped to make the House of Commons more efficient. We hope that some of our proposals, like those we made last year on the legislative process, will also help to make it more effective. Peter Riddell, Assistant Editor of the Times, said, ‘Parliament is in many ways more effective today than it has ever been’. Effectiveness is harder to assess than efficiency partly because so much has changed and partly because Members have different objectives. What seems more effective to one Member may seem retrograde to another; government and opposition will have different views, as will frontbenchers and backbenchers.

6. Notwithstanding the progress that has been made, there are concerns that Parliament could do more to increase its effectiveness and improve its relevance both to Members and the public. Recent years have seen an increase in the volume of primary and secondary legislation and the challenge of monitoring and scrutinising European Union legislation has grown enormously. The rise of the internet and 24-hour multimedia news has dramatically changed the way politics is covered and discussed. If the House is to retain its position as the foremost forum for political debate as well as its authenticity as law maker it must ensure its business is topical, engaging and relevant to prevent the marginalisation that will further harden misguided perceptions that the House is irrelevant and in decline. In this Report, we suggest how better use could be made of the House’s non-legislative time to make debates and questions more topical and engaging. The Report also makes a number of recommendations about the use of time. We do not propose any increase in the overall time that the House sits or any change to the sitting times themselves.

7. The pressure of constituency work has contributed to a situation where contemporary Members—though working harder than ever—may need to devote more and more time to constituency matters at the expense of other parliamentary duties. The constituency role is obvious and vital and was arguably neglected in the past. The House and the Chamber are central to the work of a Member of Parliament; but work in the Chamber and on constituency matters need not be mutually exclusive. Despite generally heavier constituency workloads, many Members manage very effectively to bring them together.

8. Parliament must make its procedures more open and engaging if it is to encourage greater activity in the House, particularly in the Chamber. It has to become more topical if it is to capture public and media attention. The work of Members and the standing of Parliament are mutually reinforcing. Our Report is clear that the parliamentary role of a
Member is pivotal and should not be marginalised. We identify practices and procedures that currently act as barriers to participation in parliamentary activity, as well as looking at measures that might create an incentive for Members to engage more in the work of the House. We also look at how backbenchers could be given greater opportunity to initiate business, and at steps which could better prepare new Members to play a full and active role in the House.
2 The role of the Member

‘Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion … Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament.’ Edmund Burke’s Speech to the Electors of Bristol, 3 Nov. 1774.

‘The first duty of a member of Parliament is to do what he thinks in his faithful and disinterested judgement is right and necessary for the honour and safety of Great Britain. His second duty is to his constituents, of whom he is the representative but not the delegate. Burke’s famous declaration on this subject is well known. It is only in the third place that his duty to party organization or programme takes rank. All these three loyalties should be observed, but there in no doubt of the order in which they stand under any healthy manifestation of democracy.’ Sir Winston Churchill on the Duties of a Member of Parliament.4

Balancing competing roles

9. A great deal of academic time and effort goes into defining the role and purpose of Parliament, the Commons and individual Members.5 The two quotations above are well-known and are included not because we subscribe to their every word but because they are often seen as a point of reference for discussion about the role of a Member of Parliament. Members have a number of different and competing roles and considerable scope to interpret them as they choose.6 Dr Tony Wright, Member for Cannock Chase, described the job as a ‘multiplicity of roles done differently’.7 The Chairman of Ways and Means, Sir Alan Haselhurst, said there was no stereotype, ‘we are all extremely different animals, and we pursue different interests in different ways. We will always have a different formula for the way in which we spend our week or our year, according to our interests and what we believe are the right things we should be doing’.8 How Members balance the different elements of the job no doubt varies over time and with the political context. Being a back bench Member on the government side is a very different job from being one on the opposition side.9 In general, government back bench Members will want to support their government in achieving its aims and opposition back bench Members will be keen to help

4 Duties of a Member of Parliament, Parliamentary Affairs, Volume 8, (1954–55), p302
5 Q 44
6 Ev 35
7 Q 201
8 Q 185
9 Q 201
their front bench team expose flaws in government policy. According to Dr Wright and Stuart Weir ‘The great dilemma of the House of Commons is that the primary duty of MPs in the majority party is loyalty to sustain its government in office while the primary purpose of the House as a whole is to hold that government to account’.\textsuperscript{10} As the Clerk of the House said, ‘How backbenchers perform their role as Members of the House is largely a matter for each Member to decide’.\textsuperscript{11}

10. Nonetheless, for all the different approaches to being a Member it is possible to discern a number of commonly recognised tasks, including:

- supporting their party in votes in Parliament (furnishing and maintaining the Government and Opposition);
- representing and furthering the interests of their constituency;
- representing individual constituents and taking up their problems and grievances;
- scrutinising and holding the Government to account and monitoring, stimulating and challenging the Executive;
- initiating, reviewing and amending legislation; and
- contributing to the development of policy whether in the Chamber, Committees or party structures and promoting public understanding of party policies.

**Distinct roles or a patchwork of interconnected activities?**

11. In her memorandum, Dawn Oliver, Professor of Constitutional Law, University College London, pointed out that the work done by Members in consenting to legislation or consenting to government more generally is done on behalf of constituents.\textsuperscript{12} It is clear from the evidence given to us by Members entering the House in 2005 that they do not draw a clear line between constituency duty and involvement at Westminster. The different roles Members have are often mutually reinforcing, with constituency work feeding into and informing legislative and scrutiny work in the Chamber. Jo Swinson said, ‘I think that we can create a slightly false distinction between constituency work and parliamentary work. If someone comes to see me in my surgery about an issue and I raise it in Parliament, is that constituency work or is that parliamentary work? I do think that holding the Government to account is part of what you are doing for your constituents.

\textsuperscript{10} Stuart Weir and Tony Wright MP, Power to the back benches? Restoring the balance between Government and Parliament, Democratic Audit Paper No. 9 (December 1996)

\textsuperscript{11} Ev 97

\textsuperscript{12} Ev 125
You can raise the issues that they have raised with you’. Emily Thornberry, Member for Islington South and Finsbury, described how she linked the work that she did in the Chamber with the work she did in the constituency and described her job as being the bridge between what her constituents experienced and what the government was trying to do. Work on local and national issues are linked parts of a Member’s job. Some Members see national and international issues through the prism of what their constituents say to them. The views of constituents directly influence what Members do in the House on the day-to-day issues that directly affect constituents’ lives. But they also colour Members’ responses to wider issues like Iraq and Afghanistan or moral issues like abortion or animal experimentation. It is a timeless characteristic of our system that Members arrive at the general from the particular. While there is nothing new in this, what has increased over the last decade is the pressure of constituency work. The different roles that make up the job of being a Member of Parliament are not separate and competing; they are interconnected and interdependent. The work of the House has a direct impact on the public and, through Members, the views and experience of constituents help to inform the process of making law or holding the government to account.

A tidal wave of constituency work?

12. The constituency role has been considered essential since medieval times and relates to Parliament’s historic role in the redress of grievance. But in recent years it has changed considerably; changes in working practices, allowances and the availability of information technology have all helped to increase the attention paid to constituency casework rather than the representation of constituency issues. The greater part of the increase in Members’ allowances is used to deal with the rise in constituency workload. Constituents have in the last ten years become more demanding. Dr Tony Wright said, ‘There is no question that the role of the Member of Parliament in the constituency has changed out of recognition over the last generation for all kinds of reasons’. Today Members face a pressure to raise issues in the House on behalf of their constituents that thirty years ago they did not face.

13. Members have always had to strike a balance between constituency focused work and time in Westminster. Surveying the opinion of Members elected in 2005, the Hansard Society found that they regarded ‘Protecting/promoting the interests of the constituency’ and ‘dealing with constituents’ problems’ as more important than ‘holding the government to account’ and ‘scrutinising legislation’ both at the start of the Parliament and one year later. On average, the 2005 in-take reported spending their time as follows.

13 Q 99
14 Qq 124, 126
15 Oonagh Gay, MPs go back to their constituencies, Political Quarterly, 2005
16 Oonagh Gay, MPs go back to their constituencies, Political Quarterly, 2005
17 Q 215
18 Q 234
Constituency 49%  
Chamber 14%  
Committees 14%  
Other 22%  

Table 1: Division of time between the various aspects of the job for the 2005 in-take.  
Source: Hansard Society (see Ev 35)

14. By 2007 the balance had shifted with 59% of the Members responding to the Members’ Survey of Services saying they were more interested in what went on in the House than in constituency related work. The Members’ survey also found that Members who have been in the House for a longer period showed a greater interest in what goes on in the House compared to constituency-related work.

15. Prioritising constituency work over other parliamentary work is nothing new. Professor Rush and Dr Giddings found similar patterns in 1994, 1997 and 1999. Members regard themselves primarily as constituency representatives and spend more time on constituency work than any other part of their job. The problem is constituency demands are ever increasing. To give one illustration, in the 1950s and 1960s Members received on average twelve to fifteen letters per week. Today the average is over 300 per week; and then there are the e-mails, faxes and telephone calls.

16. Martin Salter, Member for Reading West, said that today Members were faced with a ‘tidal wave’ of constituency work. Sir Patrick Cormack, Member for South Staffordshire, felt the balance of the back bench Member’s life has been tilted too far towards the constituency role, and away from Westminster duties. Professor Philip Cowley, University of Nottingham, said, ‘There must now be a real concern that MPs are so focussed on the parochial they have no time for the national, let alone the international, picture’. He thought the problem with constituency work was out of control and getting worse. Public expectations have changed and the level of work from constituents is unlikely to diminish. But we are concerned that the greater pressure that Members face from constituency work has the potential to divert attention away from other important aspects of their work. The House is likely to suffer unless we can find ways of bringing the attention of Members and the public back to the work of the Chamber. However, the fact that constituency work and involvement have dramatically increased cannot be denied.

20 Ev 35
21 One Member reported spending up to 97% of their time on constituency business.
22 Members’ Survey of Services 2007 – see www.parliament.uk/surveyofservices. 45% of Members responded to the survey.
23 Ev 32
24 Communication from the Chairman
25 Q 160
26 Ev 122
27 Ev 14
28 Q 57
A lack of engagement?

17. In 1950 there was only one television channel (and few television sets), limited radio, no internet, and no weblogs. The only political debates that came to general public notice and gained widespread coverage—bar major demonstrations or party conferences—were those that took place in Parliament. In 2001, the Senior Salaries Review Body found Members spent less time in the Chamber and noted the Chamber was generally perceived to be less significant in influencing affairs than it had been 20 or 30 years before.29 Over the same period there has been a steady decline in the mainstream media coverage of Parliament (as opposed to politics in general). Nick Robinson, Political Editor for the BBC, told us the media no longer felt a duty to cover Parliament but stressed there was no inherent bias against covering it provided that what Parliament was doing was topical, dramatic, significant, surprising and had a defined outcome that mattered.30 These tests apply to any news story and, in the absence of any duty to report what had happened in Parliament, the House has to compete for its share of air-time or column inches. Select committee work often meets these criteria and committees are generally well covered in mainstream news. Michael White, Assistant Editor of the Guardian, was less convinced that there was no prejudice for or against parliamentary coverage.31 He noted that the nature of reporting has changed from stories about what has been to speculative stories about what might be.32 The Committee notes the recent move by the Leader of the House of Commons to provide advance notification of Oral Statements in Business Questions, or on the Order Paper where ever possible. There is greater competition in the media sector not only nationally but locally. A battle for ratings and market share means local papers are under a great deal of pressure to keep their readers interested in the face of growing local competition and competition from the internet.33 A more populist market driven approach can see politics losing out to other stories.34 The fragmentation in the market means that a Member might be faced with many more local papers, free sheets, radio stations and regional television networks than was the case five or six years ago. This can put an extra pressure on Members. Sometimes the local media will only focus on work relevant to the constituency and not necessarily on a Member’s participation in debate or other work at Westminster on national issues. We recommend that the House authorities identify ways of publicising the work of the Chamber.

18. Much attention is given to attendance or the lack of it in the Chamber. The Father of the House, the Rt Hon Mr Alan Williams, Member for Swansea West, and Chairman of the Liaison Committee, said, ‘I do not think we are ever going to go back to the illusory days, when the House was jam-packed. Even having come in in 1964, I can remember that

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29 Review of Parliamentary Pay and Allowances, Review Body on Senior Salaries report no 48, 2001, Cm 4997-II , para 3.3 and Appendix A
30 Q 3
31 Q 4
32 Q 6
33 Q 4
34 Q 6
as being not the normal occasion’. Michael White thought that Churchill had probably made his great speeches in defence of proper defence in the 1930s from the back benches to an empty chamber. However, we should not just seek to improve attendance as on its own that achieves little. Instead our proposals aim to improve attendance by improving the attention that is paid to the Chamber and the work of the House and by engaging more Members in the process of holding the government to account, scrutinising legislation and debating the issues of the day. We believe this is best done by making what happens in the Chamber more topical and relevant to the interests of Members and their constituents and by addressing barriers to participation. The recommendations we make in this Report to help bring greater attention to the Chamber, should make it more relevant to the interests of back bench Members, their constituents and the media. We also deal with some of the barriers to participation in the Chamber and recommend greater incentives for Members to engage in the work of the House.

**Participation in the Chamber**

19. The introduction of our current departmental select committee system in 1979, by the then Norman St John Stevas, was one of the most significant post-war reforms in Parliament and changed significantly the balance of the different roles Members undertake. The introduction of television cameras in 1989 led to a systematic change in the way Parliament was and is reported and the development of a 24/7 news culture in the mid 1990s has hastened this. The ability to follow proceedings using the full television coverage available on the annunciator system has had an impact on attendance in the Chamber; it is no longer necessary to be present to follow proceedings. Large majorities have meant that not only are there more marginal seats but there have been more government back bench Members with no defined role within the government structure. Legislative work and the scrutiny function are challenged now by a much wider range of activities competing for Members’ time including, for example, party meetings, all-party groups, back bench committees, pressure groups, campaigns of various kinds and the ever-increasing demands of the 24 hour media. Taken together all of these different factors have changed the way in which Members balance the different roles they undertake. In his memorandum the Clerk of the House noted that the pressure of constituency work might prevent Members from fully engaging in the work of the Chamber, leading to a lack of familiarity with the Chamber that might itself be inhibiting.

20. Views critical of policy are often expressed privately through party forums or directly with ministers, especially by government back bench Members. This process has probably been extended as a consequence of the large majorities of recent years. The

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35 Q 200  
36 Q 27  
37 Ev 78  
38 Ev 98  
39 Oonagh Gay, *MPs go back to their constituencies*, Political Quarterly, 2005
availability of a different route for influencing policy has also had an effect on participation in the Chamber.40

21. The conventions and courtesies of the House have evolved for good reason. They are largely based on rulings from the Chair, frequently given at the behest of Members, and are designed to assist (or not interrupt) the flow of debate and to facilitate a proper and orderly exchange of views.41 It was clear from the evidence we received that newer Members have some difficulty with the courtesies and conventions of debate. They described problems with uncertainty over being called, a seniority-based approach, repetition in debate, over-elaborate courtesies, short notice of statements, the time lag between submitting questions and obtaining answers and the lack of opportunity to trigger debates on urgent issues. The Hansard Society found similar issues when it surveyed the opinions of the 2005 in-take.42 In his memorandum, Dai Davies said some of the procedures in the Chamber were daunting for new Members and that a relaxation of the formality would speed up debate.43 The length of time it takes to get called and the amount of time required for business in the Chamber is clearly an issue for many Members. Jo Swinson said, ‘I think that most new Members of Parliament, at some stage, will go through the experience of wanting to speak in a debate, getting there to hear the opening of the debate, sitting there for six or seven hours and eventually not being called at all. That is quite a demoralising experience, when you have prepared a speech’.44 Mr Peter Bone, Member for Wellingborough, and Emily Thornberry described similar frustrations.45 However, Sir Alan Haselhurst told us he did not recognise this experience saying that the occasions when there are too many people to get into the time available are increasingly sparse.46 He pointed out that the opposite was often the case as whips tried to find people to speak in debates to fill up the time available. Sir Alan said that there are in fact now very few occasions when debates are so over-subscribed that some Members have no chance of being called. Unfortunately these few occasions are probably the ones that really matter to Members and are likely to colour their perception.

22. Although in theory there is no precedence in debate a number of the witnesses raised the issue of seniority. Jo Swinson said, ‘I think that it is ridiculous that, in a democracy where MPs have an equal right to be representing their constituents, constituents in a seat that happens to have a Member who has been an MP for 20 years are more likely to have their views represented in a debate’.47 Martin Salter suggested that privy counsellors still seemed to get priority.48 Kitty Ussher, Member for Burnley, and John Bercow, Member for

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40 Q 124
41 Ev 98
42 Ev 36-37
43 Ev 115
44 Q 91
45 Qq 92, 124
46 Q 187
47 Q 109
48 Q 166
Buckingham, made similar points. While waiting to be called can be frustrating, the Chair does make an effort to be fair over the longer-term; something that could not happen if, for example, speaking order was decided by ballot. Sir Alan Haselhurst made the point that the Speaker’s Office keeps records of who gets called to speak and noted that new Members actually did fairly well. He said it was impossible to exclude the major players, many of whom were senior Members, but the Speaker tried hard to balance their wisdom and experience with fresh input. Sir Alan’s strong advice to the Committee was that the House should trust the Speaker.

23. These barriers to participation may mean some Members feel some form of exclusion and feel frustrated by the Westminster political process. Members cannot be forced to participate; they must want to do so.
3 Learning the ropes

24. Most Members have some understanding of the role of a Member of Parliament when they arrive but not much idea of what it involves in detail.\textsuperscript{52} They face a steep learning curve and within days of the election new and returning Members are expected to deal with parliamentary business and the demands of their constituents.\textsuperscript{53} Malcolm Jack, the Clerk of the House, said, ‘There is a very limited time for new Members to learn about the work of the House before they become inundated with constituency and party obligations’.\textsuperscript{54} Clearly there needs to be a fairly intense learning process that helps new Members cope with the first few weeks and months of their new job. There is so much to learn that any initial induction must be followed by a longer period of informal learning on the job.\textsuperscript{55} The House authorities and the political parties must support both the initial induction process and the longer-term learning needs of new Members. It became evident to us that effort must also be put into supporting the continuous development needs of all Members and providing information to them. Professor Robert Blackburn, King’s College London, said, ‘Members should not be instructed on what they should and should not be doing. That is a matter for their own interpretation, and that of their electors, as a political representative in the British state’s national assembly. Each individual Member has a number of claims and priorities on [his or her] time, and must judge for him or herself how to balance these’.\textsuperscript{56} One of the factors affecting the effectiveness of the welcome afforded to new Members is the number of new Members.\textsuperscript{57}

Welcoming new Members in 2005

Perceptions

25. There is a general recognition that services offered to new Members were better in 2005 than after previous elections.\textsuperscript{58} But there is still room for improvement. Commenting on the arrangements made in 2005 the Hansard Society said, ‘Nowadays the new Members are given a range of information and are no longer left to wander the corridors without guidance. Yet, with few occasions on which to test and develop an induction programme, there were clearly hiccups that needed resolving’.\textsuperscript{59} The Chairman of Ways and Means, the Rt Hon Sir Alan Haselhurst, Member for Saffron Walden, said, ‘Induction for new Members, in the broadest sense, has improved greatly in recent years, and more particularly over the last decade or so. A great deal of effort by the staff of the House is now

\textsuperscript{52} Ev 33 [Professor Michael Rush and Dr Philip Giddings]
\textsuperscript{53} Ev 32 [Professor Michael Rush and Dr Philip Giddings]
\textsuperscript{54} Ev 97
\textsuperscript{55} Ev 33 [Professor Michael Rush and Dr Philip Giddings]
\textsuperscript{56} Ev 28
\textsuperscript{57} Q 251
\textsuperscript{58} Administration Committee, First Report of Session 2005–06, Post-election services, HC777
\textsuperscript{59} G. Rosenblatt, A Year in the Life: From member of public to Member of Parliament, (Hansard Society: London, 2006), p22
put into ensuring that a formal reception process is followed by a series of briefings and seminars on such issues as accommodation, IT and other office support, basic procedure, and security.\textsuperscript{60} Jo Swinson, Member for East Dunbartonshire, found the information helpful but said that there was too much information too soon.\textsuperscript{61}

**The impact of the 2005 programme**

26. It is difficult to assess the impact of the induction programme offered to the 123 new Members elected in 2005 and we welcome the efforts made by the Administration Committee to address the problems it identified after the last election and the actions taken by the House authorities in response.\textsuperscript{62} The letter from the Clerk delivered by returning officers on election night has been a positive step. There were problems accessing the new Members’ website and little use was made of it. The Reception Area served its purpose well, although the parties might do more to manage the flow of new Members. The welcome pack was a little less successful than it could have been because of the extent of information overload. In addition to their telephone numbers, voicemail access and laptops, new Members were given a huge number of leaflets and booklets to digest. There was little information to help them identify what was important and what could wait. The procedural briefings offered were welcomed but few Members attended. The Government also held its own briefing sessions on the work of departments, which were also poorly attended.

<table>
<thead>
<tr>
<th>Date</th>
<th>Briefing</th>
<th>Morning attendance</th>
<th>Afternoon attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 May</td>
<td>Introducing the House of Commons</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>24 May</td>
<td>A User’s Guide to the House of Commons</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>7 June</td>
<td>Questions on Questions and Answers</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>14 June</td>
<td>Bills and Standing Committees (Q&amp;A)</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>21 June</td>
<td>European Scrutiny System</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>28 June</td>
<td>How Select Committees Work</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

**Table 2: Attendance at procedural briefings in 2005**

27. In 2005, the briefings offered by the House Service were intended to cover the basic information a new Member might need but it is difficult to meet the needs of all new Members as each has different priorities.\textsuperscript{63} The Hansard Society found only limited

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\textsuperscript{60} Ev 78

\textsuperscript{61} Q 104


awareness of courtesies and conventions and low levels of familiarity with procedure when they surveyed new Members in 2005.64

<table>
<thead>
<tr>
<th>Familiarity</th>
<th>After the election</th>
<th>One year on</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very familiar</td>
<td>7%</td>
<td>15%</td>
</tr>
<tr>
<td>Somewhat familiar</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Not familiar</td>
<td>33%</td>
<td>23%</td>
</tr>
<tr>
<td>Not at all familiar</td>
<td>10%</td>
<td>2%</td>
</tr>
</tbody>
</table>

Table 3: Familiarity with procedure for the 2005 in-take  
Source: Hansard Society

Comparison with induction in previous years

28. Professor Michael Rush, Emeritus Professor of Politics, University of Exeter, and Dr Philip Giddings, Senior Lecturer in Politics, University of Reading, reported similar findings for the 1997 in-take in 1997 and 1999 to those found by the Hansard Society in 2005.65

<table>
<thead>
<tr>
<th>Familiarity</th>
<th>1997</th>
<th>1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very familiar</td>
<td>5%</td>
<td>18%</td>
</tr>
<tr>
<td>Somewhat familiar</td>
<td>50%</td>
<td>73%</td>
</tr>
</tbody>
</table>

Table 4: Familiarity with procedure for the 1997 in-take

29. But low levels of familiarity did not seem to hamper the 1997 in-take. Within 50 sitting days 80 per cent. of the new Members elected in 1997 had made their maiden speech, 60 per cent. had taken part in oral questions and 90 per cent. had tabled written questions. Most had signed EDMs and 40 per cent. had tabled one.66

Guiding principles

Co-operation between the House authorities and the political parties

30. Getting the support of the whips for any induction programme is crucial.67 The political parties and the House authorities should work together to ensure that the needs of new Members are identified and addressed by any induction programme.

64 Ev 35-36  
65 Ev 33  
66 Ev 33  
67 Q 248
**Addressing Members’ needs**

31. Sir Alan Haselhurst considered that the induction was fine as far as it went but thought newly elected Members could have been given a better understanding of the procedures and conventions of the House and more information on how to use them effectively.\(^{68}\) Each Member will approach the job differently. We do not suggest that they are compelled to attend any of the opportunities that are offered as part of an induction programme; they should be free to decide which they wish to take up and those for which they have no need.

**Information overload**

32. It was clear that in 2005 many new Members were overwhelmed by the information provided by the House authorities, their parties and the huge volume of correspondence from constituents and campaigning organisations. There is a great deal of information to be communicated to new Members. We understand that officials will ensure that the focus at the next election will be on paring down the information to that which is essential and providing better signposting and checklists.\(^{69}\) While much of the information sent out in 2005 will still be available on demand it will not be pushed out actively to new Members in the first few weeks. It will instead be slowly released over time to avoid overwhelming new Members. **An approach that seeks to manage how information is routinely given to new Members seems to be a sensible way forward.**

**Member involvement**

33. It was clear from the evidence we received and from those that we spoke to informally that both Members and House staff should be involved in delivering the induction programme. Members themselves have a particular role to play in sharing ‘Chamber craft’. In his memorandum, Professor Lord Norton, Professor of Government, University of Hull said, ‘There is a difference between knowing rules and procedures and exploiting them to achieve desired outcomes. Officials can advise MPs what the rules and procedures are, but are limited in what they can say about using them to achieve what may be seen as political outcomes. Induction that deals with the question ‘What are the rules and procedures?’ is necessary, but so too is induction that is designed to answer the question: ‘If I want to achieve this, what is the best way of going about it?’ The formal rules are one thing, the tricks of the trade are another.’\(^{70}\) Sir Patrick Cormack said that officials and experienced Members should be involved in explaining the procedures and how to make best use of them.\(^{71}\) **Members must be involved in delivering part of the induction, either on a party basis or supporting what is delivered corporately. We believe that Members should also be involved in determining the content of the programme and that staff planning the induction process should test out their ideas with Members. The whips’ offices and executives of political parties should take steps to facilitate this.**

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\(^{68}\) Ev 78

\(^{69}\) Ev 118

\(^{70}\) Ev 19

\(^{71}\) Ev 122
Dealing with the practical difficulties

34. Several of the new Members we spoke to stressed the importance of being able to deal with practical difficulties such as the lack of an office, the need for a hot-desk, problems with telephones and computers, and difficulties finding accommodation or recruiting staff.72 Those winning a seat (as opposed to holding a seat) and those moving to London needed more support.73 Sir Alan Haselhurst said, ‘It is absolutely ridiculous that Members should be wandering around like refugees in this building for weeks [after the election]. The most essential thing they need is an office and a phone so that they can start to get to work in appointing a secretary and staff. If they have that comfort, they are then in a position to learn a little more about some of the situations that they will encounter’.74 The practical difficulties faced by new Members must be addressed in order to ensure that improvements to the induction process have the greatest chance of success. We acknowledge the important work that the Administration Committee is doing in this regard and welcome both their Report on post election services and the response to it.75

Party specific versus all-party induction

35. The Hansard Society reported that the new Members interviewed after the last election did not consistently distinguish between the induction offered by the House service and that offered by their party.76 It said that better coordination between departments was needed, as was a checklist to help navigate through the first few days.77 It also noted clashes between the parties’ timetables and the briefings offered by the House authorities78 and recommended better coordination with the whips and parliamentary party executives.79 The Hansard Society thought that the political parties and the House authorities should cooperate on a comprehensive induction programme for all Members.80 In evidence to the Administration Committee Nia Griffith, Member for Llanelli, and Adam Afriyie, Member for Windsor, said it was important for parties to have some private time within the induction programme.81 In her written evidence to the Administration Committee Nia Griffith said training sessions should be run jointly by House staff and Members.82 She told the Administration Committee that an intensive two-day course, covering all the main aspects of the job would have been welcome and could have been conducted on a partly all-

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72 Qq 73, 105,145
73 Ev 35
74 Q 184
78 G. Rosenblatt, A Year in the Life: From member of public to Member of Parliament, p26
79 G. Rosenblatt, A Year in the Life: From member of public to Member of Parliament, p22
80 Ev 36
81 Administration Committee, First Report of Session 2005–06, Post–Election Services, HC777, p27
82 Administration Committee, Post–Election Services, p27, Ev 2
party and partly party-specific basis. We believe that the induction process should include both partisan and non-partisan events. The House authorities should provide an overall framework for the induction programme within which the parties have dedicated time. The parties and the House authorities should work together in planning the next induction programme. Parties should take steps to ensure that prospective candidates are aware of the opportunities that will be available to them if they are successful so that all those who wish to participate can plan their time accordingly.

**The timing of induction**

36. There are few opportunities for the House authorities to try out new ideas and innovate. While there have undoubtedly been improvements in what is offered progress is inevitably slowed by the lack of opportunity to try different approaches. Planning is also always going to be hampered to some degree by the uncertainty over the timing of elections.

**Using the gap between the election and the Queen’s speech**

37. Several of our witnesses made the point that an induction programme could take place between the General Election itself, the meeting of the House to elect a Speaker and to swear in Members, and the State Opening of the session. Sir Patrick Cormack argued in favour of an induction programme held between the election and State Opening, with an extension to this period of time to accommodate the induction. In the United States a much longer gap between the election and the start of a session allows the New Member Orientation Programme to take place without the members-elect facing the kinds of pressures new MPs face in Westminster. Typically the new Member Orientation Programme begins on the Monday after an election and lasts until Thursday. New Members arrive on the Sunday before and all stay in the same hotel close to Capitol Hill. The programme is organised by the majority party (which controls the Committee on House Administration) but is a bipartisan affair.

38. The Clerk of the House thought that a longer period between the election and the date of the first meeting of Parliament could allow a new Member to concentrate on adjusting to the Parliamentary way of life before the pressure of formal business builds up. Table 5 below shows that from 1955 to 1974 and again in 1992 the House did not meet formally until at least the second week after the election.

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83 Administration Committee, Post–Election Services, p27,Ev 2
84 G. Rosenblatt, A Year in the Life: From member of public to Member of Parliament
85 Q184, Ev 36, Ev 97, Ev 122
86 Q246
87 Ev 98
<table>
<thead>
<tr>
<th>Date of General Election</th>
<th>First day of the meeting of Parliament</th>
<th>Intervening days</th>
<th>Date of first day of Queen’s Speech Debate</th>
<th>Intervening days</th>
</tr>
</thead>
<tbody>
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<td>Thursday 26 May 1955</td>
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<td>Thursday 9 June 1955</td>
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<td>Thursday 8 October 1959</td>
<td>Tuesday 20 October 1959</td>
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<td>Tuesday 27 October 1959</td>
<td>7</td>
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<tr>
<td>Thursday 15 October 1964</td>
<td>Tuesday 27 October 1964</td>
<td>12</td>
<td>Tuesday 3 November 1964</td>
<td>7</td>
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<td>Thursday 31 March 1966</td>
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<td>6</td>
<td>Tuesday 12 March 1974</td>
<td>6</td>
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<td>Thursday 10 October 1974</td>
<td>Tuesday 22 October 1974</td>
<td>12</td>
<td>Tuesday 29 October 1974</td>
<td>7</td>
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<td>Thursday 3 May 1979</td>
<td>Wednesday 9 May 1979</td>
<td>6</td>
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<td>6</td>
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<td>Thursday 9 June 1983</td>
<td>Wednesday 15 June 1983</td>
<td>6</td>
<td>Wednesday 22 June 1983</td>
<td>7</td>
</tr>
<tr>
<td>Thursday 11 June 1987</td>
<td>Wednesday 17 June 1987</td>
<td>6</td>
<td>Thursday 25 June 1987</td>
<td>8</td>
</tr>
<tr>
<td>Thursday 1 May 1997</td>
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<td>Wednesday 14 May 1997</td>
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<td>Thursday 7 June 2001</td>
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<td>6</td>
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<tr>
<td>Thursday 5 May 2005</td>
<td>Wednesday 11 May 2005</td>
<td>6</td>
<td>Tuesday 17 May 2005</td>
<td>6</td>
</tr>
</tbody>
</table>

Table 5: Gap between general election, the first meeting of Parliament and the first day of the Queen’s speech

Source: Ev 98
39. There is no desire to create too long a gap between a general election and the first meeting of Parliament. However, *there should be a longer gap than usually occurred in the past between the election and the day the House first meets to permit some of the practicalities that prevent Members from focusing on their new job to be addressed and to make time for an induction programme before the House starts its work. We recommend that the gap should be about twelve days.*

**Making induction relevant to the business**

40. There was also good support for spreading the induction process over a longer period and making the training more relevant to business in the House. For example, briefing sessions on select committees should coincide with committees being set up. One such seminar was organised in 2005. **More effort should be made to ensure that, beyond the initial induction programme, briefings are timed so that they mirror the business of the House as far as possible.** Briefings should be repeated periodically through the life of a Parliament but each time seeking to address identified needs. **Once the initial new Members’ briefings have been completed consideration should be given to opening up some briefings to Members’ staff and others, such as those in political offices or staff of the House.**

**Maintaining engagement in the longer-term**

**Supporting Continuous Development**

41. Many of our witnesses stressed the importance of continuous development. An initial induction programme is valuable but in the longer-term it is inevitable that most of a Member’s learning is on the job. The Clerk said, ‘Members will only really become interested in one aspect of procedure or another when they have to use it. There is not really much point in giving a general procedural seminar. A Member wants to know how to put down an amendment to a bill when he or she wants to put down an amendment’.  

We think that much of what we have said about informing new Members might also be of benefit to longer-serving Members. Procedures and administrative systems evolve over time and the House should seek to ensure that all its Members have the information they need to make effective use of the Houses’ procedures and the services provided to them.

42. Michael Rush stressed the importance of tailoring development to individuals. An ongoing development process would support the learning on the job that most Members have to do. Rt Hon Sir George Young, Member for North West Hampshire, saw a role for continuing development and linked it to the need to develop a career path for back bench

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88 Ev 33  
89 Q 253  
90 Q 84  
91 Ev 33
Members. Sir Patrick Cormack also saw a role for some ongoing training available to all Members and Sir Alan Haselhurst agreed that opportunities to periodically ‘refresh’ would be welcome. The Hansard Society argued that Members should be given the knowledge and procedural opportunities to be effective parliamentarians. Things constantly change in Parliament; the weight that Members give to the different aspects of their job, work loads in the different parts of their job, the political context, procedural developments and changes in the administrative arrangements. Many of us support the concept of continuous development for Members and we recommend that the House authorities make continuous development opportunities available to all those who want them.

43. Gemma Rosenblatt, Research Fellow on the Hansard Society’s Parliament and Government Programme, thought that in 2005 most new Members had had a mentor, although with varying degrees of success. Mr Dai Davies, Member for Blaenau Gwent, supported the mentoring of new Members, as did a number of those we spoke to informally. Dr Giddings thought that mentoring could be more systematic and better organised. We recommend that the parliamentary parties review the arrangements they put in place for mentoring the new in-take in 2005 with a view to planning an improved process after the next election.

44. We discussed the idea of secondments with several witnesses. There are already schemes like the Armed Forces Parliamentary Scheme or Industry and Parliament Trust fellowships that allow Members to spend some time away from Westminster broadening their experience. Some of our witnesses recognised the usefulness of bringing in outside expertise but saw the difficulties of doing this as any kind of formal secondment.

45. There were also calls for training in specific skills like time and staff management. Sir Alan Haselhurst was unsure whether this was the sort of activity that should be provided on a corporate basis and backed by House resources. We recommend that the House authorities and parties work together to decide what sort of extra development activities might be useful and how they might best be resourced and provided. Whether or not to make use of any opportunities for this kind must be a decision for individual Members. Parties may encourage Members to attend but should not mandate attendance.
**Information and advice for Members**

46. The House Service already provides a great deal of material about the services offered to Members. The Department of the Clerk of the House provides a short guide to procedure and backs this up with a series of short leaflets on different aspects of procedure including several guides providing practical advice on different aspects of procedure, for example on tabling amendments to bills. **We encourage all Members to ask for advice.** Gemma Rosenblatt said, ‘…a lot of help already exists but Members are not aware of it. It is quite important, certainly from the new MPs that we spoke to in the interviews, that those who felt comfortable asking for advice were always doing better—whether it is from House officials or Whips. Those who had somebody to call on all the time were informed.’

Some of those we spoke to informally talked about a reluctance to ask and others said that poor access to information was a significant barrier to participation. Several of the Members who gave evidence to the Committee commented on the helpfulness of the Clerks. While a great deal of knowledge and advice is available, Lord Norton pointed out that officials are necessarily limited in what they can say. The impartiality of the House Service means that information is not provided proactively but in response to questions from individual Members. It can be difficult for an impartial House service to intervene and offer advice but officials will always give totally impartial advice on a completely confidential basis in response to questions from Members. The Hansard Society said, ‘information provision and training should be ongoing in both the short and medium-term and new Members must feel comfortable contacting House officials for advice’. The Parliament in New Zealand produced a guide on effective membership that sets out the opportunities available to Members. **We believe that the current short guide to procedure should be expanded.** We make further reference to information for Members at paragraph 66.

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101  Q 86
102  Qq 118, 144
103  Ev 19
104  Ev 36
47. The Chamber is at the heart of what Members do in the House. Constitutionally, it is the votes and decisions of the House in plenary which make or break governments, raise taxation, grant supply, and (because of the Parliament Acts) are the ultimate determinant of the law itself.

48. Legislation accounts for just under two-fifths of the available time on the floor of the House; the remaining three-fifths is taken up with non-legislative business. Debates on motions for the adjournment, opposition business or business where there is no question before the House (such as questions to ministers or statements) accounts for most of this time. Table 6 shows how the House uses the time available while figure 1 shows a broad distribution of non-legislative business in Session 2003–04.105

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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<tr>
<td>Opposition business</td>
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<tr>
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<tr>
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<td>4%</td>
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<tr>
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<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Table 6: Summary of distribution of time in the House

Source: Journal Office

105 In Table 6 and figure 1, the category ‘legislation’ includes time spent on government bills, private members’ bills and secondary legislation (both to approve and to annul or revoke SIs). ‘Addresses’ does not include addresses to annul or revoke statutory instruments and is mainly the debate on the address on the Queen’s speech. Opposition business includes both opposition days provided for by Standing Order and opposition business taken in government time. Motions moved by back bench Members includes ten minute rule motions, motions to sit in private and a small number of other motions moved by the chairmen of various select committees. Adjournment includes daily adjournment debates, adjournment debates before recesses and government adjournment debates. ‘No Question before the House’ includes questions, statements, urgent questions, business statements and similar business.
Making the Commons more topical and relevant

49. Making Parliament more topical and relevant is vital to increasing its currency with the public. Whether or not topical issues are debated in the House, they will undoubtedly be debated in TV and radio studios and other fora. Ensuring the House is more topical will help to engage the interest of Members. John Bercow said:

‘...what takes place in the Chamber has to be to a greater extent topical, relevant and the subject of an outcome. Insofar as it lacks one or more of those qualities, then the opportunity cost of going into the Chamber is too great and colleagues will do something else.’

50. The House has already agreed a number of changes that have had a positive impact on topicality: reducing the notice period for oral questions from two weeks to three days and creating additional opportunities for adjournment debates in Westminster Hall. The Clerk said ‘The scale of the opportunities for backbenchers has enabled many topical debates to be held, in recent times on Farepak, on rail services, on air passenger duty and on the future of cottage hospitals, which otherwise would have been confined to Question Time’. But more can be done to make the Chamber more topical.

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106 Q 161
107 Ev 104
108 Ev 104
Topical Questions

51. The reduction in notice period for Oral Questions, introduced in 2002, has improved the topicality of oral questions. Members no longer have to decide what issues they want to raise ten sitting days in advance of a given oral question time. But there are still occasions when issues of topical interest are not on the list of oral questions, where a relevant Question was either not tabled or was unsuccessful in the ballot. For example, at DEFRA Oral Questions on Thursday 22 June last year the performance of the Rural Payments Agency was a major topical issue but no Questions on it came high enough in the Questions shuffle to appear on the Order Paper.

52. Mr Peter Bone suggested part of each oral questions session could be used for open questions to improve topicality. An open-question element during regular tabled oral question time would enable Members to put topical and spontaneous questions to the Ministers answering. When asked if this would work, Martin Salter, Mr Andrew Dismore, Member for Hendon, and John Bercow all supported the idea. John Bercow said,

‘I would say is that in a sixty minute question session it is perfectly reasonable to have a reserved portion lasting, say, ten minutes in which such a topical matter can be raised. The worst example of the weakness of the old system, partially reformed now when you have to submit questions for oral answer only three days before as opposed to a fortnight before, was the time when in Foreign Office questions nobody could raise the subject of Pinochet because it was not on the Order Paper but it was in everybody’s minds. The Speaker of course can assert himself and insist on very short supplemnetaries and make it clear that in that ten minutes he hopes to get in at least half a dozen colleagues’.  

53. We recommend that oral Question Time should be divided into two periods: an initial period for oral questions under the current arrangements followed by a period of ‘open’ questions. Both periods would be balloted for, with the ballot operating in the same way as currently. Members could enter and be successful in both ballots. The entries to the open period would be in a standard form (for example ‘If the Secretary of State will make a statement on his/her departmental responsibilities?’). The Secretary of State would give a brief answer giving observations on the principal issue(s) of the day in response to the first Question. The Member asking the question would then have the opportunity to put a supplementary in the normal way. The Speaker would then call Members both from the balloted list and at his discretion (similarly to Prime Minister’s Questions at present). We anticipate most or all of the open Questions would be answered by the Secretary of State.

54. It would of course be a matter for each Member putting an open Question—whether balloted or supplementary—to decide whether to follow the topics raised by the Minister in the initial answer. This could mean that the issues the Minister regarded as important or topical would not in fact be developed any further than in the brief response to the initial
balloted open Question. But this would be unlikely, and it is important that the principle be maintained that issues raised during Question time are set by Members and not by Government.

55. Initially we believe that this new procedure should only be applied in respect of Departments whose time for answering is either 40 or 55 minutes long. In the shorter period the open questions would last for 10 minutes and in the longer slot for 15 minutes. The overall length of Question time, the number of Members successful in the ballot, and the number of Members called in total, would all be unaffected. We do not recommend any change to the number of times front bench spokesmen for the opposition parties are called in the period as a whole.

**Topical Debates**

56. One of the legitimate criticisms of the House is that sharp, topical debates are rarely held in the Chamber itself. Sir George Young was convinced of the need for greater topicality even if that made the business less predictable. Michael White was clear that there was no substitute for topicality. A three hour debate on US–UK Extradition Treaty was held on 12 July 2006 after a successful application to the Speaker on 11 July 2006 under Standing Order No. 24. Nick Robinson told us, ‘It was striking that when the NatWest Three debate came, the urgent debate that Nick Clegg, the Liberal Democrat, managed to secure, this was regarded as some sort of freak rarity. That was something that was part of the national debate, of huge significance to relations between Britain and America and yet it was regarded as a surprise that Parliament could find a way to debate it. I would just suggest to Members that that might be a bit odd’.

57. There are already a number of opportunities available to back bench Members for raising topical issues. Later in this Report we discuss Standing Order No. 24 debates (see paragraphs 67 to 71) and Urgent Questions under Standing Order No. 21(2) (see paragraph 66). Debates in Westminster Hall and the end of day adjournment debates in the Chamber offer other opportunities for back bench Members to raise topical issues although they are probably more often used to raise constituency matters. Opposition days are an important means of debating topical issues, but a balance has to be struck between announcing subjects early so that Members can prepare contributions and announcing subjects late to maintain topicality. The debates held before recesses are also regarded by back bench Members as important occasions for raising topical matters and constituency issues. We discuss further opportunities available to back bench Members later in the Report (see paragraph 101). Despite these opportunities for raising topical issues there was a sense from those we spoke to that more could be done to increase the topicality of the House. The Clerk said, ‘there is a strong desire for Members to take part in debates that are topical, that are relevant, that are on matters of the day’.

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112 Q 201
113 Q 20
114 Q 11
115 Q 220
Chamber should be improved. We believe that the House will attract greater attention from Members, the public and the media if it finds a means of debating topical issues.

58. In his memorandum, Sir Patrick Cormack proposed a weekly ninety minute debate on topical issues to be held on either a Wednesday or a Thursday.\textsuperscript{116} Dai Davies made a similar suggestion but argued it did not have to be in the Chamber.\textsuperscript{117} The Hansard Society recommended allowing debates on topical issues and other matters of public concern.\textsuperscript{118} Sir Alan Haselhurst suggested a weekly half-hour slot for topical debate, similar to some legislatures in other countries.\textsuperscript{119} He thought this could be taken in Westminster Hall on a trial basis.

59. The Clerk highlighted the importance of finding a regular slot for topical debates so that they can be taken into account by the business managers.\textsuperscript{120} \textbf{We recommend that provision should be made in Standing Orders for topical debates on issues of regional, national or international importance to be held on one day each week. Topical debates would last for an hour and a half and be taken immediately after questions and statements but before the main business of the day.} The debate should be a general debate (see paragraph 85). Subjects for topical debates would be announced by the Leader of the House following consultation with the Business Managers and the Leader of the House should issue, in a fortnightly written ministerial statement, a list of proposals for topical debate which had been made to him by private Members and of the debates which had taken place. To allow these new topical debates to provide opportunities for back bench Members, both sides of the House must accept some restriction on the length of front bench speeches and speeches by spokesmen of smaller parties and we discuss time limits later in this Report (see paragraph 95). As we have already said, we do not envisage any of our proposals increasing the overall time that the House sits. We intend to review the operation of topical debates after their first year of operation.

60. We see no reason why the introduction of topical debates should alter the nature of the other business taken on those days and we would expect them to continue to be used for main business. However, party business managers should use best endeavours to avoid scheduling topical debates on Opposition Days. There is no imperative for all second reading debates to be given five or six hours’ debate. Some will take significantly less time and could be taken alongside the new procedure we have recommended for topical debate. We make further recommendations on the flexible use of time later in this Report (see paragraph 119).
Open debates and “interpellations”

61. The debate on matters to be considered before a recess, held on a motion for the adjournment of the House, is a popular opportunity for raising constituency and topical issues and is often used by Members who have been unsuccessful in the ballot for adjournment debates. These debates, where Members are able to raise a variety of topics with the prospect of a brief ministerial reply, could be held more often. This does not relate to the government adjournment debates which we discuss in paragraph 78.

62. Several Parliaments have an opportunity to break into the business and to either pose questions or make short statements on topical issues. In Sweden members of the Riksdag can scrutinise the executive by addressing questions—called interpellations—to ministers relating to the performance of their official duties. The purpose of these opportunities may be to gain a better overview of the Government’s work, to draw attention to a specific issue or to obtain further information. Ministers have two weeks in which to answer the interpellation and this is done at a meeting of the Chamber. Normally a debate follows between the minister and the member who submitted the interpellation, but other members of the Riksdag can also participate. In Australia, time is set aside each Monday for Members’ Statements, short 90-second statements to which there is no government response. They can also make ten minute speeches in the Grievance Debate, a debate virtually unlimited in scope. We describe practices in other Parliaments later in the report (see paragraph 109).

63. Given the other proposals that we make in this Report we are not persuaded of the need to introduce more ‘open’ debates or a slot for some kind of ‘interpellation’. However, these ideas might be considered again when the impact of the new procedures we propose has been evaluated.

Business Questions

64. Each Thursday at 11:30am after oral questions, the Leader of the House answers ‘Business Questions’. In this, the Leader sets out the future business, usually for the next two weeks. The Leader’s answer is then followed by 45–60 minutes of supplementary questions on a huge range of issues, local, national and international. Members are expected to ask a question related to the business of the House. This is typically calling for a debate or statement and in any event the Chair allows individuals latitude. Mr Peter Bone saw business questions as an important opportunity to raise issues and was concerned that if there were other statements it might be shortened. He called for business questions to run for at least an hour regardless of what other statements might be on that day. Lord Norton, on the other hand, argued that business questions was close to its sell by date. We disagree. Business Questions remains a valuable opportunity for Members to raise...
topical issues and to engage in a discussion on the business of the House. **We believe there is a case for formalising business questions in Standing Orders.**

**Urgent Questions and Urgent Debates**

65. There have been several proposals for changing how urgent debates and questions are handled. Peter Riddell thought that these procedures could be used more often than they are currently.\(^{125}\)

66. Under Standing Order No. 21(2) the Speaker may grant an Urgent Question which is ‘of an urgent character’ and relates ‘either to matters of public importance or to the arrangement of business’. Kitty Ussher saw urgent questions as a tool for raising issues of major national importance, while Westminster Hall provided an opportunity for back bench Members to raise issues of concern to constituents.\(^{126}\) Sir Alan Haselhurst wondered whether the criteria for granting urgent questions could be changed so that more were granted. He suggested it would be useful, in consultation with the Speaker, to draw up some informal guidelines about the sorts of issues or events which would meet the test set out in the Standing Order.\(^{127}\) The Speaker can exercise some influence over topicality but has to take into account not only the issue but the impact that granting an urgent question or urgent debate would have on the business of the House.\(^{128}\) **We recommend that guidelines be drawn up to help Members understand what sorts of issues and events might meet the criteria set out in Standing Order No. 21(2). We see a case for extending this advice to cover urgent debates under Standing Order No. 24 and the other opportunities for back bench Members to raise urgent or topical issues. The guidance could usefully include some examples of the types of issues that could be brought up under the different opportunities available to Members.**

67. Standing Order No. 24 provides that any Member wishing to discuss a ‘specific and important matter that should have urgent consideration’ may, at the end of Question Time, seek leave to move the adjournment of the House. Members approach the Speaker who considers their application. The application can be refused at that stage or the Speaker can allow the application to be made in the Chamber. When an application is made in the Chamber the Speaker can either refuse the application (without giving his reasons for doing so) or, if the Speaker is satisfied that the matter is one that can be raised under the Standing Order, he will permit the Member to seek the leave of the House. If leave is refused, forty Members rising in their places will secure the debate. If fewer than forty but more than ten Members rise in their place the question on whether to allow the urgent debate is put forthwith and decided on a vote. When a motion made under Standing Order No. 24 is agreed to, a three hour adjournment debate is held to debate the topic either the next day or later the same day at a time prescribed by the Standing Order where the matter is sufficiently urgent. The Clerk told us that Standing Order No. 24 refers to urgency and

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125 Q 29
126 Q 131
127 Ev 80
128 Q 192
matters of importance and did not address topicality.\textsuperscript{129} He noted that finding a definition of topicality that satisfies all Members would be difficult.\textsuperscript{130} Leave is granted on very few occasions and Standing Order No. 24 debates are rare. The most recent debate was on the UK-US Extradition Treaty on 12th July 2006. Prior to that there was a debate on Afghanistan in March 2002. Both debates lasted three hours. Such debates account for a negligible amount of non-legislative time.

<table>
<thead>
<tr>
<th>Date</th>
<th>Member</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 July 2006</td>
<td>Mr Nick Clegg</td>
<td>US-UK Extradition Treaty</td>
</tr>
<tr>
<td>19 March 2002</td>
<td>Mr Bernard Jenkin</td>
<td>Afghanistan</td>
</tr>
<tr>
<td>24 June 1993</td>
<td>Mr George Foulkes</td>
<td>Trident Refit (Scottish Economy)</td>
</tr>
<tr>
<td>9 November 1989</td>
<td>Mr Dave Nellist</td>
<td>Ambulance Dispute</td>
</tr>
<tr>
<td>13 April 1988</td>
<td>Mr Robin Cook</td>
<td>Impact of Changes in the Social Security System</td>
</tr>
<tr>
<td>3 February 1987</td>
<td>Mr Gerald Kaufman</td>
<td>Special Branch Activities</td>
</tr>
<tr>
<td>18 December 1986</td>
<td>Mr Denzil Davies</td>
<td>Airborne Early Warning System</td>
</tr>
<tr>
<td>27 January 1986</td>
<td>Mr Neil Kinnock</td>
<td>Westland</td>
</tr>
<tr>
<td>19 December 1984</td>
<td>Dr Cunningham</td>
<td>Local Authorities Capital Expenditure (England and Wales)</td>
</tr>
<tr>
<td>24 May 1984</td>
<td>Mr Shore</td>
<td>British Leyland (Closures)</td>
</tr>
<tr>
<td>10 April 1984</td>
<td>Mr A McKay</td>
<td>Mining Dispute (Police Operations)</td>
</tr>
<tr>
<td>26 October 1983</td>
<td>Mr Healey</td>
<td>Grenada (Invasions)</td>
</tr>
</tbody>
</table>

Table 7: Last ten successful applications for debates under Standing Order No. 24 (previously SO No. 20, 10, 9)

Source: Journal Office

68. The number of applications for Standing Order No. 24 debates made on the floor of the House declined markedly after a 1991 ruling by the Speaker\textsuperscript{131} which sought to avoid wasting time of the House by filtering out those applications that were not specific, important, and urgent matters that involved a ministerial responsibility. It followed a period, when in the words of the then Speaker, there had been ‘a spate of irrelevant applications’. Before 1991 there had been 40 or 50 applications per Session. In Session 1988–89 it reached a high of 88 applications. Since the 1991 ruling the number of applications has fallen to on average to fewer than five per session; in the last three complete sessions there have only been four applications in total. Many Members may not

\textsuperscript{129} Q 259

\textsuperscript{130} Q 261

\textsuperscript{131} HC Debates, 16 Oct 1991, col 329
be aware of this procedure. One of the problems with procedures that are used infrequently or in a way that is not visible is that most Members get to know little about them, further reducing their use. Allowing more Standing Order No. 24 applications on to the floor of the House might help to stimulate more applications from Members that might meet the criteria.

Figure 2: Number of applications for debates under Standing Order No. 24 by Session

Source: Journal office

69. Lord Norton proposed changes to the current procedure for urgent debates with the option of a shorter 60 minute debate and a lower threshold for granting them on matters of immediate importance. Alan Williams also questioned why an urgent debate always needed three hours. The Hansard Society recommended introducing something akin to unstarred questions in the Lords or 60 minute emergency debates. Sir Alan Haselhurst thought there was some scope for relaxing the criteria applied to Standing Order No. 24 applications so that more could be heard on the floor of the House and possibly more could be granted. One of the constraints on the Speaker in granting Standing Order No. 24 applications is that they disrupt the business already planned. The impact of this disruption might be less, and more Standing Order No. 24 applications might be granted, if the Speaker had greater discretion to vary the length of debate that was granted; not every issue will demand a three hour debate.

132 Ev 19
133 Q 200
134 Ev 37
135 Q 198
70. Changing the criteria applied to application for debates made under Standing Order No. 24 risks changing the understanding of what issues can be raised as urgent debates and risks losing the focus on urgency at the expense of some other criteria, such as topicality. We do not see any need to change the criteria set out in Standing Order No. 24 to increase topicality as we have recommended a separate procedure for regular topical debates. Standing Order No. 24 should continue to be used for urgent and important matters.

71. Currently the debate following a successful application under Standing Order No. 24 must be held at the commencement of business the following day or, if the Speaker directs, at a time prescribed by the Standing Order on the same day. **We believe the Speaker should have greater discretion to vary when a debate, initiated through a successful Standing Order No. 24 application, is held and to decide its length.** The Speaker would need to exercise this discretion in consultation with the business managers to mitigate the impact on planned business. We discuss replacing adjournment debates with general debates later in this report (see paragraph 85) and believe that debates following a successful Standing Order No. 24 application would be general debates.

**Improving engagement**

72. Debate fulfils many functions. The exchange of views in an orderly manner, and the ability to intervene and follow up a point are vital in holding the Government to account and representing the interests of the constituency. We do not seek to change or undermine these conventions and practices; it is essential instead that we build on the characteristics of Commons debates which still mean that they have much more spontaneity and vitality than in most other legislative chambers across the world. The House could do more to encourage greater input from back bench Members, particularly where they feel unable to take part in debates due to oversubscription or because the front bench contributions were prolonged. Therefore we make proposals below on:

- general debates and the nature of the motion before the House
- making use of shorter debates
- debates on select committee reports
- time limits on speeches, and
- multitasking in the Chamber.

73. We believe that a variety of opportunities for raising issues should be available to back bench Members. We have already described several changes intended to improve topicality. In this section of the Report we focus on procedural innovations and changes that remove barriers to participation in debates. As the Clerk explained, back bench...
Members would benefit from a wider range of opportunities to raise both topical and
constituency issues.\footnote{Q 233} Having a range of different opportunities allows Members to make
their point in different ways. Douglas Millar, the Clerk Assistant, said, ‘there are issues on
which Members are happy to have their three minute \textit{ex parte} statement and there are others where it is more important for them to have a response from a minister’.\footnote{Q 238}

**Demand to speak**

74. The system of writing to the Speaker to indicate an interest in speaking in a debate for
the most part works very well. But there will always be occasions when the demand to
speak in debates exceeds the time available. Some debates are over-subscribed and these are
currently managed using time limits on back bench speeches. The advent of websites
which collect statistics on participation have had an impact on Members behaviour.\footnote{Q 130}

75. When he was Speaker, Lord Weatherill said, ‘if the Speaker is entirely fair, the average
member will be called four times per year … most of his constituents think he should be
called four times a week, and he thinks he should be called eight times a week. But it
doesn’t work like that’.\footnote{Lisanne Radice et al, \textit{Member of Parliament; the Job of the Backbencher} (MacMillan, 1990)} The table below shows that back bench Members\footnote{Back bench Members exclude all Government Ministers and Whips, the Official Opposition Shadow Cabinet, the Leader and Chief Whip of the Liberal Democrat Party, giving a total of 528 backbenchers.} may on
average only expect to be called in debates in the Chamber between 3 and 5 times a
Session,\footnote{Table 4 is based on Records from the Speaker’s Office for Session 2005–06 Session (see Speaker’s Office, RBB M33) The records exclude speeches in debates held in Westminster Hall, speeches in end of day adjournment debates; speeches on Private Members’ Bills or Private Business; speeches in Committee of the House; speeches on the Report
Stage of a Bill or on consideration of Lords Amendments or Reason; and speeches of less than three minutes.} with opposition back bench Members being called slightly more often than
government back bench Members. Records from the Speaker’s Office show that the
averages hide the fact that some people get called more and some less than others. In 2005–
06, forty government back bench Members and eleven opposition back bench Members
did not seek to be called (on the types of business for which records are maintained – see
footnote 142) while one government back bench Member was called thirteen times and
one opposition back bench Member (a Liberal Democrat spokesperson) was called twenty-
seven times. At paragraph 97 we make a recommendation about time limits on speeches to
help manage the demand to speak.

<table>
<thead>
<tr>
<th>2005–06 Session</th>
<th>Average number of times Members were called</th>
<th>Average length of contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government back bench Members</td>
<td>3.15</td>
<td>12.2 minutes</td>
</tr>
<tr>
<td>Opposition (all parties) back bench Members</td>
<td>5.26 times</td>
<td>12.6 minutes</td>
</tr>
</tbody>
</table>

Table 8: Records from the Speaker’s Office for the 2005–06 Session for speaking in debates.\footnote{Ev 124}
76. A more detailed analysis in table 9 shows that in 2005–06 there were about 980 slots for back bench members\(^{144}\) in government adjournment debates, debates on Addresses, Estimates Days, Government Motions, the Budget debate and Opposition Days. This accounted for about two speeches each session per back bench Member. What emerges quite strongly is that the average length of a back bench speech is about 13 minutes while the time taken up by front benchers is quite variable.

<table>
<thead>
<tr>
<th>Session 2005–06</th>
<th>Total time taken</th>
<th>No. of Debates/ Days</th>
<th>Average length front bench contribution (inc opening speeches and wind ups)</th>
<th>Total time taken up by front bench (%)</th>
<th>Total Time available for back bench Members</th>
<th>Average length of a back bench speech</th>
<th>No. of slots available to back bench Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Govt adjournment debates</td>
<td>103 hrs 48 mins</td>
<td>25 debates</td>
<td>2 hrs</td>
<td>50 hrs (48.5%)</td>
<td>53hrs</td>
<td>13 mins</td>
<td>245</td>
</tr>
<tr>
<td>Debates on Addresses</td>
<td>40 hrs 48 mins</td>
<td>6 debates</td>
<td>2 hrs 03 mins</td>
<td>12 hrs 18 mins (30.1%)</td>
<td>28 hrs 30 mins</td>
<td>12 mins</td>
<td>142</td>
</tr>
<tr>
<td>Estimates Days</td>
<td>15 hrs 42 mins</td>
<td>3 days</td>
<td>1hr 20 mins</td>
<td>4 hrs (25.5%)</td>
<td>11 hrs 42 mins</td>
<td>13 mins</td>
<td>58</td>
</tr>
<tr>
<td>Government Motions</td>
<td>32 hrs 57 mins</td>
<td>7 debates (excludes some debates that were very short)</td>
<td>1 hour 38 mins</td>
<td>11 hrs 26 mins (34.7%)</td>
<td>21 hrs 31 mins</td>
<td>13 mins</td>
<td>99</td>
</tr>
<tr>
<td>Budget</td>
<td>21 hrs 08 mins</td>
<td>4 days</td>
<td>1hr 33 mins</td>
<td>6hrs 12 mins (29.3%)</td>
<td>14hrs 56 mins</td>
<td>16 mins</td>
<td>56</td>
</tr>
<tr>
<td>Opposition Days</td>
<td>129 hrs 58 mins</td>
<td>37 debates</td>
<td>1hr 48 mins</td>
<td>66hrs 36 mins (51.2%)</td>
<td>63hrs 22 mins</td>
<td>10 mins</td>
<td>380</td>
</tr>
</tbody>
</table>

Table 9: Breakdown of time between front bench and back bench speeches for certain kinds of business

Source: Journal Office

\(^{144}\) This analysis takes the same definition of back bench Member as the records from the Speaker's Office (see footnote 141).
General debates

77. Each session a number of debates are held on substantive motions in government time. Some of these relate to standards and privilege work, sessional orders and other House issues (such as debates on recommendations from the Modernisation and Procedure Committees). They include debates on standing order changes and on Members’ allowances. They also include a small number of debates on topical subjects. For example in Session 2002–03 debates on substantive motions were held on Iraq and the Convention on the Future of Europe. These debates in total account for 3-4 per cent. of non-legislative time.

78. Most non-legislative debates, however, take place on a motion for the adjournment of the House. Government adjournment debates accounted for about 12 per cent. of non-legislative time in Session 03–04. They are a procedural device that allows debate to take place without the House having to come to an opinion. It must seem, to the public and many Members, a little nonsensical to debate the adjournment of the House rather than the subject at hand and to then withdraw the motion or allow it to lapse in order to allow the half-hour end-of-day adjournment debate, which takes place on a different subject but on an identical motion, 'that this House do now adjourn'.

79. While it is the custom to find time on the floor of the House for a number of ‘regular’ slots, there is no obligation or specific convention governing the provision of a debate. Subjects debated regularly in Government time include:

- Defence: five debates a year, on policy, procurement, personnel, defence in the world and defence in the UK;

- European Affairs: two debates ahead of the European Council meetings in December and June;

- Intelligence and Security: an annual debate on the Intelligence and Security Committee’s Annual Report (usually June or July); and

- Welsh Affairs: annual St David’s Day debate.

80. There are also one or two debates each year on take note motions on the Reports of the Committee of Public Accounts. Other subjects are debated on a motion for the adjournment on an ad hoc basis. Subjects include matters of national importance and general debates on less immediately pressing matters. The table below gives the subjects debated in Session 2005–06.
<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
<th>Duration (hrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Jun 05</td>
<td>Africa (Poverty)</td>
<td>4.55</td>
</tr>
<tr>
<td>7 Jul 05</td>
<td>Defence in the World</td>
<td>4.50</td>
</tr>
<tr>
<td>18 Jul 05</td>
<td>Sir Edward Heath KG MBE</td>
<td>1.03</td>
</tr>
<tr>
<td>13 Oct 05</td>
<td>Combating Benefit Fraud</td>
<td>1.51</td>
</tr>
<tr>
<td>14 Oct 05</td>
<td>Police Cautions (Data Protection)</td>
<td>0.26</td>
</tr>
<tr>
<td>20 Oct 05</td>
<td>Thames Gateway</td>
<td>4.18</td>
</tr>
<tr>
<td>17 Nov 05</td>
<td>Defence in the United Kingdom</td>
<td>4.43</td>
</tr>
<tr>
<td>7 Dec 05</td>
<td>Fisheries</td>
<td>5.24</td>
</tr>
<tr>
<td>14 Dec 05</td>
<td>European Affairs</td>
<td>6.17</td>
</tr>
<tr>
<td>19 Dec 05</td>
<td>Police Restructuring</td>
<td>5.30</td>
</tr>
<tr>
<td>12 Jan 06</td>
<td>Security of Energy Supply</td>
<td>3.01</td>
</tr>
<tr>
<td>31 Jan 06</td>
<td>Pensions</td>
<td>2.48</td>
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<tr>
<td>2 Feb 06</td>
<td>Defence Procurement</td>
<td>5.01</td>
</tr>
<tr>
<td>16 Feb 06</td>
<td>Tackling Health Inequalities</td>
<td>3.18</td>
</tr>
<tr>
<td>21 Mar 06</td>
<td>Managed Migration</td>
<td>2.55</td>
</tr>
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<td>2 May 06</td>
<td>Energy Review (Human Rights)</td>
<td>0.23</td>
</tr>
<tr>
<td>4 May 06</td>
<td>Disabled People</td>
<td>5.36</td>
</tr>
<tr>
<td>11 May 06</td>
<td>Confident Consumers</td>
<td>2.14</td>
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<td>14 Jun 06</td>
<td>European Affairs</td>
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<td>22 Jun 06</td>
<td>Defence Policy</td>
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<tr>
<td>6 Jul 06</td>
<td>Armed Forces Personnel</td>
<td>5.29</td>
</tr>
<tr>
<td>11 Jul 06</td>
<td>Intelligence and Security Committee (Annual Report)</td>
<td>4.01</td>
</tr>
<tr>
<td>20 Jul 06</td>
<td>International Affairs</td>
<td>3.23</td>
</tr>
<tr>
<td>12 Oct 06</td>
<td>Climate Change</td>
<td>4.13</td>
</tr>
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<td>26 Oct 06</td>
<td>International Development</td>
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</tr>
<tr>
<td>30 Oct 06</td>
<td>Energy Supply</td>
<td>3.49</td>
</tr>
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</table>

Table 10: Subjects debated on a motion for the adjournment of the House in Session 2005–06

*Source: Journal Office*
81. In its 4th Report, Session 2002–03, on Procedure for debates, private Members’ bills and the powers of the Speaker, the Procedure Committee published a list of annual set piece debates which took place in the Chamber, which together amount to 45 sitting days.145

<table>
<thead>
<tr>
<th>Debate Type</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queen’s Speech Debate</td>
<td>6</td>
</tr>
<tr>
<td>Opposition Days</td>
<td>20</td>
</tr>
<tr>
<td>Estimates Days</td>
<td>3</td>
</tr>
<tr>
<td>Budget Debate</td>
<td>5</td>
</tr>
<tr>
<td>Summer economic Debate</td>
<td>1</td>
</tr>
<tr>
<td>Armed Services</td>
<td>3</td>
</tr>
<tr>
<td>Defence White Paper</td>
<td>2</td>
</tr>
<tr>
<td>EU matters</td>
<td>1 or 2</td>
</tr>
<tr>
<td>Reports of the Public Accounts Committee</td>
<td>1</td>
</tr>
<tr>
<td>Welsh Affairs</td>
<td>1</td>
</tr>
<tr>
<td>Foreign Affairs (usually)</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 11: Typical distribution of annual set-piece debates

82. The topics debated on motions for the adjournment in government time are a pretty eclectic mix. Some are regular fixtures in the parliamentary timetable; others are based on suggestions made at business questions but many simply emerge when business is announced each week by the Leader of the House. There should be greater transparency in the choice of topics. Back bench Members should have a greater input into the selection of topics that the House debates in its non-legislative time. For the majority of regular debates we recommend rebalancing the current allocation of days and mix of subjects. One or two fewer days could be spent on the Queen’s speech and at least one day could be saved on the Budget debate. We believe that there should be one day given over to a debate on the Pre-Budget Report. Six days are currently allocated to debates on armed forces, defence and foreign affairs. These days should be used more flexibly for debating foreign policy, security and defence issues. The Government would retain the discretion to allocate more days for major debates.

83. Some of those we spoke to wanted more of these debates to take place on substantive motions rather than on motions for the adjournment. Mr Peter Bone said, ‘I am sure that there was a very good debate […] on the celebration of the abolition of the slave trade, but there would not have been a substantive motion at the end of that. I think that more
debates where there is a result at the end would be most useful. I can think of debates, for instance, on police mergers. We had one in Westminster Hall which was exceptionally well attended, but of course there was no substantive motion at the end.146 Jo Swinson said, ‘I think that substantive motions can give a point to a debate, rather than it just being a talking shop, as it were’.147 Nick Robinson was clear in his evidence on the importance of a defined outcome.148

84. The Clerk noted that increasing the use substantive motions would have advantages and disadvantages.149 Substantive motions would allow amendments to be moved and could result in votes; a defined outcome. But debates on the adjournment are more flexible and the rules of debate less strict so that Members do not have to be as concerned about keeping within the scope of what is often a narrowly defined motion. It is worth noting too that the parties (and Members) may also benefit from the looser whipping regime which often accompanies adjournment debates and that might not be possible where a vote is likely or even possible. **We recognise that there are good arguments both ways here. The Government should listen carefully to representations from the main Opposition parties and from back bench Members of all parties about whether a debate should take place on a substantive motion to which amendments could be tabled, and a vote held if necessary, or whether it should take place on a motion that allows a debate without the House having to come to a resolution in terms.**

85. The House will always want the opportunity to hold a debate without having to come to a decision in terms. But using ‘adjournment’ debates as a procedural device for general debates is confusing. It would be helpful to Members and to the public’s understanding of the House if these debates were renamed. **We recommend that debates held for the purpose of discussing a topic be renamed ‘general debates’ and that debate should take place on a motion ‘That this House has considered [the matter of] [subject]’. Such motions are already used in debates in Delegated Legislation Committees. Debate on such a motion would retain all the current features of an adjournment debate and there should be a strong convention that such motions moved for the purpose of having a general debate would not be amended.** As a consequence, these motions must be titled and expressed in neutral terms and cannot be used to convey any argument. The Table Office should play a part in vetting these motions. The motion could still be divided on to show disapproval with a particular policy (as is the case now with a motion for the adjournment of the House and on the motions on Statutory Instruments debated in Committees150) but we expect that this would happen very rarely. We would expect that like motions for the adjournment now, such consideration motions moved to facilitate a general debate on a topic would lapse or be withdrawn at the end of the debate.

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146 Q 116
147 Q 116
148 Q 11
149 Ev 104
150 On a motion for the adjournment the government generally votes no to preserve its business and those opposed to the government would vote aye to adjourn the sitting. In a delegated legislation committee those opposed vote no when the question that the Committee has considered the instrument is put.
86. Changing the terms of motions for general debates could have implications for the procedures in Westminster Hall. We do not propose changing procedure in Westminster Hall at this stage but call upon the Procedure Committee to consider in light of experience in the Chamber how the changes we have outlined might work in Westminster Hall. To make its proceedings more comprehensible however, we **recommend that the Order Paper for Westminster Hall makes clear that the debates there are general debates, on particular subjects.**

87. We make no recommendations to change the existing end-of-day adjournment debates. These should remain as an important opportunity for back bench Members to raise a matter with a Minister. But we **recommend that the subject and initiator of each end-of-day adjournment debate be recorded in the formal minutes of the House as well as on the Order paper.**

**Short debates**

88. In the evidence submitted to the Committee there was plenty of support for shorter debates. Peter Riddell said, ‘People do not go and hear sermons any longer, therefore the idea of lengthy speeches is completely alien to most people’s understanding’.\(^\text{151}\) Lord Norton told the Committee that short, sharp debates would increase the relevance to Members.\(^\text{152}\) The Hansard Society resumed its call for short debates on ‘substantive issues’\(^\text{153}\) and recommended allowing ‘public interest debates’, short debates requiring a ministerial response where there is a clear case of policy failure.

89. Despite the best endeavours of the occupant of the Chair to provide information to Members on when they are likely to be called, giving up five or six hours to attend a debate in the hope of getting called (on top of the time needed to prepare a speech) acts as a significant barrier to participation. And there is little incentive for Members not seeking to make a speech to attend. **We believe that opportunities for a number of shorter debates can be created without any procedural change and that these would encourage more Members to participate.** A Member unwilling to give up five or six hours of the day to sit in the Chamber in the hope of getting called may be willing to give up two to three hours to listen, contribute to or intervene in a short debate. **We are convinced that greater flexibility in managing the business of the House is needed.** The business managers could easily split some of the whole-day government debates into two shorter debates, in much the same way that the Official Opposition do on some Opposition days. We accept there will always be subjects that warrant a full day’s debate or more. However, there are many other occasions where two shorter debates would be more popular with Members and better attended. **The Government and opposition parties should agree more flexible use of time, splitting some of the current all-day non-legislative debates into two or more shorter, more focused debates where appropriate.** This should allow the Leader of

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151 Q 10
152 Q 45
the House to respond more flexibly to requests for debates raised by Members at Business Questions. In paragraphs 92 and 94 we discuss the impact of long front bench speeches and propose how they might be discouraged.

**Debating Committee Reports**

90. In Sessions 1999–2000 and 2000–01, the Liaison Committee made a series of recommendations which sought to raise the profile of select committee reports by having more of them debated. These included the idea that debates could take place in the Chamber on substantive motions recommended by committees and the idea that there should be a regular slot for short debates on reports. Some of the issues raised then were raised again in evidence to our inquiry. Following his evidence to the Committee, Mr Alan Williams, the Chairman of the Liaison Committee sought the views of the present Liaison Committee. They supported the proposal made by a previous Liaison Committee for a weekly ‘committee half-hour’ on the floor of the House, making it possible for Members, including a Minister and the Chairman or another member of the relevant Committee, to make initial brief comments on a Select Committee report. This would not preclude a full-scale debate, in Westminster Hall or in the Chamber, in due course after the Government’s full response to the report had been received. They also took the view that Committees should have the option of having their reports debated in the Chamber on substantive motions put forward by the Committee concerned. In many cases Committees might not want to proceed in this way, but the option would be available if the Committee considered it worthwhile. Peter Riddell thought that having fewer debates on reports did not matter as reports often informed other general debates; reports can be listed on the Order paper as being relevant to a particular debate.

91. Few Members other than members of the Committee tend to get involved with debates on Committee Reports. Lord Norton suggested that there could be half an hour on Tuesdays after Question Time for reports to be debated, with a five minute limit on speeches. The Liaison Committee could select the topics similar to the Australian model. He also suggested that reports could contain recommendations that could be put to the House and debated as a motion. Mr Mark Todd, Member for South Derbyshire, also thought there should be proper time to consider select committee reports. We believe there should be a weekly committee half-hour in Westminster Hall in which a Minister can make a brief response to a committee report, selected for debate by the Liaison Committee, followed by the Chairman or other Member of the Committee. The remainder of the half-hour slot would be available to the opposition front benches and


155 Ev 127-128

156 Q 35

157 Q 64

158 Ev 19

159 Q 64 and Ev 19

160 Ev 115
back bench Members generally. The usefulness of these weekly slots in Westminster Hall should be kept under review. We also see no reason why it should not be possible for committee reports to be debated in Westminster Hall on substantive motions: this may require a change to Standing Order No. 10 to make clear that debates on reports of this kind cannot be blocked by six Members. These procedures should be reviewed after their first year of operation.161

Time limits on speeches

92. Long front bench speeches squeeze the amount of time available for back bench Members, and several of our witnesses felt they should be time limited.162 This might encourage Members to attend for Questions and stay for opening speeches in the debate as there would be greater certainty about how long they would take. Emily Thornberry described how Westminster Hall was more egalitarian as it was easier for Members to organise themselves and to divide up the time fairly or at least in a way that everyone was happy with because there was generally a smaller number of Members wanting to speak in any debate.163 In his memorandum, Sir George Young recognised that front bench speakers took interventions but said ‘this risks becoming a vicious circle. As more interventions are taken, backbenchers see that they are going to be squeezed out of the debate. So they make an intervention instead, thereby further reducing the time for speeches’.164

93. Interventions are valued by Members as a means of putting ministers on the spot and are an important part of scrutiny. We are reluctant to do anything that might constrain the ability of back bench Members to intervene on Ministers’ speeches. In 1997–98 our predecessors called for self-restraint and did not seek to impose a limit on front bench speeches as they had no wish to diminish ministerial accountability.165 In 2001–02 our predecessors suggested that a minister should prepare speeches of no more than twenty minutes and that the opposition spokesmen should not feel obliged to match them.166 In 2002–03, the Procedure Committee did not think it would be practicable to lay down in Standing Orders time limits on front bench speakers but endorsed our predecessors’ recommendation that speeches should be no more than twenty minutes plus time for interventions.167 They recommended that less time should be taken up when only half a day was available for a given debate. The Speaker has recently reminded the House that as a general rule initial Statements by Ministers should not exceed ten minutes, the official opposition response five minutes, and responses from Liberal Democrats or other parties

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161 Changes to Standing Order No. 10 are discussed in paragraph 115.
162 Ev 53, Ev65, Ev90
163 Q 133
164 Ev90
165 Select Committee on the Modernisation of the House of Commons, 4th Report of Session 1997–98, HC 600
166 Select Committee on the Modernisation of the House of Commons, 2nd Report of Session 2001–02, HC 1168-I, para 89
three minutes.\textsuperscript{168} This guidance has in the main been followed, and appears to have met with general approbation.

94. The impact of long front bench speeches on days when business is truncated because of a statement or because the business was time-limited can be very dispiriting.\textsuperscript{169} Table 9 (see page 22) showed that front bench speeches can take up a significant amount of the time available: nearly 50 per cent. for government adjournment debates and over 50 per cent. on opposition days. Clearly this is related to the number of interventions ministers and front bench spokesmen take. Self-restraint is not working. \textbf{We believe that in heavily over-subscribed debates the Speaker should have the discretion to impose a twenty minute limit on speeches from the front benches with an additional minute given for each intervention up to a maximum of fifteen minutes of additional time.} We hope that the mere prospect that a limit might be applied will encourage all those speaking from the front bench to prepare speeches that last not more than twenty minutes and that the generous allowance for interventions will not lead to any diminution of ministerial accountability. These arrangements should be kept under review.

95. In addition we believe that \textbf{front bench speeches in the one and a half hour topical debates we recommended earlier in the Report\textsuperscript{170} should be limited to ten minutes each.} However, front bench spokesmen could receive an additional minute for each intervention they accepted up to a total of ten minutes with similar limits set for smaller parties in proportion to the time limits the Speaker recently announced for statements.\textsuperscript{171} The Official Opposition and second largest opposition party spokesmen should be able to choose whether to make an opening or a wind-up speech (although additional time for interventions may not be practicable at the end of a debate). The minister with responsibility for the topic would reply to the debate in a speech lasting no more than five minutes. Back bench speeches in topical debates should be limited to not less than three minutes, the precise allocation depending on the number of Members who wished to speak.

96. Popular debates will always be over-subscribed unless they are given more time. The Clerk said, ‘Members may feel that they are unable fully to engage in debates because they are not called to speak on every occasion when they seek to catch the Speaker’s eye. But frequently that stems from the fact that the most popular debates are heavily over subscribed and, even with use of the Standing Order on Short Speeches, it is impossible for the Chair to call everyone’.\textsuperscript{172} Many speeches could be shorter without losing their impact and there is a case for greater flexibility in imposing time limits on speeches. Jo Swinson said limits on speeches in debates were helpful and encouraged Members to think in

\begin{footnotes}
\textsuperscript{168} HC Debates, 1 November 2006, col 299
\textsuperscript{169} Q 273
\textsuperscript{170} See paragraph 59.
\textsuperscript{171} HC Debates, 1 November 2006, col 299
\textsuperscript{172} Ev 98
\end{footnotes}
advance about what they are going to say. Sir George Young said four eight minute speeches were likely to be more informative than two sixteen minute speeches.

97. The Clerk and the Chairman of Ways and Means drew our attention to a problem with the rigidity of current limits in Standing Order No. 47 which provides for time limits on backbench contributions to debate. Once a time limit has been decided, if Members subsequently withdraw, the time limit set may bring the debate to an end prematurely or if Members seek to catch the Speaker’s eye without prior notification the chosen time limit may be too generous to enable all to speak. Sir Alan called for more flexibility in the operation of the Standing Order to avoid the abrupt transition from a reasonable limit in the debate to a much shortened time just ahead of the wind up speeches. He said that trusting the Speaker and giving him more flexibility to manage time limits would allow the occupant of the Chair to judge a situation as it develops and respond accordingly. The Clerk said the point at which shorter speeches were introduced influenced the amount of time to be divided up and that had an effect on how Members made and planned their speeches. Sir Alan said, ‘if you have confidence in the Speaker and his assistants to operate the [debate] in the interests of Members, which is our tradition, then place that full trust in the Speaker’. We agree that the Speaker should have greater flexibility to vary time limits during debates with the objective of allowing all those who wish to speak to participate. We recommend that the Standing Orders be amended to give the Speaker greater discretion in setting and revising time limits on speeches, including raising or removing limits if appropriate.

**List of speakers in debate**

98. There have occasionally been calls for lists of speakers to be published. The Speaker’s guidance to all Members on conventions for debates says, ‘the Chair will generally seek to be as helpful as possible to Members seeking advice on the likelihood of being called’. The Speaker’s guidance also says: ‘Members speaking in debates should be present for the opening and winding-up speeches, and should remain in the Chamber for at least the two speeches after they have concluded. Members who fail to observe these courtesies will be given a lower priority on the next occasion they seek to speak’. We believe that it is important that Members should feel able to approach the Chair to get some informal indication of when they are likely to be called and we commend the Speaker on his helpful approach.

173 Q 99
174 Ev 90
175 Ev 82 and Ev 105
176 Ev 82
177 Q 187
178 Q 272
179 Q 189
180 Reproduced at Ev 100–101
181 Reproduced at Ev 100–101
99. Andrew Dismore’s memorandum supported the use of lists of speakers.\textsuperscript{182} Emily Thornberry thought there was no risk to spontaneity in debate from lists; having a list would encourage those not on it to make interventions in debate instead.\textsuperscript{183} Jo Swinson recognised that having a list could be helpful but might result in fewer people speaking in debates.\textsuperscript{184} She recognised that there was a lack of clarity about what the rules were and how they were enforced.\textsuperscript{185} However, Sir Alan Haselhurst was not in favour of lists saying, ‘Any gain in certainty of timing would, in my view, be more than outweighed by the loss of spontaneity in debate and the temptation for Members to spend even less time listening to their colleagues’ contributions’.\textsuperscript{186} He pointed out that a system of lists would need rigid rules that could be difficult to enforce. \textbf{We do not see a need for lists of speakers in debates.}

\textit{Multitasking}

100. All Members experience competing demands on their time. Members might be more willing to spend time in the Chamber listening to debates or waiting to be called if they were able to do other work at the same time, either dealing with correspondence or perhaps even using a handheld computer or laptop to deal with e-mails. Several people we spoke to raised the question of multitasking. Kitty Ussher felt multitasking in her office was often a better use of her time given the pressures of work.\textsuperscript{187} Jo Swinson said Members could multitask in their offices, listening to debate on the television, but could not do so in the Chamber. Emily Thornberry said, ‘Six hours is a very long time just to sit there and not do any work, when you have the time pressures that we have’.\textsuperscript{188} Even longer serving Members saw no barrier to the use of hand-held devices in the Chamber provided they did not interfere with the debate or cause a disturbance.\textsuperscript{189} \textbf{Removing barriers to participation is important and the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided it causes no disturbance.} The House authorities should ensure that the necessary technical infrastructure is provided to ensure that Members can use handheld devices in the Chamber unobtrusively and without affecting other systems in the Chamber, such as the sound system.

\begin{footnotesize}
\textsuperscript{182} Ev 65  \\
\textsuperscript{183} Q 135  \\
\textsuperscript{184} Q 101  \\
\textsuperscript{185} Q 106  \\
\textsuperscript{186} Ev 79  \\
\textsuperscript{187} Q 123  \\
\textsuperscript{188} Q 132  \\
\textsuperscript{189} Q 171
\end{footnotesize}
Opportunities to initiate business

Existing opportunities

101. In his memorandum to the Committee, the Clerk noted that the potential range of activities in which Members may be engaged was wide. There are five types of business which are effectively in the hands of private Members:

- private Members’ bills,
- motions for leave to introduce bills (ten minute rule motions),
- debates on the adjournment, requiring a minister to account for his policy or actions,
- amendments to Bills, at Report stage, as in Committee, and
- questions to ministers.

102. In addition, Early Day Motions, although not initiating business, allow back bench Members to put before Parliament issues of concern, and are used as a platform for pressuring Business Managers into finding time for debate, not least via Business Questions.

103. There are other ways for back bench Members to raise subjects of their choosing on the floor, although most provide only a small amount of time for the Member. These include:

- Prime Ministers Questions and Business Questions (although getting in depends on catching the Speaker’s eye)
- asking an urgent question (under Standing Order No. 21) (with the permission of the Speaker – see paragraph 66)
- applying for urgent emergency debates (under Standing Order No. 24) (rarely used – see paragraph 67)

104. Back bench Members also have a number of other non-legislative opportunities for examining government policy including written questions, government statements, adjournment debates and early day motions. The opportunities for debate include Opposition days, Estimates days and the set-piece debates on the Queen’s speech and the budget. Debates before a recess offer a chance to raise issues that might not otherwise be
debated. On days when government business ends early the adjournment debate may expand to fill the time which becomes available. In addition, any Member may attend and speak in Delegated Legislation and European Standing Committees. Members can also present petitions.

105. Standing Orders give government business precedence at every sitting save for twenty opposition days, three estimates days and thirteen days for private Members’ business. However, even on days when the business is appointed by the government, back bench Members have significant opportunities to raise issues. For example, at Question time although the rota, called the Order of Oral Questions, is determined by the government, the actual order of the questions is random and determined by ballot and the content of questions is determined by Members. Similarly, time spent discussing legislation is clearly government time but much of it is spent on discussing amendments brought forward by the opposition and by back bench Members.

106. Private Members’ Bills (PMBs) are an effective tool for back bench Members. Emily Thornberry stressed that a PMB does not have to become law to have an effect and that they were an excellent way of drawing attention to an issue. Lord Norton said,

’If you look at Private Members’ time, it takes less than five per cent of the time of the House. People say it is wasted time because not many bills are passed. I think that misses the point. It is invaluable time for raising the issue, getting it on to the agenda, allowing people to express a view, and to make groups outside feel that they are being heard and those views are being expressed. I think we can see in those circumstances that time utilised in that way is extremely valuable’.

107. Traditionally government’s reaction to PMBs has been to resist any that were not government handout bills. A lack of information about what is in a bill can encourage the government to take an unduly negative approach. We believe that the government should be more helpful over the handling of bills but recognise that this will require the Members sponsoring bills to give more notice of the content. It would be helpful if the Procedure Committee were able to look at the question of Private Members’ Bills in more detail.

108. Ten minute rule motions are also seen as a valuable back bench opportunity to raise an issue in prime time. From the seventh week of a session a Member is called each Tuesday and Wednesday to make a speech of not more than ten minutes seeking leave to introduce a bill (see Standing Order No. 23). Anyone opposing such a Motion can speak for a further ten minutes. Ten minute rule motions are for the most part unopposed and do not usually take up the 20 minutes allowed for them. But they are sometimes opposed and there may on occasion be a division. Ten minute rule motions accounted for two per cent. of non-legislative time in Session 2003–04.

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191 Ev 38
192 Q 142
193 Q 55
109. Other Parliaments have a range of mechanisms and procedures by which Private Members can initiate business or raise an issue. Australia, New Zealand and Canada all have specific times set aside for private Members to initiate business. Some control this through business committees. India not only allows time for Private Members’ Resolutions but also has several other innovative mechanisms for raising or drawing attention to an issue including, Calling Attention, Half-an-Hour discussions, Short Duration discussions, Rule 377, Zero hour submissions and Special Mentions. These appear to have been designed to allow Members who wish to raise an issue to find a way of doing so. In New Zealand, every Wednesday afternoon an hour is set aside for members to debate issues of their choice. Speeches in these general debates are five minutes each. The Business Committee normally allocates party speaking slots for this debate and Members approach their whips for slots. Australia uses Monday afternoons for non-government business including Committee and Delegation Reports, Private Members’ Motions, Private Members’ Bills, Members’ statements, Petitions and the Grievance debate. The Grievance debate lasts about an hour and a half and is practically unlimited in scope. In it Members have ten minutes to make their speech. Its origins lie in the financial procedures of the House and although strictly speaking it is government time it is a back bench opportunity (just as for adjournment debates).

110. Philip Cowley said, ‘Allowing backbenchers some influence at Westminster is more than just when they speak; it is also getting the topics they want on to the agenda, when they want them on the agenda’. 194 Rt Hon. John Gummer, Member for Suffolk Coastal, argued that the Government should control the legislative programme, but Parliament as a whole should have a great deal of control over the timetable. 195 In his written evidence Lord Norton said, ‘Experience elsewhere suggests that giving the House greater say over the use of time will not prevent the Government from getting its business, but it will enable time to be used more effectively in calling the executive to account’. 196

111. There is clearly a demand for new mechanisms to raise issues. In this Report, we have added to the existing opportunities by recommending a procedure for topical questions and debates on topical issues. But with such a wide range of opportunities open to Members perhaps what is needed is more time for existing opportunities and/or better information on how to make better use of them. We discussed providing better information on the new opportunities we have recommended in this Report and existing opportunities in paragraph 46 and 66.

**Private Members’ Motions**

112. We have already seen that there are a great number of ways for Members to raise issues (see paragraph 101) and our recommendations in this Report seek to add to them. Debates in Westminster Hall have been a significant success and have, to some extent,
reversed the historical erosion of private Members’ time. But several of those who submitted evidence and a number of our witnesses said that back bench Members would only have a real power of initiation if they could bring forward topics on substantive motions for debate; several advocated the reintroduction of Private Members’ Motions. The Clerk of the House pointed out that ‘What back bench Members cannot do currently is initiate debates on a substantive motion which would enable them to test the opinion of the House on a subject at their own initiative.’ He went on to say such a reform would be a significant strengthening of the role of a back bench Member. Reintroducing Private Members’ Motions could also provide a vehicle for those who felt there should be some mechanism for Early Day Motions to be debated.

Private Members’ Motions were usually in the form of draft resolutions that if adopted would become an expression of opinion of the House. Private Members’ Motions were taken on Fridays reserved for private Members’ business and given precedence on ten Fridays and four half-days other than Fridays (usually Mondays until 7.00pm). Friday sittings were divided between Private Members’ Motions and Private Members’ Bills. Members entered a ballot for the slots available for Private Members’ Motions. The ballot for slots on Fridays was held on such Wednesdays as were appointed by the House and on such other days as were appointed by the House for the four half-days. Three names were drawn on each occasion, although it was rare for there to be more than one debate. Private Members’ Motions were rarely divided on (no divisions at all in Sessions 1988–89 and 1989–90) and most often debates were allowed to lapse. Debates on Private Members’ Motions were ended as part of a package of changes to sitting hours set out in the 1992 Report of the select Committee on Sittings of the House, commonly known as the Jopling Reforms, and became debates on the adjournment on Wednesday mornings that later became Westminster Hall debates.

We believe there should be more opportunities for back bench Members to initiate business. There is a strong case for reintroducing Private Members’ Motions. In the first instance we recommend an experiment with a ballot for opportunities for debating Private Members’ Motions using one of the longer slots each week in Westminster Hall on a trial basis for a whole Parliamentary Session. We recommend that this experiment should take place during the 2008–09 Session.

This would create more opportunities for debating Private Members’ Motions than existed before the ‘Jopling’ reforms in mid-1990s which changed the sitting times of the House. Clearly this can only be done with the loss of one of the longer slots in Westminster Hall but on balance we feel that the benefit of allowing private Members another means of initiating business outweighs the loss of the slot. There would be no net loss of private Members’ time. Standing Order No. 10 will need to be adjusted to refine the mechanism

197 Ev 99
198 Q 116 and Ev 20
199 Ev 100
200 Ev 100
201 Report of the Select Committee on Sittings of the House, Session 1991–92, HC No. 20
for holding divisions when a motion debated in Westminster Hall is opposed. We believe that any divisions referred to the House from Westminster Hall should be deferrable. Amendments to a Private Members’ Motion will not be possible under this procedure as the mechanism for deferred divisions cannot deal with contingent questions. (This would not preclude the Member making changes to the Motion, in the light of any representations made, up to the day before the debate.) Private Members’ Motions deferred in this way should appear on a different coloured ballot paper to distinguish them from deferred divisions on main business and we would expect that Ministers would abstain in these votes.

Timing and timetabling of business

116. The present distribution of sitting time broadly reflects the arrangements made in Session 1994–95 that flowed from the Jopling Reforms.202

117. The Jopling Reforms were based on three principles:

- the Government must be able to get its business through and, within that principle, ultimately control the time of the House;

- the Opposition must have enough opportunity to scrutinise the actions of Government and to improve or oppose its legislation as it thinks fit; and

- back bench Members on both sides of the Chamber should have reasonable opportunities to raise matters of concern to their constituents.203

118. Sitting times have changed since the Jopling Reforms and new opportunities, such as Westminster Hall, have been introduced but the under-pinning principles still hold true.

A more flexible approach

119. Sir Alan Haselhurst told us that while the pressure to create more time for constituency and campaigning work was one of the main driving forces behind the changes in sitting hours introduced during the last two Parliaments, they had led to a clash of commitments for Members at Westminster and the scrutiny function was suffering as a result.204 He recognised it was unrealistic to expect business to be entirely predictable and that business managers need some margin of flexibility in their forward planning.205 Timing proceedings down to the last minute would be undesirably restrictive. We agree with Sir Alan that there is nothing more dispiriting for Members than to see business

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202 Report of the Select Committee on Sittings of the House, Session 1991–92, HC No. 20
203 Report of the Select Committee on Sittings of the House, para 7
204 Ev 78
205 Ev 79
collapsing several hours before the scheduled close, with the resultant loss of debating time. Flexible use of time is a theme running through this Report and our last Report on the Legislative Process. Time is a precious commodity and should be used as flexibly as possible so that the House focuses on those areas that needed most attention with less time spent debating areas where there is consensus. Within the overall framework of the Government’s legislative programme, exactly how time is used is partly within the discretion of the opposition parties. We believe, therefore, that the business managers of the government and opposition should give thought to and perhaps consult back bench Members on the likely level of demand to speak in a given debate. They can then adjust the amount of time for the business accordingly. As Sir Alan Haselhurst said there are only two or three occasions in a year when there are really high levels of demand to speak in a debate and that on those occasions sufficient time should be allowed.\textsuperscript{206}

**The impact of programming**

120. Philip Cowley told us:

‘Programming is a good example of a good idea, brought forward initially with very good intentions, which has been corrupted. … Programming, as currently constituted, is not beneficial. One consequence … has been to shove out backbenchers from the Report stage of the legislative process. It is one reason … why you are now getting very large rebellions against bills at Second Reading. You are getting them because backbenchers are no longer sure that they will be able to get their chance to use targeted amendments later on in the process.’\textsuperscript{207}

121. John Gummer also drew attention to the problems caused by the programming of legislation.\textsuperscript{208} Report stage, in particular, is very compressed. Sir Alan Haselhurst said, “The principle of programming bills is not necessarily objectionable, but it needs to be applied more sensitively and flexibly. If programming were modified in this way, something approaching a consensus on its use might be achievable.”\textsuperscript{209}

122. In fact, Programming has become much less prescriptive and is used to ensure full debate. The number of knives in committee has dramatically reduced, from 69% in 2001–02 to 3% in the last Session and there have been none so far in this Session. The number of Standing Committees finishing early has greatly increased—9% in 2001–02 to 48.5% in 2005–06 and 69% in this Session. The number of groups not reached in Report Stage debates has decreased—average of 3 groups per bill in Session 2003–04, 2 per bill in Session 2005–06 and 1 this Session. The Government works hard to make Programming consensual and opposition to Programming has decreased. The number of divisions on Programme Motions at Second Reading has decreased from 100% in Session 2001–02 to 40% in Session 2005–06 and 35% in this Session. The number of divisions on

\textsuperscript{206} Q 192  
\textsuperscript{207} Q 51  
\textsuperscript{208} Ev 115  
\textsuperscript{209} Ev 81
Programming Sub-Committee resolutions in Committee has decreased—44% in Session 2001–02, to 8% in 2005–06 (although it has risen to 28% in this Session following the introduction of changes to the legislative process).210

123. In using programming there is a potential tension between facilitating business and protecting the rights of opposition parties. We recommend the operation of programming is kept under review.

**Increasing time for Private Members**

124. Sir Alan Haselhurst told us that Westminster Hall was a valuable source of debating opportunities for back bench Members and was well established as part of the parliamentary scene.211 There is a significant surplus of applications over the slots available.212 The Clerk told us that the nine hours available each week in Westminster Hall exceeds by a considerable margin the time that was formerly available either for Wednesday morning sittings or, previously, for Private Members’ motions and Consolidated Fund Bill debates. In 1993–94 back bench Members spent about 120 hours debating Private Members’ motions, adjournment debates on the Consolidated Fund Bill and in debates prior to each recess, whereas in 2003–04 they spent 307 hours in Westminster Hall alone.213 Sir Alan Haselhurst argued that more could be done with Westminster Hall than had hitherto been tried including debates on uncontroversial legislation and opportunities to raise topical issues.214 Second readings of uncontroversial bills (those on which no division is expected) could be taken in Westminster Hall. Sir Alan proposed the establishment of a 30 minute slot for ‘issues of concern’, which would enable ten Members to raise for three minutes each, and without notice, a matter of national, local or constituency interest without the need for a Ministerial reply. He also proposed a half hour slot for debating newly published Select Committee reports in Westminster Hall with a Minister giving an initial response to the report for five minutes, followed by the Chairman of the Committee, or another Member speaking on its behalf, for five minutes with the remainder of the time available for other Members to comment. In oral evidence, he suggested a half-hour topicality slot.215 Some of these suggestions are superseded by our earlier recommendations on topicality and debating select committee reports and introducing others in Westminster Hall would be a departure from the unopposed nature of business that has so far been taken in Westminster Hall.216

125. The time available for private Members in Westminster Hall now exceeds considerably the time previously available for Private Members’ Motions. In his memorandum, the Clerk explained how Westminster Hall has created more opportunity
for Members to debate topics of their choice and said time for private Members could be further increased by extending the current Westminster Hall sitting times or by sitting on Mondays and Tuesday afternoons.217 This would have resource implications for the House and the Government. Members may not be keen on having even greater overlap between Westminster Hall and the Chamber and we share this concern. There are already clashes in the timetable and some of our witnesses called for the timings to be changed so that there was no overlap.218 The Clerk also highlighted the difficulties caused by overlaps.219 We do not want to create any more overlap than already exists and for this reason we do not propose any further extension of the time that the House sits in Westminster Hall. Clearly we need to see the impact of our other recommendations, if approved by the House, and will continue to monitor the situation to see how well supply is meeting demand.

**Injury time for Statements?**

126. Mr Peter Bone proposed extending the length of subsequent debates by the time taken by statements—injury time for statements—saying that the loss of time hit junior back bench Members hardest.220 Sir Alan Haselhurst also proposed injury time for statements saying that it would allow the occupants of the Chair to let the proceedings run for a little longer and allow more back bench Members to get in.221 Sir Alan argued that restricting the use of injury time to Opposition days and to remaining stages of bills—the two types of business where loss of time to statements and Urgent Questions is particularly unwelcome and disruptive—would overcome these problems. Debate on legislation could be protected if the time limits set in programme motions specified the number of hours of debate rather than particular times. The Clerk supported the idea of injury time saying, ‘If the House wants to devote time to important and topical matters then it makes sense for the time lost to be compensated’.222 He noted there would be some resource implication of keeping staff on later. Injury time would run counter to the objective of some recent reforms and we are not persuaded that the benefits of injury time would outweigh the loss of predictability.
5 Conclusion

127. This Report proposes changes to make Parliament more topical, engaging and stronger on scrutiny and accountability. Some of the changes we recommend represent a trade-off between topicality and predictability. Sir Alan Haselhurst said, ‘We have to accept there is some inconvenience in this work if we really want to be on the button on a particular matter’.223

128. Parliament fulfils its core tasks of sustaining a government, holding that government to account, giving assent to the legislation put before it, and acting as an essential forum for debate and decision on topical issues of concern to the public. But it could do some of these things more effectively. It is probably true that Parliament is more effective at sustaining an executive than holding it to account. There is clearly an inherent tension between these roles and it is inevitably difficult to sustain a perfect balance. A strong government needs a strong Parliament; and good scrutiny makes for good governance; and so does a more demanding, less deferential citizenry with higher aspirations for themselves and their families. In the final analysis, the strength and vitality of the House of Commons and Parliament as a whole depends upon the efforts and behaviour of its Members and the emphasis they place on their scrutiny and accountability role. It is ultimately up to individual Members to make the changes we propose in this Report effective and those we recommended last year to improve the legislative process work. There must be the political will to make any changes work—it is down to back bench Members to strengthen themselves.

129. Some of our recommendations will require additional resources. These include permitting the use of advanced technology in the Chamber and an expanded induction programme for new Members. We recommend that any debate on the proposals contained in this report should be accompanied by an explanatory memorandum that sets out the resource implications, as far as these can be known or estimated.

130. If implemented our recommendations would mean:

• extending the period between a General Election and the date of the first sitting of the House;

• allocating part of most question times to topical questions;

• extra debates on topical matters on a weekly basis;

• shorter debates on most general issues and some legislation;

• a weekly half-hour slot for debating Select Committee Reports in Westminster Hall;

223 Q 198
• more comprehensible motions including consideration of more debates on substantive motions;

• shorter speeches, including from front benchers;

• greater flexibility on time limits on speeches in debates to allow more Members to take part; and

• the reintroduction, on a trial basis, of Private Members’ Motions, in Westminster Hall.

131. In the final analysis it is up to Members how they carry out their duties and the strength of Parliament rests upon their individual efforts.
Conclusions and recommendations

The role of the Member

1. We recommend that the House authorities identify ways of publicising the work of the Chamber. (Paragraph 17)

Learning the ropes

2. The political parties and the House authorities should work together to ensure that the needs of new Members are identified and addressed by any induction programme. (Paragraph 30)

3. An approach that seeks to manage how information is routinely given to new Members seems to be a sensible way forward. (Paragraph 32)

4. Members must be involved in delivering part of the induction, either on a party basis or supporting what is delivered corporately. We believe that Members should also be involved in determining the content of the programme and that staff planning the induction process should test out their ideas with Members. The whips’ offices and executives of political parties should take steps to facilitate this. (Paragraph 33)

5. The practical difficulties faced by new Members must be addressed in order to ensure that improvements to the induction process have the greatest chance of success. We acknowledge the important work that the Administration Committee is doing in this regard and welcome both their Report on post election services and the response to it. (Paragraph 34)

6. The House authorities should provide an overall framework for the induction programme within which the parties have dedicated time. The parties and the House authorities should work together in planning the next induction programme. (Paragraph 35)

Using the gap between the election and the Queen’s speech

7. There should be a longer gap than usually occurred in the past between the election and the day the House first meets to permit some of the practicalities that prevent Members from focusing on their new job to be addressed and to make time for an induction programme before the House starts its work. We recommend that the gap should be about twelve days. (Paragraph 39)

Making induction relevant to the business

8. More effort should be made to ensure that, beyond the initial induction programme, briefings are timed so that they mirror the business of the House as far as possible. (Paragraph 40)
9. Once the initial new Members’ briefings have been completed consideration should be given to opening up some briefings to Members’ staff and others, such as those in political offices or staff of the House. (Paragraph 40)

Supporting Continuous Development

10. We recommend that the House authorities make continuous development opportunities available to all those who want them. (Paragraph 42)

11. We recommend that the parliamentary parties review the arrangements they put in place for mentoring the new in-take in 2005 with a view to planning an improved process after the next election. (Paragraph 43)

12. We recommend that the House authorities and parties work together to decide what sort of extra development activities might be useful and how they might best be resourced and provided. (Paragraph 45)

Information and advice for Members

13. We encourage all Members to ask for advice (Paragraph 46)

14. We believe that the current short guide to procedure should be expanded. (Paragraph 46)

In the Chamber

Topical Questions

15. We recommend that oral Question Time should be divided into two periods: an initial period for oral questions under the current arrangements followed by a period of ‘open’ questions. (Paragraph 53)

Topical Debates

16. The topicality of debates in the Chamber should be improved. We believe that the House will attract greater attention from Members, the public and the media if it finds a means of debating topical issues. (Paragraph 57)

17. We recommend that provision should be made in Standing Orders for topical debates on issues of regional, national or international importance to be held on one day each week. Topical debates would last for an hour and a half and be taken immediately after questions and statements but before the main business of the day. (Paragraph 59)

Business Questions

18. We believe there is a case for formalising business questions in Standing Orders. (Paragraph 64)
Urgent Questions and Urgent Debates

19. We recommend that guidelines be drawn up to help Members understand what sorts of issues and events might meet the criteria set out in Standing Order No. 21(2). We see a case for extending this advice to cover urgent debates under Standing Order No. 24 and the other opportunities for back bench Members to raise urgent or topical issues. The guidance could usefully include some examples of the types of issues that could be brought up under the different opportunities available to Members. (Paragraph 66)

20. We believe the Speaker should have greater discretion to vary when a debate, initiated through a successful Standing Order No. 24 application, is held and to decide its length. The Speaker would need to exercise this discretion in consultation with the business managers to mitigate the impact on planned business. (Paragraph 71)

General debates

21. For the majority of regular debates we recommend rebalancing the current allocation of days and mix of subjects. (Paragraph 82)

22. We recognise that there are good arguments both ways here. The Government should listen carefully to representations from the main Opposition parties and from back bench Members of all parties about whether a debate should take place on a substantive motion to which amendments could be tabled, and a vote held if necessary, or whether it should take place on a motion that allows a debate without the House having to come to a resolution in terms. (Paragraph 84)

23. We recommend that debates held for the purpose of discussing a topic be renamed ‘general debates’ and that debate should take place on a motion ‘That this House has considered [the matter of] [subject]’. (Paragraph 85)

24. There should be a strong convention that such motions moved for the purpose of having a general debate would not be amended (Paragraph 85)

25. We recommend that the Order Paper for Westminster Hall makes clear that the debates there are general debates, on particular subjects (Paragraph 86)

26. We recommend that the subject and initiator of each end-of-day adjournment debate be recorded in the formal minutes of the House as well as on the Order paper. (Paragraph 87)

Short debates

27. We believe that opportunities for a number of shorter debates can be created without any procedural change and that these would encourage more Members to participate. (Paragraph 89)

28. We are convinced that greater flexibility in managing the business of the House is needed. (Paragraph 89)
29. The Government and opposition parties should agree more flexible use of time, splitting some of the current all-day non-legislative debates into two or more shorter, more focused debates where appropriate. (Paragraph 89)

**Debating Committee Reports**

30. We believe there should be a weekly committee half-hour in Westminster Hall in which a Minister can make a brief response to a committee report, selected for debate by the Liaison Committee, followed by the Chairman or other Member of the Committee. The remainder of the half-hour slot would be available to the opposition front benches and back bench Members generally. The usefulness of these weekly slots in Westminster Hall should be kept under review. We also see no reason why it should not be possible for committee reports to be debated in Westminster Hall on substantive motions: this may require a change to Standing Order No. 10 to make clear that debates on reports of this kind cannot be blocked by six Members. (Paragraph 91)

**Time limits on speeches**

31. We believe that in heavily over-subscribed debates the Speaker should have the discretion to impose a twenty minute limit on speeches from the front benches with an additional minute given for each intervention up to a maximum of fifteen minutes of additional time. (Paragraph 94)

32. Front bench speeches in the one and a half hour topical debates we recommended earlier in the Report should be limited to ten minutes each. However, front bench spokesmen could receive an additional minute for each intervention they accepted up to a total of ten minutes with similar limits set for smaller parties in proportion to the time limits the Speaker recently announced for statements. The Official Opposition and second largest opposition party spokesmen should be able to choose whether to make an opening or a wind-up speech (although additional time for interventions may not be practicable at the end of a debate). The minister with responsibility for the topic would reply to the debate in a speech lasting no more than five minutes. Back bench speeches in topical debates should be limited to not less than three minutes, the precise allocation depending on the number of Members who wished to speak. (Paragraph 95)

33. The Speaker should have greater flexibility to vary time limits during debates with the objective of allowing all those who wish to speak to participate. We recommend that the Standing Orders be amended to give the Speaker greater discretion in setting and revising time limits on speeches, including raising or removing limits if appropriate. (Paragraph 97)

**List of speakers in debate**

34. We do not see a need for lists of speakers in debates. (Paragraph 99)
Multitasking

35. Removing barriers to participation is important and the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided that it causes no disturbance. (Paragraph 100)

Private Members’ Motions

36. We believe there should be more opportunities for back bench Members to initiate business. (Paragraph 114)

37. We recommend an experiment with a ballot for opportunities for debating Private Members’ Motions using one of the longer slots each week in Westminster Hall on a trial basis for a whole Parliamentary Session. We recommend that this experiment should take place during the 2008–09 Session. (Paragraph 114)

The impact of programming

38. We recommend the operation of programming is kept under review. (Paragraph 123)

Resource implications

39. We recommend that any debate on the proposals contained in this report should be accompanied by an explanatory memorandum that sets out the resource implications, as far as these can be known or estimated. (Paragraph 129)
Formal minutes

Wednesday 23rd May 2007

Members present:

Mr Jack Straw, in the Chair

Mr Paul Burstow  Mr Greg Knight  Mark Lazarowicz
Ann Coffey  Mrs Theresa May
Philip Davies  Mr Richard Shepherd
Mr Greg Knight  Sir Nicholas Winterton
Mark Lazarowicz  Mr Iain Wright

Strengthening the role of the backbencher and making better use of non-legislative time

The Committee considered this matter.

[Adjourned till Wednesday 6th June at half past Nine o’clock.

Wednesday 6th June 2007

Members present:

Mr Jack Straw, in the Chair

Ms Dawn Butler  Mr Adrian Sanders
Ann Coffey  Mr Richard Shepherd
Philip Davies  Sir Peter Soulsby
Mr Greg Knight  Sir Nicholas Winterton
Mark Lazarowicz  Mr Iain Wright
Mrs Theresa May

Strengthening the role of the backbencher and making better use of non-legislative time

The Committee considered this matter.

[Adjourned till Wednesday 13th June at Ten o’clock.

Wednesday 13th June 2007

Members present:

Mr Jack Straw, in the Chair

Ann Coffey  Mr Adrian Sanders
Strengthening the role of the backbencher and making better use of non-legislative time

The Committee considered this matter.

Draft Report (*Revitalising the Chamber: the role of the back bench Member*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman’s draft Report be read a second time, paragraph by paragraph.

Summary read and postponed.

Preface read.

Question put, That the Preface stand part of the Report.

The Committee divided.

Ayes, 7

- Ann Coffey
- Philip Davies
- Mr Greg Knight
- Mark Lazarowicz
- Mr Adrian Sanders
- Sir Peter Soulsby
- Mr Iain Wright

Noes, 1

- Mr Richard Shepherd

Paragraph 1 read and agreed to.

Paragraph 2 read, as follows:

‘The House’s practices and procedures continue to evolve in response to social and political change. Fifty years ago the pressures on Members of Parliament were less and they had less secretarial and personal research support. Today they enjoy much better administrative help. It is unsurprising then that the role of a Member has evolved and changed over time. The basic elements of the job remain the same but the balance between them has altered. Some of the academic evidence suggests that Members today are more active and independently minded than their part-time predecessors. They welcome the challenge presented by a more assertive, less deferential public. At the same time it can be argued that during the same period executive control has over the business of the House has increased and the number of opportunities for Members to act on their own initiative, independent
of their party, has declined. In parallel there has been a change in the media’s approach to its coverage of politics and the work of the House in particular.

Amendment proposed, in line 10, after ‘House’ to insert ‘as evidenced in the development of Standing Orders’.—(Mr Richard Shepherd.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1
Mr Richard Shepherd

Noes, 7
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 7
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Noes, 1
Mr Richard Shepherd

Paragraph 3 read, as follows:

‘Critics of the modern House of Commons sometimes hark back to a lost “Golden Age” when governments were held tightly in check by committed and independent-minded Members far more able and energetic than those who sit on the green benches today. They are wrong. As Michael Ryle, a former Commons clerk, recently argued, “simple factual comparison with the 1950s and early 1960s shows that Parliament—particularly the House of Commons—plays a more active, independent and influential role in Britain today than at any time for many years”.’

Amendment proposed, in line 1, to leave out ‘Critics of the modern House of Commons sometimes hark back to a lost “Golden Age” when governments were held tightly in check
by committed and independent-minded Members far more able and energetic than those who sit on the green benches today. They are wrong.’.—(Mr Richard Shepherd.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Mr Richard Shepherd

Noes, 7

Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 7

Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Noes, 1

Mr Richard Shepherd

Paragraph 4 read and agreed to.

Paragraph 5 read, as follows:

‘The changes introduced by our predecessors have helped to make the House of Commons more efficient. We hope that some of our proposals, like those we made last year on the legislative process, will also help to make it more effective. Peter Riddell, Assistant Editor of the Times, said, “Parliament is in many ways more effective today than it has ever been”. Effectiveness is harder to assess than efficiency partly because so much has changed and partly because Members have different objectives. What seems more effective to one Member may seem retrograde to another; government and opposition will have different views, as will frontbenchers and backbenchers.’

224 Q 10
Amendment proposed, in line 3, leave out ‘Peter Riddell, Assistant Editor of the Times, said, “Parliament is in many ways more effective today than it has ever been”’.

Effectiveness is harder to assess than efficiency partly because so much has changed and partly because Members have different objectives. What seems more effective to one Member may seem retrograde to another; government and opposition will have different views, as will frontbenchers and backbenchers.’.—(Mr Richard Shepherd.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Mr Richard Shepherd

Noes, 7

Ann Coffey

Philip Davies

Mr Greg Knight

Mark Lazarowicz

Mr Adrian Sanders

Sir Peter Soulsby

Mr Iain Wright

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 7

Ann Coffey

Philip Davies

Mr Greg Knight

Mark Lazarowicz

Mr Adrian Sanders

Sir Peter Soulsby

Mr Iain Wright

Noes, 1

Mr Richard Shepherd

Paragraphs 6 to 8 read and agreed to.

Resolved, That paragraphs 9 to 31 be moved to after paragraph 46.—(Mr Richard Shepherd.)

Paragraphs 9 to 31 (now paragraphs 24 to 46) read and agreed to.

Paragraphs 32 to 46 (now paragraphs 9 to 23) and 47 to 58 read and agreed to.

Paragraph 59 read as follows:
‘The Clerk highlighted the importance of finding a regular slot for topical debates so that they can be taken into account by the business mangers. We recommend that provision should be made in Standing Orders for topical debates to be held on one day each week. Topical debates would last for an hour and a half and be taken immediately after questions and statements but before the main business of the day. The debate should be a general debate (see paragraph 85). Subjects for topical debates would be announced by the Leader of the House following consultation with the Business Managers. To allow these new topical debates to provide opportunities for back bench Members, both sides of the House must accept some restriction on the length of front bench speeches and we discuss time limits later in this Report (see paragraph 95). As we have already said, we do not envisage any of our proposals increasing the overall time that the House sits.’

An Amendment made.

Amendment proposed, in line 8, to leave out ‘consultation with the Business Managers’ and insert ‘a ballot’.—(Mr Adrian Sanders).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2

Mr Richard Shepherd
Mr Adrian Sanders

Noes, 6

Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Sir Peter Soulsby
Mr Iain Wright

Other Amendments made.

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 6

Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Sir Peter Soulsby
Mr Iain Wright

Noes, 2

Mr Richard Shepherd
Mr Adrian Sanders
Paragraphs 60 to 84 read and agreed to.
Paragraph 85 read, amended and agreed to.
Paragraphs 86 to 100 read and agreed to.
Paragraphs 101 to 111 read.

Motion made, to leave out paragraphs 101 to 111 and insert the following new paragraph:

‘Arrangements and Timing of Private and Public Business

Current Standing Order No. 14 of the House of Commons states:

“(1) Save as provided in this order, government business shall have precedence at every sitting.

(2) Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business provided that…

…(4) Private Members’ bills shall have precedence over government business on thirteen Fridays in each session to be appointed by the House.”

It can be see from the above that Private Members have no opportunity to initiate substantive motions on matters of public business.’.—(Mr Richard Shepherd.)

Motion made, and Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 2
Mr Richard Shepherd
Mr Adrian Sanders

Noes, 6
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Sir Peter Soulsby
Mr Iain Wright

Question put, That paragraphs 101 to 111 stand part of the Report.
The Committee divided.

Ayes, 6
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Sir Peter Soulsby
Mr Iain Wright

Noes, 2
Mr Richard Shepherd
Mr Adrian Sanders

Paragraphs 112 to 114 read.

Motion made, to leave out paragraphs 112 to 114 and insert the following new paragraphs:

‘The Clerk of the House said, “What back bench Members cannot do currently is initiate debates on a substantive motion which would enable them to test the opinion of the House on a subject on their own initiative”.227 He also said, “…such a reform would be a significant strengthening of the role of a backbencher”.228

The evolution of Standing Orders over time has confirmed the almost total control that the Government has over the business of the House. With the exception of the Private Members Bill’s procedure a backbencher has no opportunity to initiate a substantive debate in the Chamber on a matter of their choosing. This was not always so. Until 1994 a Private Member could initiate such debates if successful in a ballot.

Private Members’ Motions were taken on Fridays reserved for private Members’ business and given precedence on ten Fridays and four half-days other than Fridays (usually Mondays until 7.00 pm). Friday sittings were divided between Private Members’ Motions and Private Members’ Bills. Members entered a ballot for the slots available for Private Members’ Motions. The ballot for slots on Fridays was held on such Wednesdays as were appointed by the House and on such other days as were appointed by the House for the four half-days. Three names were drawn on each occasion, although it was rare for there to be more than one debate.

We believe there should be more opportunities to initiate business by ways of private Members’ Motions.

Accordingly we suggest a reversion to the position of the pre 1994 Standing Orders whereby a ballot was held for Private Members’ Motions for four

227 Ev 100
228 Ev 100
separate half-days on a day other than Fridays. This would protect the existing arrangements for Private Members’ Bills whilst providing a genuine opportunity to enhance and strengthen

Motion made, and Question put, That the paragraphs be read a second time.

The Committee divided.

Ayes, 1
Mr Richard Shepherd

Noes, 7
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Question put, That paragraphs 112 to 114 stand part of the Report.

The Committee divided.

Ayes, 7
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Noes, 1
Mr Richard Shepherd

Paragraphs 115 to 122 read and agreed to.

Paragraph 123 read, as follows:

‘In using programming there is a potential tension between facilitating business and protecting the rights of opposition parties. We recommend the operation of programming is kept under review.’

Amendment proposed, in line 3, at the end to insert ‘and that programming of the Report stage of Bills be discouraged.’—(Mr Richard Shepherd.)

Question put, That the Amendment be made.

The Committee divided.
Ayes, 4  
Philip Davies  
Mr Greg Knight  
Mr Adrian Sanders  
Mr Richard Shepherd

Noes, 4  
Ann Coffey  
Mark Lazarowicz  
Sir Peter Soulsby  
Mr Iain Wright

Whereupon the Chairman declared himself with the Noes.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 4  
Ann Coffey  
Mark Lazarowicz  
Sir Peter Soulsby  
Mr Iain Wright

Noes, 4  
Philip Davies  
Mr Greg Knight  
Mr Adrian Sanders  
Mr Richard Shepherd

Whereupon the Chairman declared himself with the Ayes.

Paragraphs 124 to 131 read and agreed to.

Summary read again.

Question proposed, That the Summary stand part of the Report.

The Committee divided.

Ayes, 7  
Ann Coffey  
Philip Davies  
Mr Greg Knight  
Mark Lazarowicz  
Mr Adrian Sanders  
Sir Peter Soulsby  
Mr Iain Wright

Noes, 1  
Mr Richard Shepherd

Motion made, and Question put, That the Report, as amended, be the First Report of the Committee to the House.
The Committee divided.

Ayes, 7
Ann Coffey
Philip Davies
Mr Greg Knight
Mark Lazarowicz
Mr Adrian Sanders
Sir Peter Soulsby
Mr Iain Wright

Noes, 1
Mr Richard Shepherd

Ordered, That the Chairman do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

A paper was ordered to be reported to the House.

[Adjourned to a day and time to be fixed by the Chairman.]
Witnesses

Wednesday 28 February 2007

Mr Peter Riddell, The Times, Mr Nick Robinson, BBC News, and Mr Michael White, The Guardian

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Ev 1

Wednesday 14 March 2007

Professor Robert Blackburn, King’s College London, Professor Philip Cowley, University of Nottingham, and Professor Lord Norton of Lough, University of Hull

Dr Philip Giddings, University of Reading, Ms Gemma Rosenblatt, Hansard Society, and Professor Michael Rush, University of Exeter

Ev 20

Ev 38

Wednesday 21 March 2007

Mr Peter Bone MP, and Jo Swinson MP

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A paper from the staff of the Committee has been reported to the House but to save printing costs has not been printed. Copies have been placed in the House of Commons Library where they may be inspected by Members. Other copies are in the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. (Tel: 020 7219 3074; Fax: 020 7219 2570; Email: archives@parliament.uk). Hours of inspection are from 9.30am to 5.00pm on Mondays to Fridays.
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Oral evidence

Taken before the Select Committee on Modernisation of the House of Commons

on Wednesday 28 February 2007

Members present:

Mr Jack Straw, in the Chair

Mr Paul Burstow
Ms Dawn Butler
Ann Coffey
Mr Greg Knight
Mark Lazarowicz

Mrs Theresa May
Mr Adrian Sanders
Sir Peter Soulsby
Sir Nicholas Winterton
Mr Iain Wright

Witnesses: Mr Peter Riddell, Assistant Editor, The Times, Mr Nick Robinson, Political Editor, BBC News, and Mr Michael White, Assistant Editor, The Guardian, gave evidence.

Q1 Chairman: Mr Robinson, Mr Riddell and Mr White, thank you very much for agreeing to give evidence this morning. As you are aware, the inquiries we are conducting at the moment are on strengthening the role of the backbencher and making better use of non-legislative time, and those two are obviously linked and linked very closely. We are aware of the personal commitment of each of you to Parliament and to the reporting of what happens in Parliament, you would not have spent so many years of your life here had you not been. One of the things we are all aware of is that the nature of reporting of what happens in this place has changed, certainly in the period that people like Nick Winterton and I have been here. I am not certain that the quantity of reporting has gone down and I do not look back to any kind of golden age, but what is palpable is that up until the early 1990s all the broadsheets, and actually a paper like the The Mail as well, had pages for reporting what happened in Parliament as opposed to the wider politics, and the BBC paid more attention to what happened in Parliament rather than just to the politics. There have been, I think, some beneficial developments which have strengthened the role of the backbencher, which sometimes people pocket and forget, above all the establishment and gradual strengthening of select committees and a lot of the reporting one hears today is on select committees and that is a good thing not a bad thing. The sense I have is that it is more difficult for serious journalists to get space, whether it is in the papers or airtime, about what is happening in the place, as it were, in terms of information. The balance between that and necessary reporting about personalities, which is part of politics, as well as the gossip, which we query, has shifted. I say it is not about allocating blame because there are external, what Ed Balls would call “exogenous”, factors here. First is the introduction of televising of Parliament, the second is the 24/7 news coverage which made a dramatic difference and the third is governments, and we are as culpable as any for trying to handle the 24/7 news cycle by sometimes not paying proper attention to Parliament and parliamentary etiquette, so all of those things are there. One of the issues is where, certainly, serious newspapers have a similar interest to Parliament, because I note that the decline in turnouts almost tracks the decline in the readership of serious newspapers, so we all have an interest in trying to turn this round. That is a sort of sketch of where we are and I think what my colleagues would be interested to hear from each of you at the beginning is whether you think there is a problem, first of all, about how this place is reported and the activities, particularly that of backbenchers and, if there is, whether you think things can be improved and, if so, how?

Mr Riddell: One factor I think that has been left out is, of course, the Internet. If we had been witnesses here five years ago I would have shared the implicit pessimism in your analysis, that, clearly, there is a decline in a lot of the analysis of what there is in the papers, both Mike and I, as veterans, have experience, we agree, but it is changing and it is changing quite significantly. One has changed dramatically because what has happened on the parliamentary page on the parliamentary website has made direct access, whilst these may no longer be dedicated parliamentary pages, and these are not in any paper, the access of your constituents to what is going on here is better than it has ever been, no-one need pay a penny for it as long as they have got internet access. We know the access on Hansard, so that is an important point. Also in terms of the coverage of newspapers themselves, we are all at the cusp, all developing our online sites and the executives of the papers Mike and I work for can produce wonderful graphs showing the hits on the sites shooting up. There is a genuine point there, a serious point there, that potentially in terms of local coverage—and I say “potentially” because it has not happened yet really—there is much greater potential access. The other point I would make is one between national and local coverage. I look around the table; I was born in Mr Sanders’ constituency in Torquay, I bet he gets plenty of coverage in his local paper. I am sure it is a true statement in Leicester, Derby, Maidenhead and I know straight off it would be in Lancashire. I think you have got to distinguish
between local and national papers but also the Internet, you have got to put the Internet into your discussion.

Q2 Chairman: Nick and then Mike or Mike and then Nick.
Mr White: You go first, you have more readers!
Mr Robinson: On the one hand, let me start by agreeing with some but not all of the Chairman’s opening analysis here. The one factor I think you did not mention was competition, televising of Parliament 24/7, handling of 24/7, other people call it spin, but it is competition; in other words, when I became a journalist 20 years ago as a producer of political programmes, there were four channels. You do keep having to remember that television was just four channels, we did not worry about whether people would choose to do something else. Now it is the daily obsession of people in my business about the loss of eyeballs from one second to the next, to the point where there is now a measurement system by the second as to whether people are switching from our news bulletins to different news bulletins, and I would love to say that people pay no attention to it but people inevitably do pay attention to it.

Q3 Chairman: What is the effect of that? Is it to bring it down to the lowest common denominator?
Mr Robinson: No, I do not think it does bring it to the lowest common denominator, but there is a huge and intense interest in what engages people and what does not. Often that can be the highbrow. The massive focus on climate change, which the BBC and other broadcasters have done in recent times, is because the audience says it is interested and reflects it. And very serious debates in this place as well as between a scientist will get on, but also it works the other way round, if there is a sense things are not of interest to people then it is quite hard to drive those things on. What has happened, as you say, is an end to what I would call “duty reporting of Parliament” beyond, let us just stress for the BBC’s case to what I would call “duty reporting of Parliament” because the audience says it is interested and reflects it. Other broadcasters have done in recent times, is massive focus on climate change, which the BBC and does not. Often that can be the highbrow. The general culture of bias which aects all the news there is no longer a perception that it is our institutional as doing that, but on mainstream news there is no longer a perception that it is our duty to say what happened in Parliament today. There is a huge interest in covering what is topical, significant, surprising or dramatic and there is no prejudice against doing it in Parliament, if that is possible. The question is, is it possible enough, and the question that I put to the Committee is how often is the outcome dramatic, how often is it seriously topical, how often is there a defined outcome in what goes on as against an adjournment debate where there is a discussion rather than a defined outcome, how often is it truly significant. It is those tests that are tests for news bulletins in a way and there is neither a prejudice in favour or against parliamentary coverage. A last thought, it seems to me that the rising coverage of the select committees, particularly in recent months the Home Affairs Select Committee because of the problems of the Home Office, has shown that when the Executive is held to account, that even with a cast list of relative unknowns—and I do not just mean parliamentarians but witnesses too—because it is topical, dramatic and significant and the outcome matters, quite extensive chunks of select committees have found their way on to mainstream news.

Q4 Chairman: Mike?
Mr White: Since my colleagues have been optimistic, I shall choose to be pessimistic although I would have made several of the points which they have made. Peter talks about the wonderful possibilities, real and potential, of the Internet and that is all true as far as it goes. But these are very much niches, and you will not be surprised if I remind you that MySpace and YouTube get rather more attention, I suspect, than the parliamentary channel. It is there, it is wonderful, I am daily astonished by what I can find on the net and, as you will expect, I am a bit of a hopeless case in these matters. But the parliamentary site is much improved. As we are on the point of local versus national, I am always telling parliamentarians that they should not worry about what appears about them in The Guardian, they should always worry about their local paper far more. I know from both observation and experience that many local papers are under enormous pressure, fragmented markets, the Internet again taking their advertising. They are owned by the big chains and editors are explicitly told that politics is not interesting, politics is boring and the readers do not want it. So to that extent I would take issue with Nick’s proposition that there is no prejudice for or against parliamentary coverage, of course there is. In the fragmenting media markets which now exist there is a battle for ratings and market share, and if you have only one TV station with only one per cent of the viewers but only a tenth of one per cent of the costs, you are a much more profitable proposition than poor ITV at the moment. So these things are difficult. I am absolutely convinced that there is a general culture of bias which affects all the newspapers, up to and including the FT, against politics in the sense that we knew and reported 20 or 30 years ago.

Q5 Chairman: Why do you think that is?
Mr White: There are both positive and negative reasons. One could say that politics vacated its central role in our national life when in the late 1970s, under circumstances we all remember, a marketisation of large swathes of society—economic, political and social activity—took place under the Thatcher Government. I would even risk saying, that by and large it has been beneficial rather than malign. Not a view universally held around the table I expect, but that is what did it, so politics moved off centre stage at the same time the media was deregulated. There are only two Members around the table who were here to vote on the 1990 Broadcasting Act, which gave a very favourable entree into the market of BSkyB, as it became, 24/7 television; the BBC responded in kind. The old joke in the media is their slogan is: “Never wrong for long”, and that is a factor. Other factors which deregulated the market and about the time the
Chairman wrote a report on the collapse of parliamentary reporting. I would think in about 1991, 1992—

Q6 Chairman: 1993.

Mr White:—a very good piece of analysis stating what was obvious to those who were close to it but perhaps not to others. I think either the Financial Times or The Times dropped the old parliamentary page, which young people, perhaps, Mr Wright, will not remember but it was a whole page in six point, a sort of précis of Hansard. It was jolly good too.

Mr Riddell: It was not actually. If you talk to the old lags who used to do that, most of it was duty reporting and it was extremely boring and a very inefficient use of space. Taking the Chairman’s point, the trouble is there has not been a substitute. I totally defend the decline of most of the old gallery reporting; the trouble is it has been filled with lots of stories which do not appear in Mike’s or my papers, because, underlying Mike’s point, is there a sense that the convention among media executives, because of competition, is that politics is boring. I think you will find that in any of our papers, there is an exception to that on the front page of The Guardian, but, on the whole, a health story will always trump a political story.

Mr White: That is partly a marketisation point. You experience in your own professional lives the idea of consumerism, again it is back to the point I made five minutes ago, health is an issue because it is a consumer issue. I do not know how accurate The Times lead is this morning, I do not know how accurate ours is either, but they drift in a different sort of way, they are speculative stories about what might be rather than what has been. I do take issue with Peter about The Times report. He may have got up at five in the morning and had a special vellum copy of Hansard delivered to his home and read it. He is the only person I would believe that of, but let us give him the benefit of the doubt. A précis of Yesterday in Parliament found in The Times and had a quick canter through it.

Q7 Chairman: Before I call Nick in, my last question is there was a great debate towards the end of the 1970s about television documentary reporting. I remember this because I worked for World in Action, which was the butt of the criticism, and it was said then that story journalism represented a bias against understanding and that broadcasters particularly, as well as serious newspapers, had “a duty to inform”. I thought there was something in that and I think there is something in that now, is there not? Is it pretty mixed? Mike’s point on this culture of bias, there is a bias against understanding but what you cannot get out of newspapers at the moment is an understanding of the political process which might be slightly less central than it was, but it is absolutely fundamental to the nature of our society because all those changes, Mike, about marketisation took place as a result of a decision by the British people to elect a different government in 1979.

Mr Robinson: Let me just clarify my point about there is no bias against Parliament because Mike took issue with it. My point was at one level a trite point, which is if Parliament happens to meet my test of significance to find out whether it is topical or dramatic whether, frankly, it be the eviction of Shilpa Shetty from Big Brother, Parliament will get on the television. Now you may say that is a pretty low bar to cross, but it is worth saying. There is not a feeling that if it happens here it will not get on, it will get on; now accepted, that is a low bar. The point the Chairman makes is whether there is a bias against the process; I think yes, there might be but not, I would argue, against understanding. If you look back at, say, the debates on tuition fees, foundation hospitals, the war in Iraq or the NatWest Three, once they had built to a significant pitch there was a rather extensive explanation. If I may, I am here for the BBC, I used to work for ITV and defend ITV and commercial broadcasters, a huge amount of intellectual effort is made by commercial broadcasters as well as the BBC, by bright people sitting around saying, “How do we make this clear to people? How can we make them engage?” Where I think you have a point, though I do not think it is a point that is instantly resolvable, is that there is not day-to-day education about the process there is not a day-to-day view that institutions, perhaps, should be reported simply because they are there. There is a perception that until there is, as it were, war and recession and, funnily enough, I think wars and recessions would make people rapidly more interested in politics, I happen to think disinterest in politics is related to whether apparently it affects people’s lives directly—

Q8 Chairman: What Galbraith calls “the politics of contentment”.

Mr Robinson: Sure. There would be an effect. But what has gone is that day-to-day sense of what was the process in Parliament today and I think it has gone for a good reason because it does not matter very directly to people’s lives and I do not know if people would watch it.

Q9 Sir Nicholas Winterton: It appears to me, Chairman, that Nick Robinson of our three distinguished witnesses today has a slightly different role from either Michael White or Peter Riddell. Nick is head of BBC political news, so really his duty is to report, hopefully, without any slant on the reporting; Peter Riddell and Michael White are in a totally different position. What worries me is that the media, of which you are all a very important part, is doing less to report and putting much more slant and reporting tittle tattle, gossip, relationships and personalities rather than reporting news. Parliament is now going to have to spend millions of pounds on setting up education centres, websites and everything else to do what historically I believe that the press as a whole—that is the visual, written and sound—has done in the past. I think Michael White is right in his assessment of what has happened. Can I really put specific questions, that was really an observation, to which I am sure you
may wish to respond. What worries me is the increasing lack of engagement of Members of Parliament with what happens in the Chamber of the House. Is that because really, other than in exceptional circumstances, what happens on the floor of the House is predictable? People are prepared to spend much more time in their office, they can see what is going on in the Chamber because we now have televisions in our respective offices, of course we have News 24, so really what goes on in the Chamber is so predictable and the chances also of Members getting called to speak is pretty slight. Therefore, the importance of the Chamber as the forum for national and international discussion has gone. Do you think that this is a pity? Do you think that the fact is there is too much legislation, the outcome of which is predictable in most circumstances, and too few, what I would call, “debates” when people can actually express an independent view? Do you think that all these things have led to a disengagement which I think has made the Chamber of the House almost irrelevant except for a few very attractive speakers, and you might say that there are maybe a dozen out of 651 in the House? Someone like—I am going to mention his name, if he speaks people will come in and listen—Mr. Galloway, an extremist in many respects but a most fantastic orator, people will come in and listen, and there are a few others who people will come in and listen to. Why is there this disengagement? Why do Members no longer believe that their presence in the Chamber is important?

**Mr Riddell:** On your earlier observation, I think there is a danger of golden ageism in politics.

**Q10 Sir Nicholas Winterton:** But you are part of that golden age.

**Mr White:** He is the golden age!

**Mr Riddell:** Parliament in many respects is much more effective than it has ever been. One of the problems is myths are allowed to grow up about both this Chamber and the Lords, many of which are completely wrong. We seldom had a more effective second Chamber and a seldom more effective first Chamber, in my view. If you look back to the 1950s, a lot of rubbish was talked then. Do you know there were two sessions in the 1950s when not a single government backbencher voted against the whip, and that was the period of Suez, so your predecessors—before you were elected, Sir Nicholas, indeed possibly your predecessor—were perfectly content to have no scrutiny of any kind at all apart from ritualistic. The substantive answer to your question is partly related to what we said in our first round of replies, the changing nature of the media, but it also reflects particularly the criteria that Nick laid down, which I agree with, of topicality, relevance and decision, that a lot of the procedures in the Chamber have no relationship to normal people's lives. People do not go and hear sermons any longer, therefore the idea of lengthy speeches is completely alien to most people's understanding. There is a number of procedural changes you can make of having short, sharp topical debates. I was a member of the Newton Commission which the Hansard Society organised which reported just after the 2001 election. One of our ideas was to copy the Australian model of having short, quickly-arranged topical debates. That was suggested by the Chairman's predecessor, by I do not know how many, Robin Cook, and was examined by him at the time but, of course, the Government whips squashed it because it was too awkward. That would get interest, if you had short, sharp topical debates like that you would get lots of interest, and also recognising that some of the conventional lengthy debates are a waste of time, they are ritualistic. They do not achieve anything at all, you might as well read it in the record. That applies as much to your colleagues, all right we ignore it, but do your colleagues ignore it too. When I hear people say, “Let's have a debate on a select committee report”, I say, “Okay, tell me who, apart from the minister, the shadow spokesman, and possibly a crank, is going to be there apart from members of the select committee” and the answer is zero, as we all well know. Shorter, sharper things, moving away from ritualistic debate, it is just a suggestion.
some relatively arcane procedural points about this place. Which was the debate about Iraq? Which of them had a possible outcome for people? I challenge Members: I give you not just the minute and a half I normally get to explain things but five minutes to explain it on a news bulletin, and my suspicion is you could not. It would be too complicated in order to convey that. If you hit those hurdles, that is a problem. Clearly the test of a debate ought not to be whether it gets on television or radio; the test of a debate is whether it is good for democracy. But if you ask me as someone who works for television and radio and the Internet: “How are you more likely to get those things on?” topicality, surprise, significance and a defined outcome are obviously the tests. One last thought on that: the role of a backbencher in the view of many people outside will be to hold the Executive to account. That can be done by interventions. I see far too few, in my view, backbenchers seeing their role as to intervene on a minister, to challenge a minister on a point—in a sympathetic, not necessarily aggressive way. It seems to me that would have an effect. It was striking that when the NatWest Three debate came, the urgent debate that Nick Clegg, the Liberal Democrat, managed to secure, this was regarded as some sort of freak rarity. That was something that was part of the national debate, of huge significance to relations between Britain and America and yet it was regarded as a surprise that Parliament could find a way to debate it. I would just suggest to Members that that might be a bit odd.

Q12 Chairman: I understand that entirely. We have to do a lot more to be topical. It is a real issue. **Mr White**: I would certainly endorse that last point. I also am wary of the myth of the golden age. When Members of Parliament say to me, “You lot are never in the press gallery,” I always reply, “We tend to be in the press gallery when you are in the Chamber”—which is, alas, these days, for Prime Minister’s Question Time! Alas, again, only once a week! I did not think one 30-minute session for two 15-minute sessions was a very good trade in terms of the public interest or the accountability of the Executive branch. I take issue with Nick, in the sense that explaining the point he raised about Iraqi debates is too difficult to explain to the public. It is no more difficult than the offside trap, or whether or not the ball was handled in the penalty area, for which we have 84 action replays discussed by four retired professional footballers at prime time. I am glad to see it hits their ratings when they do this sometimes. Again, I use that as an example reinforcing my view that the commitment to informing, as distinct from entertaining, the public in television and also newspapers has atrophied in recent years. Peter says that the voters do not want to hear sermons. Of course they do. They just hear them in short, three-minute sound-bytes on the Richard and Judy Show. From Lord Patten or the Reverend Humphrys! Parliament, coming back to the point about topicality, has to adjust to a degree—it is not Parliament’s job to compete with the Richard and Judy Show—to a world which moves much faster. The NatWest case is a fascinating one. We all turned up for that debate. My younger colleagues do what you all do, I suspect—which is to sit in your rooms, handling the voluminous self-generated correspondence from your constituents with one eye on the telly, keeping an eye on what is going on in the Chamber. If you are really quick, like Sir Nicholas, you get downstairs to hear George Galloway—heaven knows why, but he is a marvellous speaker—but you are doing other things. We do that too. I say to the younger colleagues, “You can’t know what’s going on in the Chamber by watching the telly. You not only have to see the speaker, you have to see the reaction to the speaker.”

Q13 Chairman: It is like being at the game or watching it on the television: there is a big difference. **Mr White**: That is right. But that is a lost art.

Q14 Mark Lazarowicz: Michael, you just mentioned the fact that we do get a lot of correspondence—and there is obviously a lot more now with e-mails—but the way in which the media is fragmenting means that five years ago there was a local newspaper and a local radio station on which I did most of my stuff and now there are about 10 different local newspaper formats and various free sheets, and six or seven radio outlets, just at a local level. I have to manage my time to ensure that I do play a reasonably active role in the Chamber and obviously I have to stay involved in local issues because that is important in terms of keeping contact with the public and keeping my profile up there. Maybe I should not be so worried about spending too much time in that kind of area. That in itself is a reflection of the change in the way MPs relate to the public and, maybe, rather than worrying too much about how we get the Chamber more interesting and more exciting again, we should be changing our mode of operation here so as to relate to the fact that there are now many more ways of interfacing with the public at local and national level. Rather than looking at debates and the length of time of debates and so on, we should be looking at the whole way we relate to the public in terms of online dialogue and that type of structure of what we do here. **Mr Robinson**: There is, if you will forgive me, a middle position here to which the Internet gives the possibility. It is not technically difficult for you to send your constituents a video of your speech in the debate. It seems to me that is where there is a real, exciting possibility of the Internet. The great problem of the mass media is that there are many people interested in a topic but then we find many more people who are horribly disinterested in the topic and the temptation is therefore not to cover it in a competitive age. The Internet finds the way through that. You can identify without having to know them by name, or gather their list: everybody who is interested in green issues; everybody who is interested in care homes. Instantly. At the drop of a hat. There is the capacity to have a debate in this place and to communicate not by simply saying, “Let me give you an interview” but “Here is the clip of my speech. This is what I said when I intervened
on the minister at Question Time. Here it is as an extract and I will send it to you.” and to use organisations, pressure groups to facilitate that for you, so that you inform, let us say, the pressure group on better care for the elderly, of what has happened in this place about that and they disseminate that to their members and pressure groups. Rather than substituting for what happens in the Chamber with interviews and press releases and blogs and the rest of it, find ways to extract what already happens and get it out there.

Mr Riddell: Could I supplement that with: all of the above, but one of the problems is that I think MPs have become very, very good in dealing with their constituents. It is a world which we do not really see. I see how my local MP performs, as a voter living in north London.

Mr White: And we admire that enormously. We know Members who are not big stars in this place who are good constituency Members.

Mr Riddell: Yes, but I am saying that all the evidence shows of satisfaction: the amount of work and the amount of e-mails you get and letters has shot up over the last 20 or 30 years. The result of that has been to squeeze the activities of Members of Parliament nationally here. When I was on the Newton Commission, we had on that commission Tom Sawyer, who was Labour General Secretary in the run-up to the 1997 Election. He was behind the target seats process and we were discussing it and Tom Sawyer said this publicly. We were talking about scrutiny and he said, “It’s a strange thing, we had all these target seat MPs and we had a lot of discussion with them about constituency service and all that aspect, we did not mention the word ‘scrutiny’ once.” I think one of the problems is that when people become MPs they are very tuned to servicing their constituents—and a good thing too, and they are much better than their predecessors were—but there are no incentives to be good at scrutiny. Often it appears to be better things I know of the authorities of the House lay on facilities but let us say it is never all that high priority for the whips to encourage people to be good scrutineers at all. Also, because the ambitions of Members are such that they want to get on the frontbench first, and very quickly, in a sense, within a year or two, if you are really ambitious and you are not on the frontbench you are not doing your job. That is the myth. Sir Nicholas is shaking his head.

Mr White: He is a special case.

Mr Riddell: Yes, but I am saying that it is often the philosophy of a lot of people and there needs to be more training and explanation of scrutiny for new Members.

Q15 Ann Coffey: MPs have got a lot better at communicating with their constituents. I have seen a huge change in how parliamentary material has been used since I came in as a Member but, even then, you are only corresponding with a sort of minority of people. Really if you are going to try to make this place connect, we have to look beyond that interested minority we can service very well by the methods that you outlined. Newspaper readership is falling and, as it falls, newspaper headlines become more outrageous in order to attract attention. People are voting in less numbers and it appears, sometimes, that you are almost in a situation of a newspaper headline: you try to do something outrageous to catch the public’s eye. I do not know if they are connected. The things you mention which aroused attention were all very contentious issues, all issues that gave rise to conflict and drama—as, indeed, PNQs are. A lot of what happens in this place is not drama. The scrutiny that some MPs are very good at is not dramatic, it is mind-bogglingly boring. It takes place in Committee rooms and does not get coverage. Obviously we have some responsibility for that as MPs but do you not think there is a kind of wider issue out there and does it not worry you that in a world which is very difficult and very challenging—you know, very complicated—in which people are going to have to make decisions about who represents them, in the middle of profound and complicated problems that cannot be reduced to a 40-minute dramatic conflict? Does it not concern you that we are where we are, both in terms of media coverage and issues in this place? Do you not think both of us have a responsibility in that, and that is even more worrying in the context of that competitive news environment that you described?

Mr Robinson: I think the answer is yes, it concerns me, but I have long past thinking that you can offer viewers, listeners and readers their greens and tell them to eat what is good for them. We can all sit around being concerned about it but it is an illusion to think we can offer them their greens. We have to find different ways to make it appealing. My contention to you is that when something really does matter, when there is something genuinely at issue, the mass media in this country still does rather effectively have that debate and inform people. I am willing to accept that from day-to-day, between those moments, it will seem often more trivial, more sensationalist in parts of the media, so the question is what you do to ensure those moments, and what you do with the places we know people are willing to come, like the Internet, for more to do it. It is of no use me despairing. Jack used to work for World in Action, and I used to work for Panorama at a time when we competed with World in Action for audiences of eight million. The fact is they are now competing for audiences of around four million but we cannot do anything about it. Believe me, if there was a simple way of doing something about it, it would be done. We are constantly running to keep up with the competitive tastes of the audience and their desire not simply to have what is good for them. But I would say to you, again, that on something like climate change, when David Attenborough makes programmes for the BBC about the threat by climate change, millions of people will tune in for that. It is wrong to despair. It means the things we did before are not necessarily the things we have to do in the future.

Mr White: Nick says we cannot force the viewers and readers to eat their greens. Of course Lord Reith believed in forcing them to eat a great deal of greens.
Mr Robinson: No, he did not. He believed in entertainment as well as information. The notion that there has ever been an age, the age of Morecambe and Wise tap dancing, in which people were forced to listen to things they were not interested in has gone.

Mr White: Let me finish. I think we now say, “And over to you at the studio, Mike!” It seems to me that in the marketised circumstances in which we all operate there has been and there is a far greater degree of pandering to what the metropolitan elite has backed. Unlike poor Mr Lazarowicz, with his website backed by public funds, we have tended to panderm much more than we did and for every absolutely mesmerising David Attenborough straight series which we do all watch, there are 50 which are not what they were.

Mr Riddell: If you think of your younger constituents: they are not reading the newspapers—yes, sure—but they are going online. Do not ignore that. If you look at the graph of what is happening to newspaper sales, they are kind of flattish and soggy—and we give away DVDs and all that stuff—but if you look at online it is just shooting up. Therefore, do not understate that factor. Journalistically, we are at the cusp of knowing how to deal with that. In many respects I think you probably have the wrong witnesses, with respect to myself and my friends. If you had the newspaper executives in, you would get some very interesting answers—not necessarily comfortable ones, but interesting ones, on precisely those questions.

Mr Robinson: The thing that is exciting about the Internet is that it allows people to go on a journey. In other words, they can taste at first and say, “I might be a little bit interested in that” and, once interested, it takes them on a journey to more and more detail, more and more information and more and more of what Mike and I jointly want to see. But they go on that journey voluntarily in a consumerist age; they are not just presented with it. It is a very odd audience, a lot of it on the web and generally vituperative and ill-informed.

Mr White: Yes. It would also give private Members the opportunity to raise a topic for short discussion. Some of this could be done within existing procedures. I think the Speaker has the power to do it more often but, in a sense, this is going to annoy the Government whips in doing it, in saying “Okay, you might lose two hours. Tough” but there has to be a greater willingness to do that. I think we also need procedural changes, like in the Australian Parliament. Legislation is in a slightly different category and I think the whole private Member’s bill thing needs to be looked at and how rational the hurdles are on that. I certainly think, both for backbenchers and opposition parties, there should be more scope to raise topical matters but not in the context necessarily of lengthy debates.

Q16 Mr Burstow: Could I come back to the theme we have heard a bit on, which is the idea of a fairly ritualistic House, perhaps, where rhetoric is to the fore; not a decision-making House, in a sense. Progressively over time the Executive controls more and more procedure. You in some ways have already referred to the SO No. 24 which secured that debate on the NatWest Three. There are very few of those sorts of opportunities within procedures within the Standing Orders of the House now to secure debates in that sort of way. I was interested in these tests and particularly the suggestion that one of the key ways in which we are more newsworthy is to have to find outcomes. Obviously topical debates provide something, but they do not necessarily provide a defined outcome. I am wondering if there are any other specific things we could do. One suggestion is, for example, that we should have more debates on substantive motions if there is something very clear on which the House is forming a view or taking a decision, or, for example, more opportunities for non-governmental legislation to be introduced, not just the sort of ghettosising of a Friday, where private Members’ legislation may or may not have a chance to come through, but other opportunities. For example, in the Irish Parliament there are specific allotted time periods for legislation for opposition parties to be introduced.

Mr Riddell: If I can steer clear of legislation—which is a topic all of its own—I think there needs to be greater opportunity for 45-minute discussions. The classic one on which all parties should give their views now is the private equity issue, which is very topical. All the papers—to reinforce Nick’s point—have done an excellent job of explaining what it is. They have done a really good job but it has not come up here. It may do. Let us see what happens at noon. But that would be an example. I think it is an interesting balance between what opposition parties get formally and what backbenchers are allowed to do. One of the things which has gone wrong in the last 20 years, which I am sure Sir Nicholas would agree, is that opposition parties still have their days on opposition days but the demise of the backbench order motions—apart from Westminster Hall, which is important—

Mr White: Private Members’ motions and things like that.

Mr Riddell: Yes. It would also give private Members the opportunity to raise a topic for short discussion. Some of this could be done within existing procedures. I think the Speaker has the power to do it more often but, in a sense, this is going to annoy the Government whips in doing it, in saying “Okay, you might lose two hours. Tough” but there has to be a greater willingness to do that. I think we also need procedural changes, like in the Australian Parliament. Legislation is in a slightly different category and I think the whole private Member’s bill thing needs to be looked at and how rational the hurdles are on that. I certainly think, both for backbenchers and opposition parties, there should be more scope to raise topical matters but not in the context necessarily of lengthy debates.

Q17 Ms Butler: We have talked around the topicality issue quite well, as to how we bring what is happening in the outside world, if you like, into Parliament and how we can facilitate that. The other thing I wanted to look at—and you have touched on it—a little bit—is not only the role of the backbenchers but the role of your individual MPs. You talked about how you might admire an MP because they are quite well known and quite well-liked in their constituency but not that well-known in Parliament.
How do we balance that? Because I kind of feel that if we had a list of your perfect backbench MP and a list of your perfect personal and individual MP, the two would not marry, or that it would be almost impossible to fulfill that role and I wonder what would be your list of your perfect MP and your perfect backbencher. Nick, your idea of podcasting and putting that on your website is something that we are doing. Part of the problem which we do not often explain is that to be in the House and to contribute to a debate you basically have to allocate the whole day. It means that you could be there for five or six hours before you are called and that means that you would not be able to fulfill your list of your ideal MP because you are busy trying to fulfill your list as your ideal backbencher. How would you see the two marrying?

Mr Robinson: Let me answer that in a slightly different way from the way you put it. I guess the test we all have is: What difference did I make today? What difference did it make that I existed or I was elected? My fear, to pick up on a point Peter made earlier, is that MPs have got much, much better under pressure on them from the whips about sending 10,000 letters out. The question is: What difference on the floor of the House? If you want to be reported, what difference did it make that you were there? What intervention did you make, what point did you raise to attention that would not otherwise have been mentioned? It seems to me that if political coverage is not just to be about ministers and their opposition, if political journalism is not just about ringing special advisers and press officers, if television coverage is not just about existing star names, that has to be the test: What difference did you make? How did you hold somebody to account who would not otherwise have raised a point which should have been made previously? I appear, and will do this lunchtime, regularly on the television coverage of Prime Minister’s Questions and the e-mails we get are of despair from viewers: “Why on earth was that question raised? Why on earth was this question that we are all worried about or are talking about not raised?” Peter raised private equity. Will reform of the stock market, as it were. I am astonished how well-covered these things may well have been raised but they do not get reported at all. It is frustrating—it has been a frustration for me for 18 years, and I am sure it is a frustration for Theresa as a frontbencher now in opposition—the opposition raise all sorts of issues in short debates, not long ones, in opposition time. They do make a difference, put the minister on the spot, but very rarely do they get reported.

Mr White: But being reported is not the same as making a difference. You are here to make a difference. You are being reported in order to assist you getting re-elected, in an instrumental sense. You can make a difference but you do not have to be reported whether it is a backbench intervention or anything else. You are seen by your colleagues and hopefully feared by ministers who think, “Oh, damn, it’s him.” Reporting is not, it seems to me, the primary criterion. I agree with my colleagues: lots of things have happened in the last 20 years which have enabled backbenchers to do things in a more effective way, to hold the Executive to account—which is what they are there for—although I tend to have a view that the family-friendly hours reforms have also given a lot of instruments to the whips and to the Executive branch.

Q20 Chairman: They are daft. Madness.

Mr White: That is another story. Long debates/short debates? Yes, there are lots of different ways you can adapt procedure roughly within what exists at the moment but there is no substitute for topicality. Private equity was raised at the Prime Minister’s press conference yesterday and he gave a very unsatisfactory answer.

Q21 Mrs May: And it has been raised in Prime Minister Questions before now.

Mr White: It is a scary one to have to answer. You do not want to destroy markets.

Q22 Mr Wright: Could I pick up on two things which have been covered already. I agree with your analysis that the media is fragmenting. People are chasing increasingly competitive and shrinking markets, as it were. I am astonished how well-informed some of my constituents are. I would give two examples. A woman e-mailed me and said, “There’s a debate in Westminster Hall about financial inclusion—a half-hour Westminster Hall debate. Are you going to be there? If not, why not?” That sort of accountability is fantastic. Only this weekend, I had a massive amount of e-mails from people urging me to sign EDM 926 about people being sent back to the Democratic Republic of Congo. Again, unbelievable. And then, the day after I had signed it, people e-mailing me to thank me. The amount of people who can hold you accountable is quite remarkable. Having said that, I think that is a very narrow part of my constituency base. I am trying to marry the two up now but it is very difficult. Given that you go down the personality route—because people can get information elsewhere on the Internet, on theyworkforyou.com—do you still think you have the duty to inform which Jack mentioned before? Do you think you have it right? Do you think there is a correlation between the way in which Parliament has been covered and voter turnout and supposed voter apathy?
Mr Riddell: I think there is a very slim correlation between coverage in the narrow sense of the term and voter turnout. You could argue lots of broader things about political culture, to which the media is a part. The fact that there is no longer a dedicated page in The Times, or two pages in our tabloid format devoted to Parliament, I do not think has made any difference at all to voter turnout. I think there are broader changes with what Mike talks about as marketisation and broader changes to do with culture, and also the fact that we have had a number of elections with foregone conclusions has probably had an effect on turnout. I make the safe prediction that turnout will be five per cent higher next time than in political parties. People belong to things in their constituency and nationally about their passions, where they could be better informed as to what is happening in schools and whether they are going to have a school or not of their choice. There was the Brighton thing last night. There are lots of different ones.

Mr Robinson: That is the point. On the one hand, we all have to be careful—the media are currently obsessed with phone-in and text and so on and so forth—that we are not talking to a tiny group of people who do this. There is a great danger of that. I do a blog and I am told that it is less than one per cent of the people who read it who respond, yet it is tempting to take too seriously the people who respond. Peter's point is the right one. There are all the clichés about the RSPB having more members than in political parties. People belong to things in their constituency and nationally about their passions, where they could be better informed as to how Parliament affects their interest, and my point is that you need to take it beyond, as it were, the Brighton thing last night. There are lots of different ones.

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Mr White: We worry a lot in different ways about the inequalities in our society and one of the growing inequalities is information inequality, so I welcome Mr Wright's vivid description of that EDM. That is terrific. The opportunities are enormous. Voters are better plugged in and deeply disrespectful and less deferential and forelock touching than the way they used to be but do not kid ourselves that that is a major reassurance on the points we have been discussing. I imagine one should register here to go and see the launch of the new website by senior parliamentarians. But, inasmuch as it is a disagreement, before we do, I would register the thought that I do think the media has contributed more than marginally, if that is what Peter Riddell meant, to the alienation of the public and the disillusionment of the public with politicians and the political process and I regret that. It is known as "John Lloyd's thesis" in the trade. There is a book by John Lloyd which some of you may have seen—which overstates its case, like all good journalism—that certainly makes that point.

Chairman: When I sent around, following my 1993 report, to talk to editors Peter Lambert and Peter Stothard at The Times, and others, Peter Preston from The Guardian, and asked, "Why are you reducing the coverage of Parliament in this way?" they did not really have much explanation, except that they were being pushed by their young turks because it was fashionable not to report Parliament.

Mr Sanders: During my lifetime I have observed a fundamental shift from newspapers reporting events that have happened, to all journalism trying to predict what is going to happen, often based on opinion pieces. That does not necessarily mean the public. As a Member of Parliament who every week will receive little press cuttings from newspapers from members of the public, normally opinion pieces, saying, "This is outrageous. What are you going to do about it?" you then have to engage on the process of explaining to them that this is an opinion piece, it has not actually happened. I think the petition on the Prime Minister's website is a classic case in point of people not fully understanding what the process was that was being undertaken in relation to road pricing.

Sir Nicholas Winterton: They did.

Q24 Mr Sanders: No. I do not want to get into a debate on that but the petition was about surveillance and road pricing but it became a petition on road pricing. There are people, like myself, who are against surveillance but in favour of road pricing. There is that danger, that it is changing from reporting to opinion. I would like your observation on that. I have a second question and it is related to backbench MPs. Our access to lobby journalists is not as great as the frontbenchers' access to lobby journalists. Would a reform of the lobby system; that is, stopping these quotations of sources close to So-and-So and having to go on the record and have your name attributed to a quote, help enhance our standing and transparency in this place?

Mr Riddell: The last is fantasy. Everyone says the American press is wonderful. I read the New York Times as I came in earlier this morning and it is full of non attributable quotations from senior administration officials. There has always been a relationship between journalists and newspapers. In my own paper's case, Palmerston used to plant wonderful stories with the great Times editor...
Delane, normally when they were riding in Richmond Park—I think the process has changed a bit now—and it was ever so. It depends which journalists you trust. On your first question, it is not just opinion. You say we do not report the fact that it is preview. I will let you into a little secret. The current Chancellor of the Exchequer often has people who ring us up and say, “The Chancellor’s going to make a speech tomorrow, do you want a little bit of it before?” Exactly the same is done by the Shadow Chancellor, exactly the same is done by the Leader of the Opposition, and it used to be done by the Prime Minister but he has now retreated defensively. If we are told “x or y is going to be said tomorrow, launch this thing,” are we going to say in chaste virtue: “Oh, no, I’m not going to touch this”? Sin lies everywhere.

Mr White: That is part of the 24/7 news cycle, where the cycle eats up news all the time. Somebody said that it is a bit like the stock market: it moves on rumour. In a way, the technology drives a lot of this and the one thing we have not discussed is the extent to which we are all victims of new communications technology of an ever faster and more predatory nature. What Peter describes is true certainly about the United States, which is nowhere near as interesting a system. Nor is Congress—which is never reported, incidentally on the American papers, and that was true 20 years ago—as effective as it thinks it is. It failed in the great crises of the 20th century persistently and consistently and it is still doing so. We must not think others have a better system. Off-the-record briefing exists in all systems. Dare I say, and even make a partisan point: even among the Liberal Democrats it does happen a bit. I think we had a leader replaced by a non attributable briefing quite recently.

Q25 Mr Sanders: It might have been where I was coming from.

Mr White: I beg your pardon. We have moved a little way from reporting what happened. I was very struck last week in all our papers how little what Mr Blair said about the troop withdrawal from Iraq got into the paper, compared with the larger context: people opinionating and people being asked in the streets of Basra and Blackburn of what they thought of it, as distinct from what Leon Brittan once called “mere words”.

Q26 Sir Peter Soulsby: All of us share your regret in the decline of the Chamber, its attendance and its coverage. Is it not really the case that it is pretty irreversible now? Even with the greater topicality, the short debates and the other suggestions that have been made, why would a backbencher spend many hours perhaps waiting in the Chamber to be called for a 10-minute speech and perhaps a couple of interventions in the meantime when they can get at least as much and keep on top of the e-mails by signing an EDM, doing a release on the back of it and appearing on regional television and doing some interviews with a local paper? Is that not inevitable now? Is the future of effective scrutiny in fact going to be select committees?

Mr Riddell: Yes. Unless you care passionately, devoting five to six hours of your day to a speech which will be ignored—Unless you do, as Nick says, and then podcast it out to your constituents. That is almost the only relevance of it.

Q27 Sir Peter Soulsby: Even then, they are not going to be enormously impressed that their contribution was made in the Chamber as opposed to made in some other way.

Mr Riddell: No, exactly.

Mr White: The Chamber does work sometimes. On the Iraq war there have been occasions. We all remember 18 March 2003. A lot of people disputed the outcome but it was a real event and everybody watched and the people we worked for were interested in reporting it. They, of course, think they know what is going on because they can watch it on television. That slightly undermines our sacerdotal role, but, as you say, that has all changed. Social policy, currently, in a way that it did not when I was a whipper-snapper here, attracts enormous exorbitance. For what you may call “issues of personal morality”, whether it is assisted death or fox hunting or sexual mores, the Chamber is full and there is an interest. So it has not completely gone. Again, one of Peter’s points: I imagine that Winston Churchill made his great speeches in defence of proper defence in the 1930s from the backbenches to an empty Chamber. But they were still there.

Q28 Chairman: Martin Gilbert, Churchill’s biographer, makes that clear. On one of the things, if I may say so, Peter, I do not agree with you. There was not a golden age when attendance was full. My maiden speech was made at eight o’clock on a Wednesday to a near-empty House, despite the fact that we were all thrusting youngsters then. Overwhelmingly now you have full-time MPs. Even when Nick and I came in, it was the exception for people not to have other jobs. Many, many MPs rolled up, were not there for questions, questions often collapsed and so you had to go in to the next department in the Order. Many, many fewer questions were put down and debates were less well attended. The big difference was that if there was something interesting there, people had to go in because they could not see it on the television. I subscribe strongly to Mike’s point of view, as a minister, but when I write my little book about how to survive as a minister, at least for a little while, “Pay attention to the Chamber” will be at the top of the list.

Mr Robinson: It seems to me that Sir Peter has put his finger on something that you as a Committee have to address, which is the length of time it takes you to contribute to a debate. It seems to me that a problem for a Member of Parliament is that you can fill your day, I imagine, every single day with this sort of self-generated: “We respond to the papers, they respond to us, we e-mail, they e-mail us” and it is permanently full. I am not sure it would pass my making-a-difference test on any single day, let alone every day of the week. It may be the problem with having Blackberries and phones is that we have to
think: What have I done on this that has made any difference and was actually worth doing? It is hard to prioritise your time. But just before we despair about the Chamber, I am thinking of what I have had to do in recent months and years: tuition fees, foundation hospitals, the 90-days debate. I did on television, for an audience of, I guess, five million people, explain what parliamentary ping-pong meant and how the House of Lords could affect the outcome of the House of Commons. When it happens and it matters, we do make the effort to explain it. There is a bit of a test as to how often it happens and how often it matters.

Mr Riddell: I am looking forward to your report in exactly a week’s time on the series of votes on the House of Lords reform. We will all be tuning the television in to that, Nick.

Mr Robinson: I have to confess I did give up on the television in to that, Nick.

Mr Riddell: I have to confess I did give up on the television in to that, Nick.

Chairman: I am not sure about that.

Q31 Sir Nicholas Winterton: Seriously, Chairman, the fact is, as Greg Knight has said, that the opposition when they become the Government will not want Members to make things more difficult for them in the Chamber. The Government of the day does not want to make things more difficult. Robin Cook lost a vote which was supposed to be a free vote, when your Government was actually at the doors of the lobby saying, “This way.” This was to do with appointments to select committees. The Government whips blocked the proposed appointment procedure to select committees, which would have taken it away from the Selection Committee which is dominated by the whips into an independent committee under the chairmanship of the Deputy Speaker.

Mr White: But Parliament, Sir Nicholas, is master of its own fate if it so wishes to assert itself.

Q32 Chairman: Yes, by pushing.

Mr White: You were the victim in losing your chairmanship some years ago by precisely the sort of thing you are complaining about of the current Government but it was done by your own government. A great compliment to you, I thought, but it happens. Mr Knight may care to know that when the lobby system was reformed—it was opened up and put over at the Foreign Press Association in about 2001—it was initially proposed that the minister would come several times a week and take the lobby session and give the journalists something proper to report instead of this tittle-tattle you are all complaining about. He would brief on the great subject of the day—perhaps rail pricing. It happened. I think, once. The minister’s agenda was put aside and he was given a duffing on whatever the topical issues of the moment were and it did not happen again. It was too risky.

Chairman: I do it once a week, and I reinstated that.

Mr White: As Leader of the House.

Mr Robinson: My attempt at a direct answer to Greg Knight’s question: How would you persuade the Executive, that in the end, it is going to happen anyway? Sparing the Chairman’s blushes, his advice to ministers is: If you are in a hole, go and give a statement in the House of Commons because you get dragged there eventually anyway. I think quite a lot of the younger ministers are learning that when in a hole the idea of running away from a camera as you get into your car, failing to answer a question, and refusing to go into the House of Commons because you get dragged there eventually anyway. I think quite a lot of the younger ministers are learning that when in a hole the idea of running away from a camera as you get into your car, failing to answer a question, and refusing to go into the House of Commons because you get dragged there eventually anyway. I think quite a lot of the younger ministers are learning that when in a hole the idea of running away from a camera as you get into your car, failing to answer a question, and refusing to go into the House of Commons because you get dragged there eventually anyway. I think quite a lot of the younger ministers are learning that when in a hole the idea of running away from a camera as you get into your car, failing to answer a question, and refusing to go into the House of Commons because you get dragged there eventually anyway. I think quite a lot of the younger ministers are learning that when in a hole the idea of running away from a camera as you get into your car, failing to answer a question, and refusing to go into the House of Commons because you get dragged there eventually anyway.
Mr Robinson: It is a bit optimistic.
Chairman: Of course there is going to be a debate which Greg and Nick have raised within government about whether you want to strengthen the procedures of this place. Building on what the other Nick has said, when we had the proposal for very greatly strengthening the committee stage of the public bills, my answer to my colleagues, who in the end signed up to it, was to say, “If as a government 10 years in we appear to be frightened of parliamentary scrutiny, we in a partisan way will lose out because the public will get the message.” What I say to my colleagues is, rather, enlightened self-interest. Not narrow self-interest. Narrow self-interest says do not be accountable to anything ever—but you get found out about that. Enlightened self-interest says you strengthen levels of accountability. It is also a way of sorting the wheat from the chaff, to be perfectly honest.

Q35 Mark Lazarowicz: One of the themes from today on which there has been agreement around the Committee and from yourselves is the importance of select committees and how that is going to be the future. But I think it was Peter who also pointed out how when select committee reports are debated the Chamber is almost empty. There is hardly anybody there except those who have written the report in the first place. I wonder whether one of the things we could do, which would both improve our role of scrutinising the Executive but also make things more interesting, would be to have a much clearer relationship between what committees do, the outcome from a committee, and how it relates to the Chamber as a whole. I think that is more relevant. Having observed there are debates on the select committee reports, it is not necessarily producing results: “An issue has come up, right, we will get this bloke in next week.” Sometimes the timetables for select committees are too inflexible.

Q36 Mark Lazarowicz: The Committee will produce recommendations 1 to 26 which are never discussed. Perhaps we could have some way in which a committee has proposed to the House that recommendations 1 to 3 are agreed and implemented, and there is some way of voting upon that. That is what normally happens in committees in other organisations: they have a report and recommendations. Perhaps we could do something like that.

Mr Riddell: That might be okay for short debates, I think.

Q37 Mrs May: To what extent do you see your role as leading or initiating public debate and to what extent is it simply following it? The private equity example is an interesting one because it has been raised in this House but obviously it had not been picked up, but now that it is being talked about and you are saying, “Why isn’t Parliament responding to it?” The more you have talked about competitive news, and we accept all that, and consumerism, and we accept all that—we are all having to live in this new world—to what extent do you see your role as raising issues when they are raised here, even though the public have not thought about them as key issues? To what extent are you guilty of just responding to the great public focus group?

Mr Riddell: A bit of both actually.

Mr White: Yes.

Mr Riddell: I regard my role as trying to inform, divert and—judging by some of the responses—annoy. I do regard it as informing, for busy people, as showing an angle on politics. It is also Michael’s new role. He has been doing it. You provide an angle and you hope to inform readers, certainly, to provoke some response in them. The balance between you being responsive to events and leading is a complete mixture and it is bound to be.

Mr White: You do your best but the one element you have left out of the equation is that any of the three of us have to persuade the man in a suit with his jacket off, sitting at a desk, down a telephone line that what we are trying to interest them in is interesting or important. If they have not read about it in the morning papers or on the Press Association or on the 24/7 news then you have a job persuading them. We are paradoxically very conservative about news: we like news we know already; we are a bit paranoid about 24/7 news then you have a job persuading them. We are paradoxically very conservative about news: we like news we know already; we are a bit more at home with it. One of the tricks of the trade is that when we see something on 24/7 which you have been trying to sell all day, you send a note in pretending you have not sent a note earlier and you get a sale. They say, “Yes, we will take 500 words on that, as a matter of fact.” And you pretend that you
do not know that the reason they have said yes when they have previously said no is that it has just been on the Six O’clock News or on 24/7.

Mr Robinson: Michael in his more bitter moments greets me in the morning as The Guardian’s news editor and I reply that he is all too often my news editor as well because we are reflective in that way. I want to give a specific example but may I generally say that I think this debate would hugely benefit from committees looking for very specific examples of news stories and saying, “Well, why was that not a particular parliamentary occasion?” If you engaged in a very detailed conversation with journalists I think you would break through a lot of generalisations that we have all made about the last 20 years. But my specific example is on the House of Lords. The debate we then had was, given that an outcome was unlikely—it was unlikely the House of Lords would be reformed—was it worth three minutes’ prime time airtime to debate the procedures by which this House would discuss something that might well not reach an outcome? The decision on that particular day—and I was not particularly proud of it because I had got my brain round it and would quite have liked to do it—was: “Probably not but we will return to it if an outcome seemed likely.” That is the sort of conversation I think we inevitably have: “Is it going to get anywhere this? If it is not going to get anywhere, why are we detaining our viewers with it?”

Q38 Sir Nicholas Winterton: How much coverage did you give to the Joint Committee on the House of Lords Conventions? Did you give any coverage to that report?

Mr Robinson: You have to distinguish, Sir Nicholas, between radio news, where it did get quite a bit of coverage. I would be very surprised if it got on a mainstream television news programme.

Mr White: You cannot film a convention, Sir Nicholas!

Q39 Chairman: Picking up on what Mike said, this relates to the primacy of print media still in setting the news agenda. I was struck 30 years ago, when I was working on Granada and coming up with all sorts of bright ideas about stories we should do which came out of my head, that I could not convince very bright editors that these were good ideas unless I could find a piece of paper where someone else was talking about this. If somebody else had written about it, then they felt reassured. Although I accept entirely what you say, Peter, about the Internet, is it not still the case that the news values are set by the print media because those guys have been making a judgment about what goes on the Net and so on and what goes into your programmes are feeding through the print media because it is so much easier there?

Mr Riddell: Up to a point. I agree more with Michael. I think it is much more a self-feeding process between all of us and what is on the Today programme. Exactly as Mike says, it is a news editor who does not know much about politics. You will have heard Nick say this morning, while doing his slot on the Today programme, “That will feed through to my news editor talking to my news colleague today.”

Mr Robinson: A little example of course is the road pricing petition, which did emerge from the new media.

Q40 Chairman: One of the things that irritates me and always has done is that when you have made the decision about a statement in the House, information about this can then seep out. Sometimes it seeps out in an unauthorised way, which is what happened with the Iraq troop drawdown last week, when I know for certain it was not authorised or initiated by senior ministers. Sometimes it is initiated and authorised by senior ministers. If we were much more disciplined in ensuring that there was an element of the first people to know, not the last people, were Parliament, would there not be more coverage of those announcements?

Mr Riddell: Yes.

Mr White: Yes.

Mr Robinson: The first test we have on stories is: “Didn’t I read that yesterday? Didn’t I already know it? Why should I cover it?”

Mr Riddell: That is an argument against your colleagues of pre-briefing. If we are going to be pre-briefed, we are going to write the story, of course we are. I remember classically, very early on in the Government, when the Financial Services Authority was being set up, that there was a thing on the annunciator, because it was very market sensitive: “Bank of England statement by the Chancellor”. That got a lot of coverage because it genuinely had not been pre-briefed.

Mr White: It is a function of 24/7, of fighting for your bit of time and ministers sometimes thinking: “This won’t get in the papers because there is a big event tomorrow so I’d better pre-brief it so it will get into the morning papers.”

Mr Robinson: I think it is based on a ten-year-old view. It was Alastair Campbell who was a master of this, and the idea was that you would get the same bit of news on for days running; you would preview it, then the adverse feeds and then you have the reaction. The newly competitive media say, after the pre-brief: “We’ve already heard it. We won’t go to the speech.” It is a change, even in a decade.

Chairman: When I had to execute a tiny manoeuvre in respect of the new voting system, which is now the old one.

Sir Nicholas Winterton: Very gracefully done.

Chairman: Thank you very much. Because I kept it quiet, because I was working out what to say until that morning, there was some disproportionate interest in what I was saying both from the House, because the House thought this was a bit of sport, and the journalists upstairs too. May I thank you three very much indeed for what has been an extremely useful conversation which we hope will be reflected in a relevant select committee report and some changes then.
**Wednesday 14 March 2007**

Members present:

Mr Jack Straw, in the Chair

Mr Paul Burstow  
Ann Coffey  
Philip Davies  
Mark Lazarowicz  
Mrs Theresa May  
Mr Richard Shepherd  
Sir Peter Soulsby  
Paddy Tipping  
Sir Nicholas Winterton  
Mr Iain Wright

Memorandum from Professor Philip Cowley, University of Nottingham (M22)

**Strengthening the Role of the Backbencher**

The purpose of this paper is not to offer a series of detailed proposals to “strengthen” the role of the backbencher—you will doubtless get plenty of those—but rather to place current debates in some broad context, and (in passing) to be mildly sceptical about one or two often-cited proposals. In particular, by placing today’s debates in some historical perspective, it is intended to be an antidote against any outbreaks of excessive historical romanticism on the part of the Committee.

**The Constituency**

The press note that accompanied the launch of the Committee’s inquiries talked of an MP’s “primary” role being at Westminster. The Leader of the House said: “Now we intend to spend some time looking at the central part of the work of a Member of Parliament—in Westminster—how the role of backbenchers in the work of the House can be strengthened and how the quality and topicality of debates can be improved”.

Whilst many of us might wish that to be true, it is no longer clear that all MPs do see their “central” or “primary” role as being at Westminster. The recent study by the Hansard Society into the 2005 intake of MPs found that they reported spending a full 49% of their time on constituency work. For one MP the figure was an eye-watering 97%.1 Factor in some of the time the Hansard Society allocated to “other” tasks—which included constituency-facing work—and the most recently elected batch of MPs spend more than half of their time and energy looking away from Westminster. Their central or primary role—or at least the main draw on their time and energies—is not at Westminster.

Whilst it is possible that this figure will decline over time, as MPs become established, the Hansard Society in fact found evidence that the importance of the constituency grew over the first year that most MPs spent at Westminster. It is possible simultaneously to value the constituency link (and it is valued by both MPs and constituents) and still think that this has grown out of all proportion. There must now be a real concern that MPs are so focussed on the parochial they have no time for the national, let alone the international, picture. It is axiomatic that MPs would automatically be strengthened in their role at Westminster if they were able to spend longer there, if they were able, for example, to prepare properly for committee meetings, to do more independent policy research, or to read and scrutinise legislation thoroughly.

This is, of course, not something over which the Modernisation Committee has any power—but there must be a strong suspicion that acquiring a pledge from the Liberal Democrats that they will never again campaign on the basis of potholes and drainpipes would probably do more to strengthen the role of the backbencher at Westminster than any other single proposal you will be able to produce.

**The Rise of Backbench Independence**

Conventional wisdom amongst many commentators is that one reason that the role of the backbencher needs strengthening is because of an increasing lack of independence of its MPs.

For example, writing in the Observer in December last year, Henry Porter argued that he wanted to see MPs who were willing to “defy the party whipping system that is crushing the life out of Parliament and the spirit of MPs”.2 Andrew Gimson in the Daily Telegraph recently argued that it has “never even occurred to most of these so-called legislators that they were under a duty sometimes to express an independent opinion and register an independent vote”.3 And the well-publicised Power Inquiry went so far as to claim that: “the Executive in Britain is now more powerful in relation to Parliament than it has been probably since the time of Walpole . . . The whips have enforced party discipline more forcefully and fully than they did in the past”.4

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Yet there is simply no evidence that party cohesion today is higher than it was in the past. Rather the opposite: there is plenty of evidence that MPs today are in fact more independent-minded and willing to defy their whips now than they used to be.

In absolute terms, high levels of party cohesion have been a fundamental part of parliamentary behaviour in the UK for over 100 years. Party votes—those in which 90% or more of the members of one party vote one way, facing 90% or more of the members of the other principal party—were the norm by the end of the 19th century. In this, the British House of Commons is similar to most other parliaments in Western Europe; indeed many have much higher levels of party discipline than those seen at Westminster.

In relative terms, party discipline in the past was far higher than it is today, not lower. There were, for example, two sessions in the 1950s during which not a single government MP defied their whip. Today's whips would be green with envy at the thought of such behaviour. Similarly, between 1945 and 1970, there was not a single government defeat in the House of Commons as a result of backbench dissent. Party discipline within Parliament began to weaken in the late-1960s and 1970s. MPs have since become more of a problem to the executive than they were then.

The Parliament between 2001 and 2005 was (depending on how you measure it) either one of the most rebellious parliaments of the post-war era or the most rebellious. In those four years, the Parliamentary Labour Party (PLP) set a series of records which the whips would much rather they had left well alone, including a higher rate of rebellion than in any other post-war Parliament, and more rebellions than in all but the (longer) 1974–79 Parliament; the revolts over Foundation Hospitals were the largest rebellion by Labour MPs over a Labour Government’s health policy; top-up fees produced the largest rebellion by Labour MPs over a Labour Government’s education policy; top-up fees also produced the (joint) largest rebellion at Second Reading since 1945, and over Iraq, we witnessed the two largest rebellions against the whip by MPs of any party for over 150 years.

Such behaviour has continued since the 2005 election. Within the first year of its third term, the current Government were defeated four times in the House of Commons as a result of backbench dissent. No other post-war government with a majority of over 60 in the House of Commons suffered that many defeats in so short a time. Labour backbench dissent in the 2005–06 session ran at the rate of a rebellion in 28% of divisions, making it the most rebellious first session of any post-war parliament, topping even the Maastricht session of 1992–93 (a rebellion in 23% of divisions) which had so crippled the government of John Major.

As well as the four defeats, the government won another vote with a majority of just one—being saved by a handful of inattentive Opposition MPs—and managed to pass the Education and Inspections Bill, a key plank of its legislative programme, only as a result of Opposition support. The Commons has also forced concessions from the government on a range of other legislation, including on the issue of smoking, where the government abandoned one of its manifesto commitments in the face of backbench and Cabinet splits. I can think of no other post-war government forced to allow a free vote within a year of winning an election on something which had previously been an explicit manifesto commitment.

It really is difficult, with any intellectual credibility, to reconcile such behaviour with claims about the decline of backbench independence. Rather, all the evidence is that backbenchers are themselves “strengthening” their role.

THE WHIP

Usually concomitant with any discussion on the role of the backbencher is a discussion on the power of the whips. One of the Power Inquiry’s 30 recommendations, for example, was that the power of the whips should be limited (although they were extremely vague about how this could be achieved). A recent article in the Guardian by Quentin Letts advocated abolishing the whips altogether—or at the very least their salaries—and anyone who has ever spoken to audiences on the subject of parliament almost always faces a question on the sickening evils of the whipping system.

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6 See, for example, the selection of essays edited by John E Owens, “Cohesion and Discipline in Legislatures” in the Journal of Legislative Studies, 2003. Nor is it just in Western Europe. In Australia, the Government recently experienced the largest backbench revolt in the House of Representatives since John Howard became Prime Minister: it consisted of three MPs voting against the party whip, and one abstention.

7 The handful of defeats that did occur were caused by poor organisation on the part of thewhips and/or as a result of tactical manoeuvres by the Opposition.


10 Indeed, no post-war government with a majority of over 60 suffered four defeats in an entire parliament.

11 Aside from some (perfectly sensible) recommendation about strengthening select committees, the Report contained almost no concrete suggestions as to how to weaken the power of thewhips.

12 Quentin Letts, “The obscene cost of a good whipping, Guardian, 10 December 2006. Take, for example, this comment from the dozen or so of people who commented online on Letts’ article: “Put plainly, whips are the enemy of democracy, of free speech, of independent thought, and of accountability to the electorate. Were there any justice in the world, their nefarious activities (which ultimately amount to blackmail, bribery and intimidation) would be seen for what they are—illegal acts which undermine our whole political [sic] structure”.

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Whips have long been the pantomime villains of Westminster politics, yet much of the antipathy towards them is merely a combination of ignorance about their role (what they really do as opposed to the considerable mythology) combined with a sense of antagonism towards the very idea of political parties, an antagonism that is not some creation of the last twenty or so years but rather has much longer antecedents. Writing at the beginning of the 20th century Sidney Low noted that the easiest way to get a round of applause at a public meeting was to claim that something was non-partisan. “No sentiment”, he said, “is likely to elicit more applause at a public meeting, than the sentiment that ‘this, Mr Chairman, is not a party question, and I do not propose to treat it from a party standpoint’”.13 Not much has changed over the last century.

Rather than a corruption of democracy, whips are an essential and unavoidable part of party politics. Enoch Powell’s description of the whips as a prerequisite for civilization “like a sewer” is often quoted approvingly by opponents of the whipping system, without realising that Powell’s point was exactly the opposite. Even if we were—in some fairytale political land—to abolish whips, informal arrangements to convey the views of the party leadership to the backbenches (and vice versa) would merely spring up to replace them. The key reason that it would be impossible to “abolish” the whips (and one reason it is also very hard to weaken their influence) is because they have, as many writers on the subject have noted, relatively few formal powers anyway. They certainly have fewer powers than in many other parliaments. British whips cannot, for example, cast votes on behalf of the entire party grouping as happens elsewhere (New Zealand, for example).14 And British MPs are free to defect from one party group to another should they wish, without being expelled from the Commons (as would happen, for example, in the Indian Lok Sabha). Many of the powers that the whips do have are rarely used, not least because they merely prove to be ineffectual or counter-productive. The events of 1994–95 demonstrated the self-defeating nature of withdrawing the whip from rebellious MPs—and it is notable that, despite all the rebellions since 1997, not a single Labour MP has had the whip withdrawn as a result of their voting.

It is in fact quite possible to argue that the whips today are less powerful than they were in the past. For one thing, they have to deal with a more activist backbench than in the past—the rise of the career politician bringing with it MPs more concerned with making an impact on policy than MPs of 40 or 50 years ago—and at the same time some of the patronage formally available to them has diminished, as a result of both privatisation and (more significantly) the Nolan reforms of the 1990s, which opened up quango appointments to greater public scrutiny. Whipping is certainly less physically aggressive now than in the past, a change that was first noted more than 20 years ago.15 Today’s whips are pussycats compared to, say, David Margesson, the Conservative Chief Whip between 1931 and 1940, who was frequently brutal towards his MPs.16

Given the membership of the Committee on Modernisation, it might be useful to recount an example of particularly aggressive whipping. It comes from the former Conservative Chief Whip, Lord Renton, in his excellent book Chief Whip and it concerns an encounter between the then Labour Chief Whip, Michael Cocks and a young backbench Labour MP. The MP was said to be thinking of rebelling, and so Cocks explained the party’s position to him. The MP—who happened to represent the constituency of Blackburn—replied that he didn’t find it a particularly convincing argument. At this point, Michael Cocks seized Jack by the genitals, held on to them tight while Jack turned white in the face and finally released him with the comment, “Are you convinced now?”17 Renton admits that the story is probably apocryphal; he provides it as an example of a style of whipping that simply would not work today.

It is, of course, important not to be naive about this. The whips do have more at their disposal than simply the power to persuade. But because their formal powers are relatively limited, it is harder than many critics realise to clip their wings yet further. If the Committee has a desire to cause a right stink it could revisit the issue of nominations for select committees; and if it is looking for real trouble, then there is always the ease space. Both would impinge on the whips’ patronage, although in both cases the impact would be relatively minor (and the political costs involved in achieving the changes probably too high). An easier route might be the issue of induction programmes for new MPs, which the Committee has already indicated it intends to investigate. Any expansion of House-provided induction will lessen the early reliance that some MPs develop on their party whips.18 Again, however, I suspect any impact in terms of their future behaviour will be relatively minor.

14 New Zealand’s MPs are able to request what is known as a personal vote—in which they vote individually—but the default position is that party whips will cast votes on behalf of their party en masse. The New Zealand Standing Orders also allow MPs to cast their votes by proxy—with proxies allowed for up to a quarter of the parliamentary party. Again, think how much easier that would make things for British party whips.
16 The former Conservative Chief Whip, Lord Renton, describes Margesson as the “total whip”; even on holiday, the first question to his daughter in the morning would be “what is the programme for today?” (T Renton, Chief Whip, Politico's, Ch 11).
17 Renton, Chief Whip, pp 20–21.
18 Rosenblatt, 4 Year in the Life, p 26.
FREE VOTES

Another favourite of critics of the whipping system is the possibility of allowing more free votes, which to critics conjures up the idea of normally chained MPs set free from the malevolent whip in some temporary act of liberation, like “so many heirs of Spartacus” in Peter Jones’s lovely phrase.19 When the Government allowed a free vote on the issue of smoking in February 2006, the Guardian made “free votes” the subject of its “In praise of . . .” leader, arguing that they “allow MPs to show individual responsibility and to rise above their role as lobby fodder—and that can only be good for parliamentary democracy”.20

There is certainly scope for free votes to be more frequent. Recent years have seen the whip (at least on the Government side) applied to several issues where there was at least a prima facie case justifying a free vote on grounds of conscience, including (but not limited to) the Civil Partnership Bill, the Gender Recognition Bill, the Children Bill, the Human Reproductive Cloning Bill, the Human Tissue Bill, the Gambling Bill and the Mental Capacity Bill. There is no systematic evidence that I am aware of that there are fewer free votes today than in the past, and the definition of what is and is not to be the subject of a free vote is both notoriously fuzzy and constantly evolving: capital punishment, for example, was the subject of a whipped vote in both 1948 and 1956 and issues relating to homosexuality and Sunday trading have been both whipped and free over the last couple of decades. What is and is not a free vote tends to owe more to calculations of party advantage than to any hard and fast constitutional rules.

Moreover, whilst allowing a free vote is frequently sensible politics—not least because it avoids media coverage of splits and division—free votes bring with them questions of accountability. Take, for example, the smoking vote referred to above. The free votes resulted in the overturning of part of the election manifesto on which Labour had fought—and won—an election less than a year before. That manifesto was explicit: pubs and bars not serving food “will be free to choose whether to allow smoking or to be smoke-free”.21 When Labour broke its manifesto commitment on university fees during the preceding Parliament, there was an outcry; in this case, it got applauded.

Even when they are not on issues that were covered in the manifesto, free votes can be a problem in a system of party government, in which voters overwhelmingly vote for parties and not MPs, and where the personal vote of any MP is relatively small (and what personal vote there is owes almost nothing to policy positions, but to constituency work and visibility). Free votes allow controversial issues to become detached from the electoral process; however controversial they are, free vote issues vanish from the political radar at election time. Manifestos rarely contain more than a passing mention of them (if that); they are largely absent from the national campaign and from media coverage of the election.22 This would be problematic enough if they were—as they are usually described—somehow “cross-party” or “non-party”. But in reality the party battle-lines are almost as entrenched on free votes as they are when the whip is applied—most free votes see the majority of one party in one lobby facing the majority of the other main party in the other lobby—and the outcome of most free votes owes almost everything to the party composition of the Commons.23 As in both the 1960s and more recently, free votes effectively allow the party in government to enact controversial legislation whilst simultaneously denying all responsibility for that legislation.

Free votes may well be good for Parliament—“When the whips are off, wrote Peter Richards, “Parliament has a new vitality”—but it is less obvious that they are always good for democracy.”24

CONCLUSION

None of this is to argue that things couldn’t, or shouldn’t, be different. Perhaps in an absolute sense we should have weaker party cohesion. Perhaps MPs should deviate more from the party whip more. The public certainly say they value independence from their MPs, although they simultaneously dislike the consequences of independence—split and divided parties—and there is no evidence that they differentiate between MPs based on whether or not they are independent when it comes to the ballot box.

But any such debates need to be placed in their historical context—in that we currently have better resourced, and more independent-minded, MPs than at any point in the post-war period. Concomitantly, the whips are less dominant and powerful than they used to be. Attempts to somehow attack the role played by the whips is likely to be a pointless and self-defeating exercise; even the free vote—so beloved of many outsiders—brings with it some potential downsides. What would do more than anything else to strengthen MPs at Westminster would be to relieve them of some of their (ever-growing) constituency duties—and yet

24 Peter G Richards, Parliament and Conscience, George Allen and Unwin, 1970, p 215. A similar example would be the idea of secret voting for MPs. At a stroke, this would empower the individual MP and make Parliament considerably stronger vis a vis the executive—but only at an unacceptable cost in terms of representation and accountability.
voters also say that they want MPs to prioritise the constituency. Even those MPs who agree that Westminster is their primary role often find themselves forced to spend an unreasonable amount of time on constituency casework or else risk losing their seat to those who promise to do so.

One ray of hope is that the Committee’s work this Parliament has already made considerable advances. It is a standard rule of parliamentary reform that there is an inverse relationship between the importance of any reform and the amount of media coverage it attracts. The decision to allow MPs to make a point of order during a division without wearing a hat attracted considerable media coverage; the introduction of automatic programming of legislation—which has had real consequences—for the scrutiny of bills—came into being without almost any external discussion. Ditto for the more recent reforms to the legislative process and to Members’ allowances. The changes to the procedure for the consideration of Government bills, a reform which could do more to improve the quality of parliamentary scrutiny of bills than any other reform in the last 20 (or more) years, went almost without comment inside or outside of the House.

Yet if implemented properly—and it is easy enough to see how they could yet be scuppered—that reform has the potential to strengthen the role of the backbencher at Westminster considerably. The most important thing the Committee could do over the next three years is to ensure that the new procedure is utilised to its full, and that it becomes properly embedded in the parliamentary soil, in the way that departmental select committees did after 1979.

Philip Cowley
January 2007

Memorandum from Professor Lord Norton of Louth,
Professor of Government, University of Hull (M34)

Strengthening the role of the backbencher and making better use of non-legislative time constitute desirable goals. They should be seen as part of a wider diet of changes designed to strengthen the House of Commons in fulfilling its various tasks, especially that of calling the Government to account. Delivery, however, rests on political will. Academics and commentators—as well as committees of either House—can generate reform agenda. Only the Members can deliver and sustain it.

INDUCTION

Though the material made available to new Members has improved enormously in recent Parliaments, there remain important gaps, both in terms of substance and timing of delivery. An awareness of what is available in terms of practices and procedures—and how to deploy them to greatest effect—is necessary, though not sufficient, if MPs are to fulfil the roles ascribed to them, not least those of scrutinising and influencing Government. The sufficient conditions are provided by the political will: MPs have to want to fulfil those roles if the means available to them are to mean anything.

Enhancing induction can be achieved in a number of ways. These can be subsumed under the headings of timing, substance and delivery.

Timing. In terms of timing, there is a case for having a rolling programme of induction. Delivering everything at once when a new MP arrives in the Palace of Westminster is both too early and too late. There is a case for providing basic information about parliamentary practices and procedures to all those adopted as prospective parliamentary candidates. Most will never be elected, but there is value in raising their awareness about the institution and those who are elected will arrive with some knowledge of what to expect. Providing the information once the election campaign is under way is unlikely to be productive: candidates are by then otherwise engaged. Providing it when the new MP arrives in the Palace runs the risk of the Member taking in only parts of it; there is too much to absorb in a short period of time. There is a case for providing induction on a rolling basis.

Substance. There is a need to go beyond explaining the procedures and rules of the institution. Members clearly need to know what these are, but they would benefit also from training in (a) time and office management, (b) the utilisation of rules and procedures, and (c) forensic questioning.

(a) Time and office management. MPs are extremely busy but there is a difference between activity and achievement. Even if time is spent effectively, it may not be spent efficiently. The demands made of Members mean that they are normally in response mode: they end up dealing with the detail and not having time to stand back and think strategically. There have been difficulties in achieving parliamentary reform because MPs find themselves in a catch-22 situation. They are too busy to have the time to stand back and decide how to achieve changes that would lessen the burden. Many Members also are not well versed in running an office. Some Members generate work in such a manner that they themselves become part of the problem. There are 646 ways of running an MP’s office. Not all 646 Members are utilising best practice. Early training in time and office

25 Professor of Parliamentary Government at the University of Nottingham.
management would enable Members to organise themselves, and their offices, from the beginning of their parliamentary careers. There is no reason why such training should be confined to new Members.

(b) Utilisation of rules and procedures. There is a difference between knowing rules and procedures and exploiting them to achieve desired outcomes. Officials can advise MPs what the rules and procedures are, but are limited in what they can say about using them to achieve what may be seen at political outcomes. Induction that deals with the question “What are the rules and procedures?” is necessary, but so too is induction that is designed to answer the question: “If I want to achieve this, what is the best way of going about it?” The formal rules are one thing, the tricks of the trade are another. This has implications for who should deliver the induction.

(c) Forensic questioning. A central part of the life of the MP involves communication. MPs are often well versed in delivering speeches and, increasingly (courtesy of party training), responding to media interviews. (They also have the opportunity to have some training, courtesy of PICT, in information technology.) They are sometimes less well versed in questioning, especially detailed questioning that is essential to the work of select committees and potentially now public bill committees. Training in forensic questioning would be beneficial to MPs generally but especially those serving on evidence-taking committees. This can be delivered at different stages and be offered to all Members.

Delivery. This concerns the who and the how. The authorities of the House are already engaged in the process. So too are the parties. Both have a role to play but though they are necessary they are not sufficient. Officers of the House, as already indicated, are necessarily limited in what they can say. The parties, especially the whips, are understandably self-serving in the training they provide. Neither officers nor the whips are likely to lay on a seminar on, say, “How to cause trouble”. The existing suppliers thus need to be complemented by those who can provide a greater degree of detached analysis and advice, drawing not least on academics, senior Members and former Members. An induction programme may be developed in-house or by an external body, operating in the sphere of parliamentary or legislative studies, commissioned by the House of Commons Commission. There are a number of bodies that could undertake the task. How to deliver it? The traditional format of meetings and printed material could be complemented by on-line delivery. MPs are increasingly cognisant of what the Internet can deliver and many, I suspect, are frequent visitors to www.revolts.co.uk and www.theyworkforyou.com. Developing a user-friendly site that can deliver guidance on good practice could be enormously beneficial, not least in that Members could then access the material at a time convenient to them and when it may be most salient.

Once MPs are grounded in the use of existing rules and procedures, then they are likely to have a greater impact than would otherwise be the case. However, existing structures and procedures do not necessarily enable MPs to fulfil their tasks as fully as they might.

**MORE IMAGINATIVE USE OF THE CHAMBER**

Members are limited by the way in which time in the Chamber is controlled and employed. The UK Parliament is distinctive among legislatures in the developed world for the extent to which time is controlled by the executive. Experience elsewhere suggests that giving the House greater say over the use of time will not prevent the Government from getting its business, but it will enable time to be used more effectively in calling the executive to account. There is clearly a case for a dedicated business committee and, less radically, for giving at least a greater say over the allocation of time to an agency of the House. (At the moment, the only agency that has a role, a narrow one, is the Liaison Committee in the choice of reports for debate on Estimates Days.) There is also a case for the more imaginative use of time in the Chamber. Changes may usefully include:

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**Introducing Questions for Short Debate**, emulating practice in the House of Lords. There, a QSD (formerly known as an Unstarred Question) lasts for either 60 minutes (If taken as dinner hour business) or 90 minutes (if the last item of business). This enables several members to take part. In the Commons, such a practice could be used on a Wednesday evening at 7.00 p.m., either in place of the existing half-hour adjournment debate or prior to it (the adjournment debate taking place at 8.30 p.m.). This business would be an add-on and would involve only those who wished to be involved; other MPs would not be inconvenienced waiting for later business. If such a practice proved successful, it could be extended to 6.00 p.m. on a Thursday.

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**The use of short emergency debates**, enabling Members to request a 60-minute debate on a matter of immediate importance, with the rules for granting them less restrictive than at present. The debate could take place at the start of public business on the day following the request.

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**Enabling Select Committee reports, or particular proposals in reports, to be considered on a substantive motion**. The Liaison Committee recommended that half-an-hour following Question Time on a Tuesday should be given over to discussion of a Select Committee report, with each speech limited to five minutes. A variation would be to allow a Select Committee to propose that a particular recommendation be put before the House and debated on a motion to agree with it, with the Liaison Committee having responsibility for determining which request should be granted.
— The re-introduction of Private Members’ motions. These could be in place of the Questions for Short Debate proposed above, but as they could be divided on they would involve Members remaining for a (possible) division. Another possibility would be to enable a short debate (30 or 60 minutes) on a Private Member’s motion in place of some existing business. The Business Statement on a Thursday is possibly close to its sell-by date and might be replaced by a Private Member’s motion, or possibly reduced to half-an-hour enabling a 30-minute Private Member’s motion to follow.

These proposals can also be linked to a proposal to extend the provision for time-limits on speeches. Indeed, there is a case for a time-limit to be a standard practice. Speeches in the Lords (including, depending on the business, front-bench speeches) are time limited, with no obvious adverse affect on the quality of debate; if anything, the reverse. A time limit necessitates giving thought in advance as to what to say and ensuring that the key points are made. It is a useful discipline for the speaker and also enhances the likely interest of listeners. A series of short, informed contributions is likely to hold the attention of listeners more than a few long-winded speeches. My perception is that debates in the Commons in which speeches have been time limited have tended to bear this out. For short debates of the sort envisaged, a provision reducing the time limit (as with the five-minute proposal for half-hour debates) may also be desirable, enabling several Members to participate.

If time limits on speeches were to apply to all public business, then there would be significant implications for Private Members’ Bills. Talking out a Bill on a Friday would be possible, but not as a consequence of any or two very lengthy speeches but rather as a result of contributions from several Members. Opponents of a Bill would thus need to mobilise greater resources than has usually been the case.

Westminster Hall Debates

The use of debates in Westminster Hall has proved reasonably successful in providing Members with an opportunity to raise issues of concern and elicit a ministerial response. It has provided a useful additional resource to the Chamber rather than (as some of us feared) taking matters away from the Chamber. There may be a case for utilising it more—possibly on Thursday morning—in order to extend the opportunity for back-benchers to raise issues or to debate select committee reports. Other than that, there may be a case for re-considering whether debates in Westminster Hall should be in the Grand Committee Room. The nomenclature is somewhat misleading for the public and the location suggests that the proceedings are somewhat peripheral to the main business of Parliament. It also militates against what may be termed passing trade. I am not aware that any study has been undertaken of Members’ attitudes towards the holding of debates in Committee Room 10 while the Grand Committee Room was being refurbished, nor of visitor numbers, but there may be a case for considering whether there are benefits to holding debates in a location (the main Committee Corridor in the Palace or the Committee Corridor in Portcullis House) that is more central to other parliamentary activity. There are obvious resource implications, so the benefits would need to be clear.

Conclusion

There are various changes that could usefully be made to strengthen the role of the backbencher and make better use of non-legislative time. However, these proposals have to be seen in the round. Each has some merit and can contribute to strengthening the House in fulfilling its tasks. They are nonetheless modest proposals, not least in the context of the relationship between Parliament and the executive. The most important changes that could usefully be made are those in relation to the legislative process—not least (following the introduction of public bill committees) in pre and post-legislative scrutiny—and in further strengthening the role of select committees. Changes in these areas could contribute enormously to the work of the individual Member, enabling them to contribute to calling the executive to account and in influencing public policy.

March 2007

Witnesses: Professor Robert Blackburn, Professor of Constitutional Law, King’s College London, Professor Philip Cowley, School of Politics and Public Relations, University of Nottingham, and Professor Lord Norton of Louth, a Member of the House of Lords, Professor of Government, University of Hull, gave evidence.

Q41 Chairman: May I welcome Professor Cowley, Lord Norton and Professor Blackburn, and thank you very much for offering us written evidence and for coming in this morning? We are looking forward to what you have to say. I would also welcome your students who are sitting behind you and hope that they enjoy the session too. As you know, the inquiry we are conducting is on strengthening the role of the backbencher and, alongside that, we are looking at making better use of non-legislative time. That runs straight into the issue of how the existing non-legislative time is carved up and whether there should be more opportunities for backbenchers to have access to that time, and also how it should be used: particularly, whether more of it should be available for backbenchers to decide to put down
The House of Commons, he said, is a place where Members can meet each other, discuss ideas, and form alliances. It is a place where the public can come to hear debates and discussions on important issues. However, he noted that the House of Commons is not immune to criticism, especially from the media and the public. 

Q42 Chairman: We want people to be straightforward. 
Professor Lord Norton of Louth: The only point I would make is that one has to make an opening statement to begin with, or whether you want to go straight to questions?

Q43 Chairman: We thank you for saying that. It is good therapy! I think that what you say is also true, from my experience in my previous job. It was striking in the last evidence session we had that Michael White, who certainly may have been a sceptic about the political process, offered that opinion from his experience as a Washington correspondent: that people looked at the role of Congress through rose-tinted spectacles and that it was a good deal less effective. Could I ask you this, before I ask Sir Nicholas to come in? Should we worry about the fact that what the public see so often is empty benches in the Chamber?

Professor Blackburn: Yes.

Q44 Chairman: What do we do about it?
Professor Blackburn: My own view is that it is quite depressing that the Chamber often does look pretty lifeless and dead. If people tune in to the Parliament channel—it is so much easier now to watch parliamentary proceedings of course—quite often the Chamber is almost empty and there is some relatively uninteresting debate going on, with somebody reading from notes, et cetera. I think that something does need to be done to inject some life into the Chamber, and some creative thinking about it. There should be more free debates taking place on topical subjects, perhaps in the evening; using it for quasi parliamentary purposes, perhaps almost public occasions. As to the reasons, I think that we are all aware of what has happened. There is a feeling that perhaps the House of Commons is not where the action is any longer; that a lot of activity is taking place in select committees—a lot of the most interesting type of work is taking place in select committees. One thing is—and I think that you have already identified this—one does need to have a clear idea of what it is the House of Commons exists to do. There is probably not time to discuss this, but the two Philips and myself spend a lot of time on this with our students, discussing the philosophy and the
purpose of Parliament. However, this does need some reflection and I think that the prioritisation of the work of Members has got slightly out of kilter. Far too much time is spent on constituency work, which takes them away from the Chamber. The primary function of an MP should be a commitment to the life of the Chamber.

Q45 Chairman: It is easier for there to be topical debates on issues which are being raised on the Today programme on television on the floor of the House on the day they happen—for example, what is happening in Zimbabwe—without there having to be a statement by ministers, because there is automatically available an opportunity to raise these things. Would it not make the Chamber more interesting therefore and attract more attention? Perhaps not.

Professor Lord Norton of Louth: I think that there are two elements to it. As you are very well aware yourself, Chairman, there has been a decline in media coverage of Parliament. So one could say that it is either the media’s fault or it is Parliament’s fault from an educative point of view. As you know, when the cameras first entered Parliament there was far more coverage of committees. That has actually declined, for reasons that are not altogether clear, and I regret that. Part of it is educative, trying to ensure that people are aware that Parliament is not simply about the Chamber. I think that is the overarching observation, and I think that one has to look at it in that context. In terms of the Chamber itself, I think that it would be an uphill struggle to get a great deal of media attention as to what is going on. If you have short, sharp debates, I think that would increase the relevance to Members; I do not think that it will affect matters significantly outside. It is worth doing; it would be helpful to Parliament. However, in terms of affecting how the public see Parliament, it is a much wider issue. I do not think that even if you reduced constituency time that would increase attendance in the Chamber. It would give Members more time to do other things outside the Chamber. I do not think that there is much you can do, therefore, that would significantly increase the attendance in the Chamber, as opposed to the attention that Members give to the Chamber, which is a different thing. In other words, they want to come; when it is relevant they are there; they take part in the debate. It is better to have a debate with 10 Members who are interested in the subject than a debate with two Members who are interested but lots there for the purpose of, say, “doughnutting” or just waiting for a division.

Professor Cowley: I agree with Philip. If you had more topical debates it would increase slightly the number of people in the Chamber and it is worth doing; but it is worth doing for its own good, not because it will somehow pack the Chamber, Monday to Friday, with 100 people—because it will not. One of the points of my submission was to point out how most of these complaints have a long, historical tradition and were being said back in the Fifties. Humphry Berkeley was saying in the late Sixties that the Chamber was dead—“Nobody goes there any more. It’s all finished”. He said that in the 1960s and you are saying exactly the same thing—
of the House greater control would be a step forward. We are completely out of sync with other legislatures.

Q48 Sir Nicholas Winterton: Do you believe that there is too much legislation, as against not enough debate?

Professor Lord Norton of Louth: We know that the volume of legislation is expanding considerably. New sorts of bills: they are just longer and much more complex—which certainly creates a greater challenge for Parliament, because it not only requires more time but it also requires more thought to get one’s head round the legislation. The increasing volume of legislation therefore creates a particular challenge for Parliament in making sure it has mechanisms in place to scrutinise it effectively. That involves both time and also procedures, so that Members are well informed.

Professor Blackburn: I feel quite strongly that there is far too much legislation. It is politically driven. This is a subject perhaps for another committee hearing. Philip chaired a committee on the legislative process in another place. However, I do feel quite strongly that there is an excessive degree of legislation and regulation, used for political purposes. That has a suppressing effect on what Parliament should be doing otherwise. Could I move on to a the suggestion for a business committee that you made? I think that there are three avenues in the way forward in improving the quality of the work of the House of Commons. One is the cultural changes that need to take place. One is the structural changes that need to take place, and then there are some procedural changes that need to take place. These matters cannot be dealt with in a short meeting like this, of course. However, when you talk about a business committee or a bureau to assist the Speaker, I think that what would be a good idea. This is in the nature of astructural change that might take place. However—and I know that I am touching on subjects now that you probably will not want to touch with a bargepole—any type of committee you set up in the House as presently constituted will be dominated by the governing party. You will never achieve anything significant in shifting the balance towards backbenchers until you grasp the nettle of having a different method of electing the House. Whatever happened to the Jenkins Commission recommendations?

Q49 Chairman: I will tell you! It was a very bad idea. That is what happened to it!

Professor Blackburn: We all know the politics behind that, but it is actually a very serious issue. If you reduce the excessive dominance of the governing party over all these committees and the House, you will have a much more vibrant House of Commons as a whole. For example, you will not automatically have a governing party majority on every committee. That would transform the way in which committees operate. If you are talking about a business committee, you will still have the Government dominating the parliamentary timetable. Until you have fairer representation of political groups in society, I do not think you will achieve very much.

Ann Coffey: In response to that, it is very difficult to see how you will not get legislation in the House of Commons which is not politically motivated. Irrespective of what electoral system you have, you will be electing politicians. I am not sure, Professor Blackburn, if you can get past that, though I would be interested to see how you would propose to do so. I have been a Member since 1992 and I have noticed a number of changes. One is that the MPs are becoming younger.

Sir Nicholas Winterton: No, you are getting older!

Q50 Ann Coffey: Let me rephrase that. They are coming in at a younger age. Often, they are coming in from occupations in which they have been used to managing their time, making their decisions, balancing a lot of conflicting demands on their time. Secondly, it is not that we have decided to spend more time in our constituencies; it is simply that that has been the changing expectations of us as Members of Parliament, to which we have responded. Thirdly, a lot of us now have to manage, in effect, small offices. We have to spend a lot of time doing staff management. We have to respond to growing lobby organisations, which again are very demanding in terms of our time. Do you think that one way of looking at it would be to see what would be the best way in how you legislate to respond to those kinds of conflicting demands? My theory would be that if Members of Parliament were much more able to manage their time better, they would be more responsive to the Chamber; because they would be able to decide when they went into the Chamber and they would be able to decide what they wanted to do with their day. Part of the problem is the way that the day is structured. We do not have any control over our time because of running Whips, because of the way that we have decided to vote. Do you think that might be a positive way through?

Professor Cowley: As a general point with the pull of the constituency—and the constituency is becoming more important for lots of reasons, one of which is an increasing expectation—if Parliament as an institution is to respond, it has to make life at Westminster more valuable for the Member. It has to give more opportunities to achieve things. Whether you do that through a business committee or more generally—and this seems to me to be the general principle—you allow backbenchers, either individually or as groups, to have control of bits of the timetable at Westminster. That is the road to be going down. It does not matter how you do it—and I have ideas as to how I would do it—it is about allowing MPs themselves not to be always at the mercy of the usual channels. As soon as you say that, the Whips’ Office has a collective brain haemorrhage at the thought, but you can nudge back a little the control that the major parties have over the timetable—without, as Philip said, stopping the Government getting its business. To me, that seems to be the general principle you need to be adopting.
**Professor Lord Norton of Louth:** I agree completely with the analysis. If the constituency demand increases—which it has, decade by decade—if you cannot close off the demand you have to manage the supply side. In terms of managing time, there are two aspects, are there not? One is individual time: how do you organise your own office? Then there is the collective time, in terms of the House itself. There are two separate elements and, therefore—as I put in the paper—partly it is for the individual; it is helping to manage time. There is also a resource implication. The separate one is the collective management of time in the Chamber, which will make it more relevant and allow Members to organise their time in a way that maximises effect. I agree with you that there is a linkage between the two, but it is for Members to grasp that, so that time is managed effectively—in a way that it is not at present.

**Q51 Mr Shepherd:** Thank you, Professor Lord Norton and you, Professor Philip Cowley, for your interesting submissions; and I look forward to seeing yours, Professor Blackburn. I have been a member of this Committee almost since its inception. What I have watched is that the Government has almost taken over total control and direct control of the Standing Orders of this House. They initiate them through the Leader of the House, Chairman of this Committee. I am particularly interested in an observation in the penultimate paragraph of Professor Cowley's submission to us. It is full of good nuggets, incidentally, but there is reference to the introduction of automatic, what I would call, guillotining of legislation—"... which has had real consequences for the scrutiny of bills"—and also, of course, for the opportunities for Members of Parliament to participate in Report stage, et cetera. I wonder, in looking through and examining the changes that have happened, have these not worked against, such as, the automatic guillotining of bills and the interest and vitality of backbenchers participating in the process of legislation and giving authority to Government for its actions? I would like to hear your views on that.

**Professor Cowley:** My view on programming is that, although it is a legislative subject, in some ways it obviously does affect the topic of the Committee. I have no problem with the principle of programming. Programming is a good example of a good idea, brought forward initially with very good intentions, which has been corrupted. Of the changes introduced since 1997, I think it is the one which has been of least benefit to the House. Most of the other reforms of the Modernisation Committee have been beneficial. Programming, as currently constituted, is not beneficial. One consequence, absolutely, has been to shove out backbenchers from the Report stage of the legislative process. It is one reason—and I made this point last time I gave evidence—why you are now getting very large rebellions against bills at Second Reading. You are getting them because backbenchers are no longer sure that they will be able to get their chance to use targeted amendments later on in the process.

**Q52 Chairman:** It has not actually worked to ensure greater government control?

**Professor Cowley:** No.

**Sir Nicholas Winterton:** Good stuff!

**Chairman:** I entirely agree with you.

**Q53 Mr Shepherd:** It was a question to the three, of course.

**Professor Lord Norton of Louth:** I would endorse that.

**Professor Blackburn:** I would agree with Professor Cowley.

**Q54 Mr Shepherd:** So essentially this whole process—the reinforcement of the role of the backbenchers—the fault lies, if I understand it correctly, in ourselves, not in our stars. It is up to us, as backbenchers, to assert ourselves.

**Professor Lord Norton of Louth:** There are two problems, are there not? One is the point I made at the beginning. Unless you have the political will to do it, there is no point talking about structures and procedures. Once the politicalwill is there, you then decide what are the best mechanisms for delivering that. It is really getting the cart before the horse.

**Q55 Mrs May:** I would like to ask about the issue of free votes. Professor Cowley referred to this in his written submission and, at the end, said “Free votes may well be good for Parliament... but it is less obvious that they are always good for democracy”. One of the issues that we touched on earlier was the whole question of being able to have more topical debates. It seems to me that we have three roles here. We scrutinise legislation; we hold the Government to account; but it should also be the forum for national debate on issues of national concern. I would like comments on the concept of less legislation and more opportunity for debates on general issues, possibly on substantive motions with free votes at the end of them, to get a view of Parliament outside of the party system.

**Professor Lord Norton of Louth:** On the general issue of free votes, I think that they are important, particularly where it is to elicit an expression of opinion from the House and to allow an outlet for different opinions in society. In that context, therefore, they are a good thing. In the context where you are deciding policy, they are arguably a bad thing. They are, strictly speaking, irresponsible, because you have no one body that is then responsible for the delivery of public policy. The Government has to be responsible, or whatever body delivers it has to be responsible. So there is a place, but you have to be quite clear what that place is. I think that it is valuable, to allow the House to fulfil a major role—and it relates also to Ann Coffey’s point—as a safety value; an outlet for different opinions in society. If time can be structured to do that, I think it is valuable. If you look at Private Members’ time, it takes less than 5% of the time of the House. People say it is wasted time because not many bills are passed. I think that misses the point. It is invaluable time for raising the issue, getting it on to the agenda, allowing people to express a view, and to make
groups outside feel that they are being heard and those views are being expressed. I think we can see in those circumstances that time utilised in that way is extremely valuable.

**Q56 Mr Wright:** I was interested in the submission by Professor Cowley and what has been said today, particularly by Professor Cowley and Professor Blackburn, about the role of the constituency. Can I give you an example? I was walking down the street and a woman stopped me. She had written to me about the Sexual Orientation Regulations. She was a staunch Catholic with deeply held beliefs and was fundamentally opposed to it. I had written to her saying, “No, I agree with the Government’s stance”. She was diametrically opposed to everything the Government was proposing. At the end, she said, “But I might vote for you, because you got a tree removed for me in the garden”. Given the ability of the backbencher to change Government policy, when I can get a possible vote by getting a tree removed in a garden, I am going to concentrate on that. In terms of the submissions, I am interested as to how we can manage constituents’ expectations, when I do not particularly want to, because it is a potential vote-winner. Do you think that we should be saying, “No, go and see your councillor. We don’t have anything to do with that.” We’re involved in national and international matters”? How on earth do we manage constituents’ expectations?

**Professor Blackburn:** I think that there is an issue of perception here. One needs to talk up precisely what the job of an MP is. It is quite clear that you are all extremely busy people; you are overworked and it is a matter of prioritisation of what you do, et cetera. However, I think that you do have to grasp the nettle of prioritisation. It seems to me that, as a guiding principle, you should be pursuing constituency matters that raise matters of general public importance. I do not think that you can be a social worker to every constituent who has a problem. If you start doing that, you may make yourself a bit more popular around your constituency; although it could be counterproductive in many cases, because you may annoy other people. However, you have to grasp that nettle to free up more time to devote yourself to the Chamber, which is really important.

**Q57 Mr Wright:** I would say that, of all the casework that I get, about 5% of letters I get nowadays are about national politics. I have had about four e-mails and letters about Trident. The point about politics being all local—that it is what you look at when you go out of your door in the morning—is absolutely correct. I think that it is quite dismissive to say that we need to raise people’s bars. People think about politics as how they walk out of their door on a morning and see their street. How are you going to manage that?

**Professor Blackburn:** A tough decision has to be taken. All I am saying is that I do not think the life of the Chamber, which is your primary responsibility, should suffer.

**Professor Cowley:** I think that the constituency link is extremely valuable. I would not want to lose it for a minute. However, I think that there is a problem at the minute. I think that it has gone out of control. It is a problem that is getting worse. I read the *Hansard Society* study to find that new Members were spending half of their time on constituency work, and one was spending 97%. What are they doing for the other 3%? I should think that is just walking through the lobbies. I think that has gone too far, and there is a real problem that it is getting worse, because expectations of what MPs can deliver are being raised. It is like an arms race. It started with the Liberals in the Seventies—a lot of things started with the Liberals in the Seventies! Labour were infected by the late-Nineties, to the localised campaign vote; and the Tory intake of 2005 have all got it as well. Some of that is very valuable and, for MPs, it is incredibly valuable, because it delivers. If what you are concerned about, however, is how Parliament scrutinises, then I am afraid that at the moment this is the one biggest single detractor from how Parliament scrutinises.

**Professor Lord Norton of Louth:** The point I would make is that, yes, the Chamber is the primary responsibility, but to get into the Chamber you have to be elected.

**Q58 Ann Coffey:** Good point!

**Professor Lord Norton of Louth:** And Members usually want to be re-elected. Members are therefore very bad at saying no to constituents. It comes back to my point about supply and demand. You have to be realistic. Members are not going to tell constituents to “Push off”, basically. There was one MP who once suggested that Members should be statute-barred from dealing with constituency correspondence. He was shortly afterwards deselected! It is whether you think you can close it off, and it is very difficult to do that; so it is how you manage what is happening. If it continues to increase, you have a dual role. That makes it even more crucial that you think about time management, which is partly to do with time and partly to do with resources.

**Q59 Mr Burstow:** I am more than happy to own up to having more leverage than we think we have in terms of how we change the culture. However, I have heard a lot of analysis of the problem but I have not actually heard any prescription as to what one does about it, other than telling us that we should manage our time differently. That does not give us a suggestion at all of what we could do differently in terms of (a) a cultural change or (b) moving on to some of the structural and procedural things—in the face of really quite significant societal changes. The attitude to MPs is not deferential, and quite rightly so. It expects us to provide a service, and there is a service focus in the way in which much of the rest of society operates. I wondered if you had some specific suggestions about what we could do differently that could put this genie back in the bottle—a genie that was released, we are told, 20 or 30 years ago.
Professor Lord Norton of Louth: I do not think that you put the genie back in the bottle, but the proposals I made in my paper were designed to affect Members once they get to the House initially, so that they use the opportunity. Quite often, Members realise what they need to do some time after the event. The Members who know how to use the procedures—they come to it and eventually they get to utilise it—realise, “If only I had known that years ago”. I think that there are mechanisms to affect how Members perceive the work when they get in. There are things you can do, not only in terms of training but also how you organise the time, so that actually it is much more relevant to Members.

Q60 Mr Burstow: I found your paper on training very helpful, and the points you made. You list a number of suggestions as to the ways in which time could be used more creatively in the Chamber. You list four different options. Of those, do you have any in particular that you think we should try out, to see how it might change the balance of debate in the Chamber?

Professor Lord Norton of Louth: The one I would mention is the question for a short debate, I think, because it builds on what Members are used to. You have the half-hour adjournment debate. It is analogous to that; but if you have 60 minutes, think how many Members could actually get in and make the point, on the type of issues that are normally raised in the half-hour adjournment debate. If it is like the half-hour adjournment debate, it is an add-on to existing time. You are not competing with anything else. One could focus on that type of thing.

Q61 Paddy Tipping: I want to talk about programming. Professor Cowley, you told us that programming was right in principle but the results had been poor in practice. What needs to be done?

Professor Cowley: It could be resolved pretty straightforwardly, if the Government just relaxed the amount of time it was giving. Part of the problem is that things are just too tightly programmed. It could be resolved pretty straightforwardly, if the Government just relaxed the amount of time it was giving. Part of the problem is that things are just too tightly programmed. It could be resolved pretty straightforwardly, if the Government just relaxed the amount of time it was giving. Part of the problem is that things are just too tightly programmed. It could be resolved pretty straightforwardly, if the Government just relaxed the amount of time it was giving. Part of the problem is that things are just too tightly programmed. It could be resolved pretty straightforwardly, if the Government just relaxed the amount of time it was giving. Part of the problem is that things are just too tightly programmed.

Q62 Sir Peter Soulsby: You have talked about backbenchers hoping to claw back a little more control of the timetable in the Chamber and getting things on the agenda. Is one specific possibility a procedure whereby early day motions, with a certain level of all-party support perhaps, became debatable and thereby gave a topical debate on something of interest and importance?

Professor Cowley: In response to a request for specifics, that would be one of my specifics. It is certainly worth trying. It would have to be on a cross-party basis, but I see absolutely no reason not to. Apart from anything, it would start to transform the early day motion into something slightly more valuable. It would still allow them to work as a graffiti board and a sounding board, but it would also be a route in to allowing backbenchers, as a collective group, some control of the agenda. I would come back to a point made earlier, I think by Sir Nicholas Winterton, that backbenchers speak only twice in a year. Allowing backbenchers some influence at Westminster is more than just when they speak; it is also getting the topics they want on to the agenda, when they want them on the agenda. A mechanism like that would help.

Professor Lord Norton of Louth: Can I support that fully in terms of the proposed plan for EDMs? It would have to be part of a wider package of reform of EDMs, but fitting within that, and certain mechanisms to ensure it was cross-party; that it did not simply become another tool for government, and, simply affecting the criteria for EDMs, there are too many. Nowadays, each one you put down has less effect, because there are so many. I think that there is therefore an overall case for significant reform, so that it focuses on what is important, what is important to Members, and it can then act as a trigger for what happens in the Chamber. That would be one mechanism for giving control to Members.

Q63 Philip Davies: Not only am I a new boy on the Committee, I am also a new boy, relatively speaking, in the House. I am hoping that you can therefore put some perspective on this for me. Is the fact that constituency stuff is now so important partly linked to the fact that the parties have become so close together, so that the public think the big political debates do not take place any more; that all the parties agree on everything? “So we may as well forget about that. We will just get the MP to talk about the constituency stuff, where they might be able to make a difference.” Is it because— even though in your submission, Professor Cowley, you talk about MPs becoming more independently minded—in my experience the general public’s view is the exact opposite? They think that we are more party hacks nowadays, and they therefore think that there is no point in raising issues with us because we will just do as we are told. Is it perhaps partly to do with the lack of induction for new Members in the House? In terms of how you table an amendment to a bill at Report stage, and all this kind of thing, there are probably many MPs who were elected in my intake who still do not know how to table an amendment. Are any of those things factors in the situation we have got ourselves in?

Professor Lord Norton of Louth: On your last point, I think that there is a need for Members not only to know how to table amendments but also to get what
they want through using procedure. On your first point about the demand from constituents, I do not think that your analysis explains the demand from constituents; I think that your analysis explains why MPs are responsive to it, because they think, “We’re not having great effect collectively in affecting government, so we might as well devote ourselves to the constituency role”. Since the demand is increasing from constituents for other reasons, the two things come together. You therefore have Members devoting a tremendous amount of time to increasing constituents’ demands.

Q64 Mark Lazarowicz: It is generally agreed amongst MPs, commentators and academics that select committees are a good thing, both in terms of improving scrutiny and in terms of public interest, and yet it seems to me that there is a real disconnect between the select committee and the Chamber as a whole. You would think that when a select committee report comes before the Chamber, this would be an opportunity for a major discussion on the recommendations. That is, of course, not what happens. The reports sometimes appear months later and there is normally hardly anybody there in the Chamber, except the members of the committee who have written it in the first place. Part of the reason for that, it would seem to me, is the fact that the select committee reports do not have any formal connection with our procedure here. Is there not—and I see, Professor Lord Norton, that you make reference to this in your paper—some way of strengthening the relationship of the select committees with the Chamber, so that if the select committee recommends that we do “X”, it comes to a vote and, if that vote is carried, “X” actually happens? Of course, that is not what procedure provides for at the moment.

Professor Lord Norton of Louth: That is what I was putting forward. To be fair, there has been far more connection between select committees and the Chamber over time; not least with the Chamber, but also the opportunities in Westminster Hall. Compared with what the initial position was, things are much improved. However, the problem is as you mentioned: those who take part tend to be members of the committee; Members outside are not really that involved. One way might be to allow a committee to recommend one of its recommendations for substantive debate in the Chamber, as a way of energising attention. It may be something that is done rarely, but I can think of occasions when it might be useful. It would get Members involved. It would have to be relevant, and it would be a connect between committees and the Chamber. You would have to be very careful, though, about the type of thing that was selected, so that it was a broad issue of public policy and not one that simply engaged the parties.

Q65 Chairman: The advantage of that is, although we would have to be very selective about when it was used, it would concentrate the mind of ministers.

Professor Lord Norton of Louth: Absolutely, yes.

Q66 Chairman: To ensure that they paid attention to all select committees, of course, in case they ended up in that situation.

Professor Lord Norton of Louth: Yes.

Professor Cowley: Perhaps I could add to that. You have these two inquiries: one on better use of non-legislative time and the other on strengthening the role of the backbencher. The best way to strengthen the role of the backbencher, it seems to me, is through the select committee system, which we have not really touched on so far. Most of this has been about the Chamber; but if you really wanted to strengthen the role of the backbencher, select committees still seem to me to be the single best way of doing it.

Q67 Sir Nicholas Winterton: What about the appointment to select committees?

Professor Cowley: That is different. I do say in my paper that if you really want to open up a can of worms, you could revisit that issue. Even without revisiting that issue, however, you can give more power to select committees than they have at the moment—and that would be a really useful way of doing it.

Q68 Ann Coffey: One of the more interesting developments is the role of the Internet. Certainly most MPs have websites, and TheyWorkForYou.com gives very easy access to what MPs are doing in the Chamber. It is also helpful for MPs, because it means that you can give links for constituents which give them information; because I do think that part of our job is informing people about the complexity of debates. Do you see that as an important development? Do you think it could be used in a better way?

Professor Lord Norton of Louth: Potentially, yes. I am just finishing off an article on Parliament and the Internet, so I have actually looked at every MP’s website—among other things.

Q69 Chairman: You are a great man! You will end up in the House of Lords, if you go on like this!

Professor Lord Norton of Louth: Twenty are inactive; one links to an online betting site; and another links to Chihuahuas for sale! I think that there is tremendous potential, but it is not fully realised. You are quite right. Most MPs now realise it, but it is used, as you alluded to, for putting information on the Net so that it is accessible. There is very little opportunity for interactivity with constituents. At the moment, it is simply being used as an adjunct to existing activities, to enable you to do what you normally do but in a slightly different way. It is an innovative mechanism, therefore, but it is not being used in innovative ways. The potential for having some interaction is tremendous, but it is not being exploited.

Professor Cowley: Perhaps I could make a brief point on TheyWorkForYou.com and related sites. They were not set up by Parliament; they were set up by freelancers from outside. They did that because Parliament, frankly, did not do it, so they filled the gap. The trouble is, because they sometimes do not
have that good an understanding of what really goes on, some of the statistics and the data they generate are not very useful. That is Parliament’s fault as much as theirs, because you created the vacuum and they have come in to fill it.

Q70 Chairman: We may talk to them. I think that would be a good idea. Could I leave you with one thought? It is very striking that all of us share this view that the increasing demands from constituencies is one of the reasons. Whether you have a “safe” or an “unsafe” seat, the demands are rising. However, what is also palpable is that the way in which Members deal with those demands varies very much. To quote my own example, I am an extremely active constituency MP but I have to devote a very small proportion of the week to deal with it, because otherwise I would go under. However, I would ask this question—and you may want to submit further evidence on this. Is there any research evidence, taking otherwise similar Members, similar backgrounds, with a similar profile here, frontbench, backbench, and so on, looking at how they are doing in terms of votes—and this is fundamental to a democracy but MPs think about this all the time, and so they should—looking at effectiveness and how much time they are spending? Because I do not think that there is necessarily any direct correlation between the two at the moment.

Professor Lord Norton of Louth: I did some research some years ago and so, if we are going to promote books, you may want to look at Back From Westminster, which I co-authored with David Wood some years ago. What was relevant there was that we found a correlation between vote benefit and first-term incumbents. It fits in with the view that Members who come in new devote a lot of time to their constituency; they get bedded in and, after a few years, they devote more attention to the Chamber, once they feel reasonably firmly ensconced. New Members did benefit relative to other Members relative to challengers; so there is a relation in that sense. I think that the main benefit of constituency activity is not that it changes significant votes. People do not suddenly change from one party to another because they have a good constituency MP. It is a magnetic effect. You are likely to keep existing supporters, who otherwise would drift away from parties that are unpopular. If you are unpopular as well, there is nothing to hold them.

Chairman: On that happy note, may we thank you very much indeed.

Memorandum from Professor Robert Blackburn (M45)

STRENGTHENING THE ROLE OF THE BACKBENCHER AND MAKING BETTER USE OF NON-LEGISLATIVE TIME

MEMBERS AND THE CONSTITUTION

1. Members should not be instructed on what they should and should not be doing. That is a matter for their own interpretation, and that of their electors, as a political representative in the British state’s national assembly. Each individual Member has a number of claims and priorities on his/her time, and must judge for him or herself how to balance these. Far less should Members be given contractual job descriptions or instructions on their job by party whips.

2. The British parliamentary system of government fuses the executive and legislative branches of state through an overlap in personnel, giving the great advantage of direct personal access, contact and control by Members over ministers in holding them to account. This constitutional balance underlying our national system of politics depends on the strength of character and talents of backbenchers in asserting their parliamentary rights and protecting their independence.

3. Backbenchers, collectively and individually, have traditionally served as custodians of the values and welfare of the nation. They have had an essential part to play in keeping a vigilant eye on the executive, and ensuring government is operating in the best interests of those whom they represent rather than for the administrative convenience of ministers, civil servants or other state agencies. Backbenchers have been a conduit for leading and informing opinion in the country, and for feeding back to the Commons the views, preferences and concerns of their electors.

4. However, in performing these traditional—and what I regard as still central—constitutional tasks at Westminster, the institution of the backbencher is encountering serious problems. It is a matter of both cause and effect that the standing of Members in the country is low, the Chamber has become lifeless and almost empty for most of the working week, there is growing popular disenchantment with the Westminster political process, and this has been reflected in decreasing interest in parliamentary elections.

5. One aspect of this is that backbenchers are now spending increasing amounts of time acting as welfare officers outside Parliament. There has been a transfer of energy from Westminster to constituency work, feeding local perceptions about what it is that a backbencher is expected to do for them. This is a downward spiral, with many backbenchers now justifying disproportionate amounts of time acting as a constituency welfare officer by expressing fears of electoral retribution if they do not perform this role.
6. Equally worrying is that research now suggests that many backbenchers feel that their constituency work is the principal means by which they feel they can achieve something, or make any difference, in their job as a Member of Parliament.

7. In my view, the most urgent aspects of strengthening the role of the backbencher and bringing about a better use of their non-legislative time lies in:
   - reinvigorating and energising the Chamber as a debating forum of topical and major issues of public importance, and
   - buttressing the position and authority of the Chamber as the key arena where ministers are held to account by backbenchers across the House.

The means by which these aims might be achieved involve considerations of different kinds, procedural, cultural, and structural.

**BACKBENCH PROCEDURAL OPPORTUNITIES**

8. It is worth focussing on precisely what (non-legislative) procedures exist at present specifically enabling backbenchers to contribute to the Chamber. These are in addition to speech making on motions brought before the House on a government or opposition day motion. Some backbench procedures are routine, being scheduled or balloted in advance, and therefore not always allowing for immediacy or topicality of the day. Such routine opportunities include the half-hour adjournment debates at the end of sitting days, the parallel debates now held in Westminster Hall; and of course there is oral question time of ministers.

9. There are other procedures available to backbenchers that are more immediately topical, allowing them to respond to current or daily events. Since the major concern of this memorandum is to energise the Chamber and make it more relevant and central to events, it is these types of procedural opportunity—ones dealing with pressing, urgent or immediate public concerns—that are particularly significant.

These “topical procedures”26 include:

- **Urgent (formerly private notice) questions.** This procedure allows an individual backbencher on any sitting day to raise a serious matter of current concern at short notice. The Speaker decides whether the matter is sufficiently urgent and important to justify disrupting the day’s scheduled business. The length of time then spent by Members questioning the government front bench varies according to circumstances but on average is around half an hour.

- **Applications for emergency debates.** Ostensibly this is a key procedure available to backbenchers for a three hour debate the following (or same) day on a subject of urgent major topical concern. In practice though they are only rarely allowed by the Speaker. However, making an application for an emergency debate is a very useful procedural device in itself for a Member, for he or she is permitted three minutes in prime time in the Chamber (at commencement of the day’s business) in order to draw attention to the subject of concern.

- **Business questions.** Diligent Members who attend the Chamber when the Leader of the House makes his Thursday announcement of forthcoming business the next week in practice have a flexible opportunity to express issues of concern, or press for further parliamentary action, on virtually any topic. The Speaker sees the value of these occasions in enabling as many Members as possible to make a brief point.

- **Points of order.** The opportunity to catch the Speaker’s eye uttering “point of order” is a useful method by which a backbencher can ventilate some strongly held view or opinion. The usual response is, of course, that the statement made is not on a procedural technicality—however, by then the issue, statement or demand has been raised by the Member in the Chamber. It is a useful means whereby a backbencher can express strong feelings on some issue of the day.

- **Early day motions.** Although these motions will not be debated, yet they are tabled and appear on the day’s Notice Paper in the hands of every Member, thereby attracting publicity inside the Chamber (and in the media) for the backbencher and his or her views on the subject of topical concern. They are also useful as a device for publicly recording the level of backbench support for the proposition being put, as large numbers of supporters’ names can be, and regularly are, attached to the motion.

- **Petitions.** As a procedure, petitions are a democratic tool to be initiated by members of the public or an interest group, but in practice (whether acting in collusion or not) the petition procedure in standing orders is an opportunity for a Member to present an issue directly to the Chamber. If he or she supports the case being made in the petition, the Member can choose to read the petition on the floor of the House, making clear that it has his or her own support.

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26 See my co-authored work for a comprehensive study of these procedures and detailed research on how they are utilised in practice: Robert Blackburn and Andrew Kennon (with Sir Michael Wheeler-Booth), *Griffith and Ryle on Parliament: Functions, Practice and Procedures* (Sweet and Maxwell, 2nd ed, 2003), Chapter 10. More generally, see its final evaluation section, Chapter 13.
Interventions during ministerial speeches. A diligent backbencher may always indicate to a minister during his speeches to the House that he or she wishes to express some point, question or comment on what is being said, and these are generally allowed by the minister speaking.

10. On how backbenchers can perform their role in the Chamber, therefore, there are in fact numerous procedural opportunities available to them to make their presence and concerns felt. The degree of success in which they perform their role, and in elevating the life, topicality and public interest of proceedings in the Chamber, depends very largely on the degree of initiative, energy and ingenuity coming from the backbench Members themselves.

11. On learning and induction matters for new backbenchers, equipping them with greater “know how” for the utilisation of procedure, clearly it is useful for facilities to be made available, such as talks and reading/viewing materials by experienced party colleagues or Commons support staff. However, it seems to me to be inappropriate, not to mention patronising, for any party or parliamentary authority to be actually instructing a backbencher to attend specific training sessions or continuing professional development courses. A diligent backbencher who is determined to utilise the procedural opportunities available must obviously make efforts by whatever means to understand and master the rudiments of parliamentary law and procedure.

Recommendations and Parliamentary Reform

12. It is essential that ministers treat the Chamber as the central and most important body to which they are accountable. If ministers treat the Chamber with minimal commitment, so will Members. Non-attendance in the Chamber by the Prime Minister and senior Cabinet colleagues on debates of major public importance is corrosive to the authority of the Commons. So too is the insidious practice of major government policy decisions or executive actions being announced direct to the media instead of personally to the Chamber. Several recent trends have diminished senior politicians’ institutionalised sense of belonging to the Chamber and its conventions. For example, the growing practice of the Prime Minister appointing very recently elected Members as ministers is at striking variance to the former expectation that progression into government comes only after a substantial period of successful parliamentary service and experience.

13. Select committees have conferred on backbenchers greater authority and influence by enabling groups of them to scrutinise government affairs and ministers more intensively. However, there is a danger that the Chamber is suffering from the volume of work now conducted by the select committees, which has dramatically increased over the past ten years. Consideration needs to be given to balancing the demands of the Chamber with the demands of select committee work. In my view, select committee inquiries and oral evidence taking sessions should be less frequent and more highly selective. It is important committees are genuinely responsive to cross party backbench opinion when choosing their topics for inquiry.

14. Strengthening the role of backbenchers in the Chamber will almost certainly involve some re-balancing of the relative proportions of time spent in the House between government and backbench business. The government’s excessive use of regulatory legislation as a tool of social control and management is a subject for another memorandum. However, the enormous quantity of government legislation crammed (and now programmed) through Parliament in recent times has had a negative and deadening effect on the overall life of the Chamber. This annual load needs to be reduced, freeing up more time for discussion and ventilation on topical subjects selected by backbenchers.

15. If the parliamentary parties can agree, perhaps through the brokerage of the Modernisation Committee, the Speaker could be encouraged to be more liberal in his interpretation of matters that are of an “urgent” character, taking into account greater consideration of topicality and popular interest. This would then facilitate greater use by backbenchers of private notice questions under Standing Order No. 21(2), and emergency debates under Standing Order No. 24.

16. There is a case for experimenting with some new, time-limited procedures deliberately designed to inject greater topicality and spontaneity in the Chamber.

— Zero hour. At a set time on prescribed days—such as immediately after questions or statements on Tuesdays and Thursdays—backbenchers should be allowed the opportunity to raise and comment on any subject they wish for three minutes. Obviously the working of this new procedure, operating (at least initially) within 15–20 minute sessions, will depend on the fairness and judgement of the Speaker in selecting Members, who can informally indicate their interest earlier in the day to him or her. Its success or otherwise will also rely on Members using this new opportunity responsibly, in other words for raising genuine issues of national concern in a spirit of co-operation with colleagues.

— Debated questions. The procedures on oral questions should be modified, reducing the number of questions tabled at ministerial question time, and facilitating greater consideration of a topical subject with other backbenchers able to participate. In substance, this would enable a mini debate
rather than mere question and answer, providing for opening points by the backbencher raising the subject, several brief contributions from other backbenchers, one ministerial response, and a few concluding remarks from the initiating Member, all within a fixed time frame. The current curt exchange at oral questions tends to be frustrating and boring, and what would be lost in numbers of questions asked would be greatly outweighed by developing a more interesting, meaningful, and worthwhile discourse in the Chamber.

— Select committees and the Chamber. Select committees should more clearly service the Chamber, for whose benefit they were created. One development of benefit to the Chamber would be greater use of short, swiftly conducted (taking days, not months) discussion papers/reports on topical or urgent departmentally related matters. There should also be provision in standing orders whereby time is reserved for discussion in the Chamber of the most important or urgent select committee reports, ensuring ministers’ response. The selection and priority of reports to be discussed in the Chamber could be determined by the Speaker in consultation with the Liaison Committee.

17. There are some structural changes to the House that would serve to strengthen the role of each backbencher. Thus, as is widely accepted, the size of the House should be brought down to below 500 Members. This would elevate the authority of each individual backbencher and offer greater prospects for their participation in the Chamber when they wish to speak. Now is a particularly convenient moment to initiate this process, as the Boundary Commissions have just completed a review, so revised statutory rules on the redistribution of seats can be put in place in time before the next review to be undertaken by the Electoral Commission commences.

Professor of Constitutional Law
King’s College London
May 2007

Memorandum from Professor Michael Rush, University of Exeter, and Dr Philip Giddings, University of Reading (M35)

THE ROLE OF THE MEMBER OF PARLIAMENT AND THE INDUCTION OF NEWLY-ELECTED MPS

BACKGROUND TO THE RESEARCH


2. Two types of data were gathered: attitudinal, based on questionnaires to MPs in the two Parliaments and participatory, based on POLIS/Parline material.

THE ROLE OF THE MEMBER OF PARLIAMENT

3. In each of the two Parliaments questionnaires were sent to newly-elected MPs and to a control group of longer-serving backbench Members. Ranking the two enables us to set out the views of our respondents in 1994 and 1999 on their role as Members of Parliament. We asked Members four questions relevant to their role: first, whether they thought MPs should be full-time or part-time; second, who they saw themselves as representing; third, what were the most important parts of their job as an MP; and, fourth, who influenced them in their work in Parliament.

Full-time v part-time

4. All Labour and Liberal Democrat respondents thought the job of being an MP should be full-time, in contrast to 28% of Conservatives in 1994 and 40% in 1999. However, most Conservatives who thought it should be part-time acknowledged that the demands of the job rendered it full-time in terms of the number of hours per week needed to meet those demands. This reflected the view, widely expressed in comments made in responses to the questionnaires, that they needed to keep in touch with “the real world” and that outside occupations were the most effective way of achieving this.

27 This research was supported by an award from the Nuffield Foundation Small Grant Scheme during the 1992–97 Parliament and an ESRC grant (R000222470) during the 1997–2001 Parliament.
The Member of Parliament as a representative

5. Members were asked to place in rank order representing their constituents, the nation as a whole, and their party. First and foremost, MPs clearly saw themselves as representing their constituents (64% in 1994 and 68% in 1999), then the nation (22% in 1994 and 16% in 1999), and, a long way behind, their parties (8% in 1994 and 10% in 1999). There were, however, significant differences between members of different parties, with Conservatives more likely to place the nation second and Labour MPs their party second.

The most important parts of the job

6. MPs were asked to place in rank order different aspects of their job—scrutinising the government and civil service, supporting their party, influencing party policy, and helping constituents. Again constituents came first overall, though more strongly among Labour than Conservative MPs. The most interesting finding was the difference made by whether a party was in government or opposition. Thus, when in government, in 1994, Conservatives ranked scrutiny fourth, but in opposition, in 1999, they ranked it first. This emerged more starkly if the proportion of MPs ranking scrutiny first or second in the two Parliaments is compared. In 1994, 38% of Conservatives did so; in 1997 the proportion had jumped to 82%. Conversely, in 1994, 46% of Labour MPs ranked scrutiny first, compared with 35% in 1999. There were also differences in attitude towards supporting their party: as with the representative role, Labour MPs were stronger on party in both Parliaments.

Influencing MPs

7. MPs were asked who strongly influenced them in their parliamentary activity—the party leadership, their personal opinions, constituency opinion, and representations from pressure groups. The latter were by far the least influential. In contrast to the emphasis on constituents in whom they represent and in the most important part of the job, when it came to sources of influence constituency opinion came some way behind their personal opinions and the party. In short, the party leadership was the most important.

The role of the Member of Parliament—an overview

8. MPs regard themselves primarily as representing their constituents. This is reflected in other data we collected showing that most MPs spend more time on constituency work than any other part of their job. However, they say that party, not constituency is the most important influence on their parliamentary behaviour. That is not very surprising since their parliamentary activity—tabling Questions and motions and participating in debates and committee work—takes place within the context of party. “Party” here means not the narrow context of the party whips, but the wider context of MPs being members of parties with which more often than not they agree.

The Induction of Newly-elected MPs

9. Our research explores the extent to which MPs are subjected to a socialisation process once elected to Parliament. We have, therefore, focussed particularly on newly-elected MPs. By “socialisation” in this context we mean a process by which MPs adapt their views and their behaviour to the norms of the House of Commons and their parties.

A steep learning curve

10. Newly-elected MPs face a steep learning curve on their arrival at Westminster: the 1997 election took place on 1 May and Parliament met on 7 May, six days later.28 Within days of election, therefore, MPs, new and returning, are expected to deal with normal parliamentary business and the demands of constituents. We have gathered data on the practice in eight other legislatures and none has such a short gap between the election and the meeting of the legislature: in four of the eight the gap was between 11 and 20 days, in the remaining four longer—as much as 40 days in Canada.29

Induction arrangements

11. Increasingly, elaborate induction arrangements have been put in place by the House authorities and the parties, although in the latter case those made by the Labour Party are by far the most extensive and those by the Conservatives the least. There is no doubt that most newly-elected Members appreciate these arrangements—and, as a former Secretary of the Parliamentary Labour Party told us, each new cohort of Members expects more and better induction arrangements. From the responses to our questionnaires, the

28 See Appendix, Table 1.
29 See Appendix, Table 2.
strongest criticism of the post-election arrangements was the allocation of office accommodation. There was a strong and widespread view that this should be taken out of the hands of the whips and undertaken entirely by the House authorities.

Parliamentary activity—getting off the ground

12. Despite the steep learning curve, our participatory data shows that most newly-elected Members quickly get involved in most aspects of parliamentary business. Within 50 sitting days:

- more than four-fifths of the 1997 intake had made their maiden speeches;
- three-fifths had had oral Questions and nearly nine out of ten written Questions answered; and
- almost all had signed one or more EDMs, and nearly two-fifths had tabled an EDM.

There were party differences, notably the much greater propensity of Labour MPs to sign and table EDMs. Initially, there was also a markedly higher proportion of newly-elected Members participating in Westminster Hall sittings when they were introduced in 1999, but this had largely disappeared by the 2003–04 session.

13. Newly-elected MPs also quickly became involved in committee activity, especially on legislative committees. In 1997–98, 82% of newly-elected Conservatives served on the former standing committees on bills, compared with 52% of their longer-serving colleagues. Similar figures emerge for Labour—85% compared with 41%, and for the Liberal Democrats—77% and 42%. Experience on investigative committees, mainly the departmental select committees, came more slowly, but by the end of the 1999–2000 session 88% of newly-elected Conservatives, 74% of Labour, and 54% of Liberal Democrats had served on such committees.

Conclusion

14. Interviews we conducted with newly-elected Members in 1992 and 1997 and the data from our questionnaires both showed that they already have a broad understanding of the role of the Member of Parliament when they first arrive at Westminster. However, they have much less understanding of what that role actually involves in detail. For example, less than 5% of our respondents in 1997 said they were “very familiar” with parliamentary procedure, although as many as 50% said they were “somewhat familiar”; by the time of the third questionnaire in 1999, these proportions were 18% and 73%.

15. It was also clear that, before their election, would-be MPs (including those virtually certain of election) had given little thought to and made few, if any preparations for their role as Members, since earlier they were nursing their constituencies and later fighting the election.

16. Our research suggests that, on arrival at Westminster, new Members learn about their role and how to do it primarily in two ways. First, there are the fairly intense “formal” induction processes, provided by the House authorities and their parties. Second, there is an informal, and longer process which is essentially “learning on the job”. There is no doubt that most MPs appreciate and benefit from the formal induction arrangements, which have become increasingly extensive over the past 20 or so years. Given the short “window of opportunity” between the election itself and the first meeting of the House, what formal induction arrangements can achieve is limited. Once that window of opportunity has closed, new MPs inevitably have to do most of their learning by actually doing the job.

Recommendations

Induction procedures

17. Induction procedures, whether provided by the House authorities or the parliamentary parties, need to be flexible, providing alternative formats, modes and sources to suit the needs of individual Members.

18. These induction procedures need to be accessible collectively (eg through courses and seminars) and individually (eg through named contacts, dedicated, user-friendly websites, and mentors).

19. Each new Member should be assigned by the House authorities a mentor drawn from longer-serving backbenchers and not from the respective whips’ offices.

20. Consideration should be given by the House authorities to establishing a “welfare officer” to listen to the needs of individual Members and act as a source of confidential advice.

The gap between election day and the first meeting of the new Parliament

21. The House authorities, the government and the political parties should review again, in the light of practice in other legislative assemblies, the length of time between election day and the commencement of substantive business in the form of the debate on the Queen’s Speech and Question Time. Members could, for example, formally take office as Members of Parliament by taking the oath or affirmation within a week of the election, so that, but a longer period could normally be allowed to elapse before the debate of the
Queen’s Speech. This would benefit not only newly-elected Members, but also newly-appointed ministers, especially when there is a change of government. In the light of the practice in other countries, we would recommend a gap of up to 20 days.

The allocation of office accommodation

22. This should be removed from the hands of the whips and undertaken entirely by the House authorities, although it should not preclude initial party involvement in the allocation of blocks of accommodation in different parts of the parliamentary precinct. As far as possible, offices should made available fully equipped with telephone and IT facilities and ready for use.

Michael Rush, University of Exeter
Philip Giddings, University of Reading
March 2007

APPENDIX

Table 1

THE GAP BETWEEN THE ELECTION AND THE FIRST MEETING OF THE HOUSE OF COMMONS (EXCL INTERVENTION OF CHRISTMAS OR EASTER), 1832–2005

<table>
<thead>
<tr>
<th>Period</th>
<th>Mean no of days</th>
<th>Median</th>
<th>Range</th>
<th>Change of govt</th>
<th>No change of govt</th>
</tr>
</thead>
<tbody>
<tr>
<td>1832–1910*</td>
<td>31.2 (531/17)</td>
<td>15</td>
<td>5–98</td>
<td>16.3 (147/9)</td>
<td>48.0 (384/8)</td>
</tr>
<tr>
<td>1918–35*</td>
<td>19.3 (116/6)</td>
<td>18</td>
<td>4–37</td>
<td>20.7 (62/3)</td>
<td>18.0 (54/3)</td>
</tr>
<tr>
<td>1945–2005</td>
<td>7.0 (105/15)</td>
<td>5</td>
<td>5–11</td>
<td>6.7 (47/7)</td>
<td>7.3 (58/8)</td>
</tr>
</tbody>
</table>


* Excluding Orkney & Shetland (until 1929) & university seats (abolished from 1950) which polled a week or more after other constituencies had finished polling.

Table 2

THE GAP BETWEEN THE ELECTION AND THE FIRST MEETING OF THE LEGISLATURE IN EIGHT COUNTRIES

<table>
<thead>
<tr>
<th>Country</th>
<th>10 or fewer days</th>
<th>11–20 days</th>
<th>21–30 days</th>
<th>31–40 days</th>
<th>More than 40 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Germany</td>
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<tr>
<td>Italy</td>
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<td></td>
<td>X</td>
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<td>New Zealand</td>
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<td>Portugal</td>
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Memorandum from the Hansard Society (M29)

ROLE OF THE BACKBENCHER AND NON-LEGISLATIVE TIME

1. Introduction

The Hansard Society is pleased to be able to contribute to the Modernisation Committee’s inquiry on the role of the backbencher and non-legislative time. We have considered these subjects in a number of reports including The Challenge for Parliament: Making Government Accountable, the report of the Commission on
2. The conflicting role of MPs

Any inquiry that looks at the role of backbench MPs, and the mechanisms that would allow them to make effective use of non-legislative time, should realistically address the political and institutional framework in which they operate. Every MP must balance a number of competing roles, which include representing the interests of their political party and their constituency, as well as discharging their parliamentary duties. The absence of a job description gives Members considerable scope to interpret the role of MP as they choose.

The Modernisation Committee refers to the pressure on Members to devote more time and energy to their constituency role. The increased importance of the constituency in the daily lives of MPs can be verified by the findings of Hansard Society surveys of members of the 2005 intake (conducted in May 2005 and May 2006):

- **Time:** MPs are now spending significant amounts of their time on constituency work. For example, after a year in the role, the 2005 intake of MPs reported that they were spending half their time on constituency work (49%), with one MP spending as much as 97% of his time on this. Correspondingly, the intake were spending 14% of their time in the Chamber, 14% on committee work, and 22% on other work.

- **Priorities:** In May 2005, the new intake rated the importance of representing the nation as a whole, representing their constituents and representing their political party. More than four in five (81%) of the new intake ranked representing their constituents in first place, compared to 70% of the 1997 intake shortly after their election to Parliament. By May 2006, this figure had risen to 90%.

- **Perceptions of the role:** The 2005 intake ranked which aspects of the job they believed to be the most important. “Protecting/promoting the interests of the constituency” and “dealing with constituents’ problems” were regarded at both the outset and the end of the year as more important than “holding the government to account” and “scrutinising legislation”.33

The Hansard Society found that an allegiance with the constituency and the desire for re-election are instrumental factors in shaping the constituency-focused approach of the most recent intake of Members. The notion of a permanent campaign underlies this focus on the constituency. As one MP told us: “Most MPs will do what they think helps them get re-elected . . . Is going to open local schools going to help you get elected more or less than standing up and arguing a clause on the Climate Change Bill?” Taking on casework and attending events in the local area is an important way to build a network of supporters in the constituency. MPs are now easily accessible to their constituents and working practices have evolved to adapt to this change. They receive a continuous influx of e-mail correspondence, with the expectation that a response will be immediate. The impact of this has been compounded by the advent of websites that monitor the response time of MPs to such correspondence.

3. Parliamentary induction

There is probably less preparation, support and training for MPs than for any comparable professional position. A formal induction process is standard in many types of organisation, but it is a fairly new initiative for the House Authorities and political parties. Following the May 2005 election, the Hansard Society surveyed all new Members asking whether Parliament provided an adequate welcome for them. 68% believed they had, but almost one-third disagreed. The House Authorities sought to improve inductions for the House Authorities and political parties. Following the May 2005 election, the Hansard Society

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— New Members are busy from the outset and struggle to attend many of the induction briefings provided for them or fully utilise the resources available. Consequently, information provision and training should be ongoing in both the short and medium-term and new Members must feel comfortable contacting House officials for advice.

— In 2005, there were clashes in the timetabling of induction briefings between the parties and the House Authorities. The Hansard Society believes that scheduling clashes should be avoided in future. Political parties should work with House authorities to provide a comprehensive induction programme for MPs of all parties and Independents.

— Political parties should further develop their mentoring programmes. Members of the 2005 intake were allocated mentors, but the mentors were often unsure what information they were supposed to tell the new intake, and the intake did not know what they were supposed to ask. The political parties or the House Authorities may consider developing guidelines of good practice for mentoring. This could also be a useful mechanism for longer-serving MPs to reappraise how they operate. Similarly, new Members often become reliant on other members of their intake for information. The ability of MPs to learn from their contemporaries should not be under-estimated and may be able to be harnessed by the House authorities or political parties.

— Several new Members expressed the need for a longer break before Parliament returns after an election, believing that this would allow a period of recuperation and the opportunity to set up offices and familiarise themselves with parliamentary procedure.

4. Knowledge of Parliament

Individual MPs should also bear some responsibility for becoming familiar with Parliament. While an emphasis on the constituency can steer MPs away from the House, it is also the case that MPs are becoming fully-functioning Parliamentarians much sooner after arriving at Westminster than in earlier times. They tend to make their Maiden Speech usually a matter of weeks after their election to the Commons and are very quick to begin using the tools and processes at their disposal if they have sufficient knowledge of proceedings.

As they become more familiar with Parliament, MPs tend to change how they operate, so it is worth considering levels of self-reported knowledge amongst MPs. After the 2005 general election, we asked new MPs how familiar they were with parliamentary procedure. Half of those surveyed believed themselves to be “somewhat familiar” with parliamentary procedure, with only 7% believing they were “very familiar”. In contrast, 33% said they were “not very familiar” and 10% reported being “not at all familiar”. With the rise of the so-called career politician, it is too often presumed that the newly elected are familiar with basic parliamentary procedure. In reality, some new Members could not distinguish between standing and select committees, whilst one commented that they had not been taught how to vote in division lobbies.

A year later, the percentage of respondents who reported themselves as being “very familiar” with parliamentary proceedings rose to 15% and the proportion who were “somewhat familiar” with parliamentary procedure was 60%. On the other end of the scale, 23% still believed themselves to be “not very familiar” and 2% thought they were “not at all familiar”.34

5. Impact of current practices on MPs

Following their election to Parliament, many of the 2005 intake dismissed what they viewed as archaic procedures as a distraction from the job in hand, but some did revel in the customs and working practices of Parliament and others praised its proceedings for facilitating high quality debates.

At the end of their first year as MPs, the 2005 intake was asked whether there were any aspects of Parliament that they would like to reform. A significant proportion (71%) of the respondents highlighted areas for reform, with comments ranging from “power of patronage”, “simplify the legislative system”, “the voting system is archaic”, “would like to abstain in person when necessary”, to views such as, “the late hours and length of days are counter to any time with family”, “boorish behaviour tolerated in the Chamber”, “axe the ‘men-in-tights’ culture”; and even “dress code—no ties please”.35

More specifically, the Hansard Society found evidence that current procedures could discourage backbenchers from the most recent intake from engaging in the work of the House:

— MPs reported that they would be more encouraged to take part in debates if they knew when they were going to be called to speak. In particular, members of the 2005 intake identified the hierarchical approach to selecting speakers as a specific source of concern, and one which deterred them from attending the Chamber. This helps to explain the reduction in time that new MPs spend in the Chamber (from 24% in May 2005 to 14% in May 2006). Similarly, the repetition, padding

34 Ibid, p 60.
out and over-the-top courteousness of many parliamentary speeches were viewed with dismay by members of the intake. The customs that dictate speaking could dissuade MPs from contributing in the Chamber, as shorter contributions were seen to be frowned upon.

— Many in the Conservative party’s 2005 intake indicated the need to ensure a better balance between Parliament and the Executive. Their proposals for change included: better notice of when statements will occur; less of a time lag between questions being submitted and answered; a greater opportunity for debates to be triggered by backbenchers or the opposition when urgent issues arise; and creating alternative career paths within Parliament.

6. Backbenchers and select committees

The Hansard Society has frequently put forward recommendations to enhance the role of MPs by offering them more opportunities to place their concerns on the agenda and more incentives to reconcile their roles in a manner that promotes the role of Parliamentarian. The Hansard Society Commission on Parliamentary Scrutiny identified select committees as one of the main methods by which MPs could play a more productive parliamentary role and argued their potential lay in a number of characteristics. The activity of the committees is not determined, predominately at least, by party political considerations, and thus they allow MPs to develop a specifically parliamentary role. Crucially select committees provide an important arena for scrutiny where activity is not prescribed by the Government’s business agenda. Therefore we have proposed a number of recommendations in this area:

— Fewer than half the MPs in Parliament serve on a committee designed to scrutinise and hold government to account. In excess of 100 backbench MPs do not sit on any permanent committee at all. *The Challenge for Parliament* recommended that every backbench MP should be expected to serve on a select committee. The report acknowledged that MPs should not be coerced into this activity, and accepted that there are some MPs, perhaps former Prime Ministers or senior ex-ministers, may be unlikely to want to engage in committee work. However, the expectation of committee service, which is the norm in most other legislatures, should be established and may provide the impetus for a new ethos to develop in Parliament.

— Furthermore, the report recommended that Parliament should become a more committee-based institution and proposed that there would be one day per week when the Commons Chamber did not sit to allow more time for Committee work.

— Another reform, which directly affects the relationship of backbench MPs with the Executive, relates to the number of MPs on the payroll vote. The Hansard Society has argued that the number of MPs on the payroll vote weakens Parliament’s ability to carry out its collective functions and is a mechanism by which government exercises a specific form of control. The Commission on Parliamentary Scrutiny recommend that each government department should have only one Parliamentary Private Secretary (PPS), although it recognised that a few larger departments might require more than one. Nonetheless, it proposed that the number of PPSs should be significantly reduced.

7. Greater access by Backbench MPs to the Parliamentary Agenda

The Hansard Society has also put forward proposals that would allow MPs to have more opportunities for short debates on substantive issues. Such short debates are a common feature of many European legislatures (for example, Germany and Sweden) where an opposition party (or an equivalent number of MPs) can call a debate on a topical issue or a matter of public concern. The system obliges a government minister to attend and provide an official statement. The debates are more substantial than adjournment debates in that they cover important topical issues. In Australia some time is set aside for non-governmental Private Members’ Business. This includes Private Members’ Motions which are vehicles for debating issues of concern which do not result in a vote and Members Statements where backbenchers can make a short statement of up to 90 seconds (or three minutes on certain other days). Arrangement of Private Members’ Business is the responsibility of a Selection Committee of Backbench Members.

Another option would be for the Commons to experiment with “unstarred questions”, as used in the House of Lords allowing for 90-minute debates, and also 60 minute “emergency debates”.

8. Public interest debates

The House of Commons could make specific provision for “public interest debates” motivated by policy failure or maladministration on a major scale. Many MPs regard representing their constituency as their most important role and the constituency experience is an important valve for alerting MPs to policy failure. MPs should have the opportunity to call a short debate and require a ministerial response on such issues where there is a clear case of policy failure. The trigger for such debates would be a specific number of MPs (maybe between 100 and 200) drawn proportionately from all the parties. The cross party requirement
would prevent potential abuse by pressure groups or manipulation by the whips. The system would effectively allow Early Day Motions to force a debate, but given the number of signatures and the cross-
party balance this would only happen in a small number of cases.

9. Private Members’ Bills

One important area that the Hansard Society believe should be addressed when looking at the procedural options open to backbench MPs relates to Private Members’ Bills (PMBs). We have long argued that the ability of backbench MPs to take forward legislative proposals that may command the support of both Houses is severely compromised by the arcane procedures governing the system and, most importantly, by the
dominance that government is able to assert over the process. In fact PMBs are considered to be, in reality, almost a sub-specie of government bill, such is the control of the government in the process. The Hansard Society has previously put forward proposals for change in this area and would be happy to provide more details to the Committee.

10. Conclusion

The Hansard Society welcomes the focus that the Committee is placing on these important issues. Following our project on the experiences of new Members, the Hansard Society is beginning a study on the role of MPs. This will consider how MPs balance the competing demands on their time and assess the changing nature of their work. It will look at how MPs perceive their role and how they can be more effective in the role.

It is vital that MPs are given the knowledge and the procedural opportunities to be effective parliamentarians. The Hansard Society is happy to assist in any way that might be helpful to the Committee.

February 2007

Witnesses: Dr Philip Giddings, Department of Politics and International Relations, University of Reading, Ms Gemma Rosenblatt, Hansard Society, and Professor Michael Rush, Emeritus Professor of Politics, University of Exeter, gave evidence.

Q71 Chairman: Thank you very much for coming. This session is about induction and the experience of new Members. Could I jump straight in off the back of the previous discussion? Your evidence, Ms Rosenblatt, in the very good report you did about new Members, showed some alarming data. I suspect that the person who is up at 97 or 98%, and others like that, are doing it because they find this place rather frightening. They are bound to know how to do constituency work, because they probably will have done it before. So it becomes, I suppose, what psychologists would say was an area of transfer: they concentrate on that, because it is a lot easier. However, is there a way in which we could better train and share experience for new Members of Parliament, so that they are given advice and guidance about time management, about the fact that they do not have to sign every letter; that they can still get the votes in; they do not have to answer every phone call personally; and they can loosen up on that in order to give them more time for their effective role.

Dr Giddings: In a sense it is going backwards, but if you go straight to the things that we have actually recommended on the basis of the evidence which we have collected, yes, there is. It is not cutting-edge stuff. There is the systematic use of mentoring, taking advantage of a more experienced colleague who is aware of how to do it and can give advice. I think it is very important that that is not organised by the party Whips but more informally. We are aware that it does happen to some extent already, but it is not organised and systematic. The use of mentoring, therefore, would be very helpful. Also, to pick up a point which was made in the earlier session, the induction arrangements have been very substantially improved in the last 10 to 15 years, both by the House authorities and by the parties—and that is good. However, it needs to go further. One of the disadvantages of the present arrangements is that a whole lot of stuff is given to new Members as soon as they arrive, in a form which is very difficult to digest. You might want to give them a briefing on procedure, but if you wanted to give them a full course on Standing Orders, it would take rather a long time and much of it would be of no use at that moment. Our suggestion, therefore, is that you explore, in different ways, making that material more readily accessible to individuals and groups over a longer period of time. It might be a year, it might be more, but there are a variety of ways in which you can do this. You can put things on the Net, and so on; you can run periodic seminars. New Members are not new just for a week or a month but for however long they feel new Members. It would be an interesting piece of research to do, as to how long people describe themselves as a new Member. In that way, they can access this information and assistance at the time at which it is important, when they start to think about an adjournment debate, or whatever it is. Mr Davies raised this point earlier on. In that way, I think one can help. It is also a very important aspect of all of this that the parties themselves—and I do not just mean party managers—take a view about how they want their, as they see it, party members to act. Are people
elected in order to deliver their party’s manifesto? So that going through the lobbies day by day in support of their party is not the negative thing, which it is often presented as, but a very positive thing. It becomes a little more complicated when the party decides that it wants to present something—I put this delicately—rather different from what was precisely in the party manifesto. Then there is more room for—the word is “debate”.

Professor Rush: I would absolutely agree with that and add a little more. In a sense, we are telling you what you told us. Some of the people around this table may or may not remember filling in questionnaires. I am not going to name names, but we are very grateful to Members who have given us information on their views. So we are just telling you what, as it were, you told us. This work we have been doing covers two Parliaments, so it is quite well based. I noted, I think it was in Philip Norton’s presentation, that he talked about MPs possibly being better briefed or prepared before they become MPs. Frankly, I think that is unrealistic. Most people, even for safe seats, are too much concerned with fighting the election than they are worrying about “What am I going to do when I get there?”.

Q72 Chairman: That is superstition as well.

Professor Rush: What you end up with, therefore, is an incredibly steep learning curve. One of the problems, and this has been so for some time, is that the average number of days between the election itself, when you first find out that you are a Member of Parliament—whether or not you expected to be a Member of Parliament, and of course a lot of people do because they are standing for safe seats—and the time when the House first meets is seven days. That is not very long, and it is actually out of sync with other legislatures. We have not had too long to be able to gather information from other legislatures, but—

Q73 Chairman: We have evidence on that.

Professor Rush: The evidence we have shows that Westminster is out of sync. It is longer, it is between 11 and 20 days, according to the legislatures we have looked at. Westminster is the only one. You are thrown into the deep end immediately. So much stuff is thrown at you that it must be very difficult to know whether you are coming or going; what to do about this; what to do about that. That is no criticism of what is done by the parties; it is no criticism of what is done by the House authorities per se. Ideally, and in practical terms, it would be better if there could be a longer period. We do not see why there should not be a longer period. If other legislatures can manage it, why cannot we? It would be of benefit, not just when there is a change of government and, obviously, you have new ministers coming in—in 1997 most members of the Government had never been ministers before and they had no experience whatsoever—even when there is not a change of government, there is usually a reshuffle. So it would be of benefit to ministers, learning about their departments and so on—nothing to do with induction. We would therefore recommend that there be serious thought given to extending that particular period. The process of induction needs to be longer, not just between when Parliament first meets but way beyond that.

Ms Rosenblatt: I agree with a lot of what Michael and Philip have said about inductions. The Hansard Society spent a year after 2005 monitoring the experiences of the new MPs. However, there are a few things that I would probably disagree with. On mentoring, I agree that the system is much better at the moment than it has been, and perhaps could be taken out of the hands of the party Whips. Probably everybody I spoke to this time had a mentor, but to varying degrees of effectiveness. There needs to be much greater emphasis on developing a relationship between the mentor and the new MP, and the political parties do not really offer any guidance on this at the moment. One new MP told me, “The mentors don’t know what they are supposed to tell the new MP and the new MPs don’t know what to ask”. One way to get round that might be, for example, for the mentors to accompany them to some of the induction programmes, which means that they might have a better sense of what they are being taught and what they are not being taught; also, this would probably be a good refresher for some of the mentors. When talking about inductions and training, it should not just be focused on the new MPs; it should be more of a cultural change within Parliament. One way to address this discussion about what MPs should do and balancing between their constituency focus and Parliament could be to have an ongoing process, whereby people can refresh what they know about parliamentary procedures. I was always intrigued by the superstition of not knowing too much about Parliament when people came in. I was fascinated by how little some people did know—not including Philip Davies, obviously, who was one of my participants. People would say, “I don’t know the difference between a standing committee or a select committee. You might as well call it a ‘green’ and ‘blue’ committee”. Some of the new MPs did not know how to vote. They did not know anything about division lobbies. I understand that people do not want to go to too many sessions, because they do not have time to do that at the beginning; but, for example, it would be really easy to have a page on the parliamentary website, “Top Ten Things You Should Know When You Enter Parliament”. That way, not just the candidates would be able to read it, but anyone who may be thinking of joining politics, who may want to have more information, could see, “There’s somewhere to go. This is what the job entails”. There are lots of ways that you can slip details of procedure into people’s mindset, before they actually get here. When they do get here—Philip is right—they are overloaded at the beginning. A lot of the MPs have very different needs at the beginning and they are not catered for. So if they did not expect to win their seat and they are outside of London, we were often told about how they struggled—especially if their party had never won that seat before—to set up offices and look for somewhere to live. Although it is perhaps good to have a few days at the beginning that focus more on
procedure, if you are in that situation you will never to be able to turn your mind to procedure at the outset, because you are always going to be thinking of those practical difficulties. Then everyone always mentions the influx of constituency correspondence at the outset, which seems to get worse each election.

Q74 Sir Peter Soulsby: You have talked about induction, parliamentary procedure, and so on, and you have just touched on setting up an office and finding somewhere to live. From the research you have done, to what extent have you found Members adequately prepared for the actual process of setting up an office? Certainly in my experience that was a major headache in terms of getting something set up here—and I remember spending many happy hours in a corner of this room, actually, because there was no parliamentary office—but an even bigger challenge is setting up a constituency office from scratch. What experience is there of Members having explored different stacking models, a different balance between Westminster and constituency offices, and whether there were ways in which Members could be helped with making the right choices at the start, rather than having to make adjustments later—which can be quite difficult when you are actually employed?

Ms Rosenblatt: Certainly in 2005 it seemed that, although the parliamentary authorities were giving some information, it probably was not as much as was called for. A lot of the new intake seemed basically to get their advice from other colleagues, and often there were a lot of mixed messages; so one person would tell them one thing and another would tell them another. It seemed to be that people just fell back on their earlier experiences. Interestingly, we conducted rolling interviews—so at the beginning, middle and end of the year and often, by the second interview, people would say, “I was in such a state in the first one, you must have thought I was all over the place”. Often, we do not realise this but it goes to show that the frame of mind is that people are panicking.

Q75 Sir Nicholas Winterton: I am interested in what has been said about induction, because I was a Member who never entered the precincts of the Palace before I was actually an elected Member. It was a rapid learning experience, but I have to say it was the fact that you did have, for a very limited time, a mentor who took you to the lavatories, to say, “This is an important place”, and the places to eat and drink! If you know where they are, you are on your own! May I pick Dr Philip Giddings up? I was rather interested in what he said about it not being such a bad thing that Members trotted through the division lobbies, voting for their party strictly in accordance with the manifesto. Is that not one of the reasons why people have lost confidence in the House and in Members? What about those occasions when a particular measure introduced by a government is against the overall interests of the constituency that that person represents? Should there not be a little more discretion, a little more responsible independence, which would then connect Members of this place more closely with their constituents and the country as a whole? I was surprised that somebody of your distinction—I had better stop there!

Dr Giddings: It is not either/or; it is both/and. Another reason why people are extremely cynical is that people perceive that MPs are elected on the basis of this, that and the other that they have promised to do, and they do not do it. In fact, sometimes they do the opposite. This is all part of the party game, of course. The point I was trying to make is this. It is an important part of the representative democratic system that people, collectively in a party, set out what they offer, invite people to vote for it, and there should then be a reasonable expectation that they do in fact vote for it. So voting legislation through, legislation with which you agree; and, generally speaking, most party members agree with quite a lot of what their parties stand for. I put it in a gentle way, because I am aware that some have a different perspective. It should be entirely acceptable, therefore, that people do come here committed to vote for their party. When a new government has been elected, therefore, with elements of its manifesto there, the new Members will be keen to support their team, their ministers, in getting this legislation through—until they discover that this has very serious, negative consequences for the people they actually represent, and then they have to make difficult judgments. I am not saying always, every time, therefore, but with the discretion for which Members are well known.

Q76 Mrs May: I would like to raise two issues, if I may. The first is on mentoring. I think there is a general acceptance these days of the importance of mentoring, and I note that the submission in the paper from Professor Rush and Dr Giddings is that mentoring should be a responsibility of the House authorities, rather than the Whips’ Offices. However, if you are going to put into place a really good mentoring system, it is not about taking a list of longstanding backbenchers and just allocating them to individual new Members; it is about understanding the personalities of the two people involved; it is about constantly monitoring that, to make sure that it is actually operating. It is a significant undertaking, if it is to work properly.

Professor Rush: Perhaps we should have made it clearer in our paper. Yes, the House authorities to organise the system, but there is a great deal of the work that we have done which shows very clearly that—surprise, surprise!—new Labour MPs behave like Labour MPs, generally speaking, and Conservatives behave like Conservatives, and Liberal Democrats like Liberal Democrats... et cetera. There were very significant party differences, which I do not wish to go into—unless you wish to go into them. We would say, yes, the party within a House-organised system.

Dr Giddings: It is not resource-free. It needs to be done properly and systematically.

Professor Rush: It needs to be organised.
Ms Rosenblatt: With mentoring, I probably would not have an opinion on whether the parties or Parliament organise it. I think that the parties could probably do it fine. Where the problem between Parliament and the parties comes in is with the clashing of the timetable that took place in 2005, so that the induction programmes actually clashed. It would be far better if Parliament organised a thorough induction programme. Anything that the parties wanted to do on top of that would be fine; but the basics should all be covered by Parliament. The parties should be actively encouraging MPs to go to the induction programme. It should not be too top-heavy at the beginning; it should not be too demanding; but it should carry on over the longer term.

Q77 Mrs May: The second issue I want to raise is this. I think that you have all made reference to ongoing induction programmes. There is no continuous professional development in this place for Members of Parliament. You have referred to this idea in terms of refreshing people’s understanding of parliamentary procedures, but there are an awful lot more issues that Members could be being trained on, in some form. The time management issue, for example, and things like that—which Members tend to think of as for other people and not for Members of Parliament. I would like your take on whether the House authorities could be doing more there. Again, is that something the Whips’ Offices should be doing?

Ms Rosenblatt: I agree that there needs to be more training on other areas as well. One problem seemed to be staff management. People struggled with that. One of the problems that Parliament has is ensuring that people turn up to the programmes that they put on. The only way I can see round that is that the parties have to push people to go along. Although there is that sense of MPs as individuals who come in and do their own thing, they are also looking for support networks. If the parties can say, “This is the best place to get support from”, then I think that you have all made reference to mentoring. With mentoring, I probably would not have an opinion on whether the parties or Parliament organise it. I think that the parties could probably do it fine. Where the problem between Parliament and the parties comes in is with the clashing of the timetable that took place in 2005, so that the induction programmes actually clashed. It would be far better if Parliament organised a thorough induction programme. Anything that the parties wanted to do on top of that would be fine; but the basics should all be covered by Parliament. The parties should be actively encouraging MPs to go to the induction programme. It should not be too top-heavy at the beginning; it should not be too demanding; but it should carry on over the longer term.

Q78 Mr Burstow: One of the lessons that seemed to be drawn out of the last round of induction was that a predominantly House authorities-driven training programme floundered, because of the way in which that did not interact as much as it needed to with the individual parliamentary groups, and how they wanted to organise their training. That is something that is being looked at for next time, with attempts to try to structure it in a different way. I was surprised, and wondered if you could expand a little on it, why it is on the one hand you take the view that the mentoring and training programmes should not be administered through Whips’ Offices but that, on the other hand, the party machine should be ensuring that everyone goes on courses that they are not administering. How do you square those two things? On the one hand, you want to use the authority of the Whips to get people there; on the other, you do not wish to use a system of administration—and, as we have heard from Chief Whips and others during their presentations, they see their role very much as part of personal development, personal management—and why you want to take the human resource management aspect out of doing the mentoring and the training.

Professor Rush: The short answer is that, frankly, although it is improving, if you just left it to the parties—forget the House for the moment—that new MPs will get would vary very considerably. What some parties provide is much better and more extensive than others. That came through from the questionnaires that we looked at.

Q79 Mr Burstow: On that specific point, there is an issue there about adequacy of resources that are currently earmarked, both within the House but also to parties, to enable them to properly discharge their functions here in supporting their Members. Do you think that there is an adequate amount of resourcing both within the House and for parties to support their Members in that respect?

Professor Rush: I am not really in a position to answer that.

Q80 Mr Burstow: On the basis of the answers to the questionnaires? Does that give you any conclusions?

Professor Rush: Yes, but the questionnaires cover the 1992 induction and the 1997 induction, and things have moved on since then. It may be that Gemma is in a better position to answer that. Believe it or not—because you are a recently elected Member—things have got better election by election. It may not always appear that way, but it has.

Ms Rosenblatt: I agree that things have got better. It was acknowledged by new MPs that things had got better as well. Certainly people who had worked around Parliament, not as MPs who were then elected in 2005, were the first to acknowledge that they had seen people walking round, open-mouthed, beforehand, and said that actually it was quite good this time. I would not necessarily take the mentoring out of party hands. I think that parties can do it well. I just think that it is better that parties work with Parliament more on the induction process.
Philip Davies: As somebody who came at the last election, I think that the induction my party’s Whips’ Office organised was quite thorough. Possibly that was because over a quarter of the party was made up of a new intake, so perhaps that was inevitable. I sometimes wondered whether it was all for the benefit of the Whips’ Office or for the benefit of the Members? I think that you will always get that particular tension. Given that is inevitable, that any kind of induction will always have the Whips’ Office trying to stick their oar in and meddle and interfere in what is going on, in terms of ongoing mentoring and so on, I was lucky because I tapped into people like Eric Forth and Sir Nicholas Winterton—who knew the place inside-out.

Mrs May: That explains it!

Q81 Philip Davies: Much to the dismay of the Whips I was asking Eric Forth and Sir Nicholas Winterton! Is not the responsibility therefore with the actual MP themselves to look around them and find people within their own party, or even from other parties, who can help them, rather than trying to create something that is not creatable, because the Whips’ Office will always try to put a stop to independently minded MPs?

Dr Giddings: I am particularly concerned about the latter point. The Whips’ job is to manage, with all the negatives as well as positive implications of that, and the mentoring system needs to be more dynamic. Yes, of course, some new Members will manage this for themselves—as always happens in every organisation—but there will be some who do not, who are unable to do it, for a variety of reasons. There needs to be capacity to handle that.

Q82 Mr Wright: May I pick up on the point made by Theresa which is a particular bugbear of mine, namely continuing professional development? Parliament and the Government bang on all the time about our need to up-skill in order to compete in the global economy. I think that we should look at ourselves. Members are individuals and will follow different paths, but do you think that there is a case, as part of continuing professional development, for some sort of skills audit? In order to scrutinise the executive in a better way, if I am interested in housing and I want to become an expert on housing policy, I quite like the radical idea that you could go to a housing association and spend time there on secondment. You can’t do that at the moment. There are bits and bobs. There is the Industry and Parliament Trust; there are all-party groups that show interest. Do you think there is any merit in pulling this together, to have a truly codified way of trying to up-skill Members?

Professor Rush: I think that would be very difficult. I am retired, but I worked in the university for 40 years. For most of the time we never had any training, and I had never heard of the word “up-skilling” until relatively recently.

Q83 Chairman: Is that a good thing or a bad thing? Professor Rush: A bit of both. I would not want to be hauled off and told, “You have to attend this course or that course”. None the less, in the latter part of my career it was quite useful sometimes. The university put on something or other which was very useful in learning about this, that or the other. For example, for my sins I became a member of the University Senate, ex-officio not elected, and so on. It would have been very useful to have had a bit of an induction about the way the Senate operated. I had never experienced that; however, you are talking about an organisation internally. What organisations do internally is one thing: pulling in lots of people from the outside is much more difficult to do. I am not saying that you should not do it, but it needs very careful thought. I would welcome what you are suggesting, but I think that it needs a lot of thought as to how best it can be organised and meet the needs of different Members. It is not just parties; it is many Members with different interests—whether it is housing, foreign affairs, education, or whatever it may be.

Dr Giddings: I think that a commission on skills audit would be a fascinating exercise. It would expose what is already implicit in a lot of the material: that there are significant political differences in what are considered to be the relevant skills for operation in this place. Clearly there are differences between the Government backbenchers and backbenchers in other parties, and so on; but that would be a very useful exercise. I would find it fascinating. The key thing for training and professional development is first to identify the skills which need to be developed, and that they are relevant. I think that is extremely important.

Q84 Ann Coffey: I thought that Iain was perhaps saying that if you yourself identified some of the skills that you wanted to develop—because, after all, being an MP is continual development, and you do not do in the second year what you did in the first year and, five years on, it is very different—should there not be a system of accessing it? For example, I could go and say, “Actually, I am getting more interested in this area of work. Can you provide someone for me to contact, talk to or spend time with that would give me practical experience and develop that?”.

Professor Rush: I took that to be what he meant and I think that is a good idea; but it needs to be geared to individual Members or possibly groups of Members.

Q85 Ann Coffey: When I was elected in 1992 I had one member of staff. I think that Members of Parliament now are perhaps managing offices of four or five staff. Managing people is a huge skill in itself. Members of Parliament do not necessarily have that skill of managing staff. Do you think that there are ways in which they could be better helped in this area? For example, do you think the personnel departments here should take a bigger role in helping MPs when they run into particular difficulties with staffing, or something?
**Professor Rush:** I think that the short answer is yes. I am not sure who should do it, but it is time management and managing of people, because all MPs have staff, whether they are in their constituency or here.

**Q86 Ann Coffey:** I just wondered if there was something in your survey that you had come across.

**Professor Rush:** Quite a number of things in our survey came out that things like that are not provided and it would be better if they were; but often there were not suggestions of how best it could be done. However, I think it is something that should be looked at and something that should be available to Members, both in terms of need and want.

**Ms Rosenblatt:** I think that they can be better helped by the House authorities but I also think that a lot of help already exists but Members are not aware of it. It is quite important, certainly from the new MPs point of view that they are not really competent to do the job? Unfortunately, however, democracy is a bit odd; it is inclined to elect people who do not necessarily have all the skills which I would suggest that you and your colleagues would like them to have. Is that not correct?

**Dr Giddings:** It is not correct, I agree with you! The primary skill is to represent their constituents.

**Q89 Sir Nicholas Winterton:** That is the point.

**Dr Giddings:** All of them. They will do it in a number of different ways. The task of the House and the parties is to provide the capacity to enable Members to develop those skills which they think they need, at the time that they need them.

**Mrs May:** I would merely make an observation, which may or may not lead to discussion between myself and Sir Nicholas, that actually the Conservative Party is the one party which, when it interviews people to go on its candidates’ list, does it on the basis of a professional analysis of their skills to be a Member of Parliament, having identified six competencies, with external support.

**Sir Nicholas Winterton:** You see, I was never on the official list! But I am still here after 36 years!

**Q90 Chairman:** Do you have any closing remarks?

**Ms Rosenblatt:** A last point to pick up on these skills is that, interestingly, probably one of the biggest backgrounds in the intake this time round was marketing. A fifth of the intake had a marketing or PR background. I think that reflects some of the change in constituency and also encourages some of the constituency changes of focus.

**Professor Rush:** One thing that I think also really needs to be sorted out, which was not mentioned earlier and has not been mentioned at all, is the allocation of offices. It was the biggest beef that we had in our surveys.

**Dr Giddings:** I have a much more general point. You have to decide collectively whether this is a zero-sum game—strengthening the role of a backbencher. Is the other side of that weakening the role of party leaders, of government, of managers, or can you do both? The debate that was going on earlier illustrated that there is a spectrum of opinion on that point, and on its desirability.

**Chairman:** That is a really important point, particularly for me as Chairman. My point to my colleagues in Government, with whom I have to negotiate the recommendations from this Committee in order to get them accepted, is that it is not a zero-sum game. I am absolutely convinced of that. Ten years in government tells me that the quality of what you do as a minister is improved by the intensity of the scrutiny. At any one moment the scrutiny may be irritating, if you want to do something quickly, but overall it is actually better for the scrutiny. Thank you very much indeed both for your written evidence and for your very spirited oral evidence this morning.
Wednesday 21 March 2007

Members present:

Mr Paul Burstow  Mrs Theresa May
Ms Dawn Butler  Mr Adrian Sanders
Ann Coffey  Sir Peter Soulsby
Philip Davies  Paddy Tipping
Mr George Howarth  Sir Nicholas Winterton
Mr Greg Knight  Mr Iain Wright

In the absence of the Chairman, Sir Nicholas Winterton was called to the Chair

Witnesses: Mr Peter Bone MP and Jo Swinson MP gave evidence.

Q91 Sir Nicholas Winterton: May I welcome Jo Swinson, who is the Liberal Democrat Member for East Dunbartonshire and Peter Bone, Conservative Member for Wellingborough. We are very grateful to you for coming to give evidence to us, as part of our inquiry into strengthening the role of the backbencher and the use of non-legislative time. To us, these are very important inquiries and I hope to all Members of Parliament. It is an opportunity for them to have their say as to how what goes on in this place might be changed or amended in some way to make the role, not of the executive but of the backbencher, more relevant and to enable people to play a more constructive part in what goes on in our Parliament. May I start by putting the first question from the Chair? The Chamber is perceived by some as being less significant now than it was 20, 30 or even 40 years ago. Why do you think that current Members of Parliament are less willing to spend time in the Chamber?

Jo Swinson: I think that most new Members of Parliament, at some stage, will go through the experience of wanting to speak in a debate, getting there to hear the opening of the debate, sitting there for six or seven hours and eventually not being called at all. That is quite a demoralising experience, when you have prepared a speech. Once you have been through that, you perhaps look at other ways to make your points in the Chamber which are not quite so time-consuming. For example, the Questions hour is a way of getting in, raising your point with the minister, and it allows you to do other things during that day and to be more productive. I suspect that a lot of Members, once they experience that, will look to see how they can maximise their impact but not necessarily have to spend all day, sitting and waiting, not to get called.

Q92 Sir Nicholas Winterton: You do not think it is the greater emphasis on constituency work, the fact that you have a television in your office? Does this in any way influence the amount of time you spend in the Chamber?

Jo Swinson: I think it does, because obviously you can be following a debate without having to have the investment of time of solely being in the Chamber. If you have other things, whether it is dealing with constituency business and correspondence, you can multitask, as it were; whereas, going to the Chamber, you are not allowed to take your electronic devices; you are not even supposed to take reading material or whatever else. It is just focused on the debate; whereas if you are in your office, as I say, you can do other things at the same time. I think that multi-tasking which, certainly to get elected as a candidate, you have to get very good at doing, and that habit stays with you.

Mr Bone: I would agree with a lot of what Jo said at the beginning. It is very demoralising to sit in the Chamber for six hours, on an issue which you think is very important—quite often after the Whips have told you that you are desperately needed to go there—and then never being called. One of the things that has struck me is the power of the executive and how it tries continually to bypass Parliament. One of the things that I find are the reasons for people not going in for statements, for instance. Statements should be a moment when the Chamber is full, because you are going to hear some news of great importance from a minister. You have already been rung up by your local BBC radio station, asking for your comments on the statement and they have the statement in full. I think that has to stop. That is an abuse of Parliament. I would really like to see that stopped, so that when statements are made nobody knows in advance what is in the statement.

Q93 Sir Nicholas Winterton: Would you like statements to run longer if they are of particular importance, so that perhaps more people can get in? The Speaker does try but, of course, people are inclined to rabbit on at greater length in, as it were, giving a build-up to their questions.

Mr Bone: I think that Mr Speaker is very fair on all points but in particular on that one. He does try to let the statements run and for people to get in. It is very unfortunate when front-bench spokesmen, the person making the statement and the two frontbenchers replying, take an awful long time—sometimes taking twice as long as they need—to say something. I think that the Speaker has pulled them up for that. However, the point is that, if you look in the press gallery, there is nobody there because everybody knows what is in the statement before it is made.

Q94 Mr Howarth: I may have got this wrong, but my understanding is that statements are not released to the media before they are made in the House.
that would be quite an abuse of the system if that were to be happening. As I understand it, it is released as the minister stands up to make it.

Mr Bone: Can I say that if you drive down to Westminster, as I do on Sunday night, and listen to the Westminster Hour, not only are they telling you what the statement is going to be the next day; they are interviewing the minister about the statement. I think that is wholly unacceptable.

Q95 Paddy Tipping: Could I pick up Jo’s point about constituency work and multi-tasking? There are very high expectations amongst constituents. There is a view around that more and more time is devoted to constituency work, not least because people want to get elected and re-elected. How do you two see the balance between scrutinising the executive and the constituency work?

Jo Swinson: From my point of view, I enjoy both. When I am asked the question, maybe when I speak to schools, “What is your favourite thing about being a Member of Parliament?” my answer is always, “The contrast and the balance”, because I think that the constituency work is a very good contrast to work in Parliament. They both have different attractions. I sometimes think that if you spent your entire life doing just one, you would probably be driven round the bend! I always like that contrast. The constituency work keeps you grounded. You can sometimes feel in Westminster as if you are in a bit of a bubble; it is not quite reality. Getting back out to meet with your constituents helps you to touch base with what real people are thinking. At the same time, the mental stimulation, as it were, of picking up on issues of the day and questioning ministers is part of the job that I find very rewarding. However, there are some points which Peter has raised about Parliament being bypassed. Obviously I was not here many years ago, but I think that there is generally a feeling that Parliament used to be seen as more important by ministers, by the executive as well; therefore, what an MP was able to achieve in Parliament had a greater impact. That could be one reason perhaps why MPs are spending more time on the constituency side.

Q96 Sir Nicholas Winterton: What do you think is the main role of a Member of Parliament, Jo?

Jo Swinson: I suppose it is representing your constituents, and that includes representing their concerns to ministers and scrutinising the legislation of the day. It also includes representing the constituency and communicating with them, because if you do not communicate with your constituents how well will you be able to represent them?

Q97 Sir Nicholas Winterton: What about the holding of the Government to account and properly scrutinising legislation?

Jo Swinson: I think that is part of representing your constituents. You are doing that on behalf of the people that you are representing.

Q98 Sir Nicholas Winterton: Do you want to add anything to that, Peter?

Mr Bone: I think that I would slightly disagree with Jo, in the sense that I would put holding the executive to account as the prime role of a Member of Parliament, with constituency work coming very closely behind it in importance. I come down Sunday night and I go back to the constituency very early Friday morning, and I hold a surgery every week on Friday. So if a constituent rings between Wednesday and Thursday, my staff say, “Come and see Peter on Friday”. So I have Friday, Saturday, and unfortunately part of Sunday these days, on constituency work; but between Monday and Thursday I am spending the bulk of the time trying to hold the executive to account.

Q99 Mr Knight: Can I ask you in turn to tell us what changes you would make to encourage backbenchers to devote more time and attention to the Chamber?

Jo Swinson: One thing I think is helpful, when it is done, is the limits on speeches in debates. Obviously, when it is a very busy debate, Mr Speaker does that already. If that were used more often, it would encourage Members to think in advance about what they are going to say. Very often, somebody may speak for 20 minutes and they could probably have got across the points they wanted to make in 10 minutes, but perhaps have not sat down in advance and structured it. I very much like the habit in the Chamber of interventions. I think that is a really strong part of our debate and, of course, even with time limits we have ways of getting round that so that interventions are not discouraged. However, I think a greater use of time limits would be helpful. Picking up on Peter’s point, I think that we can create a slightly false distinction between constituency work and parliamentary work. If someone comes to see me in my surgery about an issue and I raise it in Parliament, is that constituency work or is that parliamentary work? I do think that holding the Government to account is part of what you are doing for your constituents. You can raise the issues that they have raised with you.

Mr Bone: I would have a whole list of things I would do, and perhaps I could send them to you because it would probably take an hour to discuss them all now. I have mentioned statements, where I believe that would get more Members to come into the Chamber, but also I find the shortening of debates very unfortunate. If you have prepared a really important speech for a debate and there are two statements on that day, you are almost certainly not going to get in as a junior backbencher. I would add the time on at the end of the day. If the statements take one and a half hours, therefore, I would add one and a half hours on to the end of the day; because if you originally thought that a debate was going to run for six hours, it should run for six hours. One of the things that I would particularly like to see done is Business Questions for up to a minimum of one hour. It is so frustrating for a backbencher. It is the one time in the week when junior backbenchers get the right to put a question off the cuff to a senior
Mr Howarth: Perish the thought!

Q101 Ms Butler: However, I would encourage you. Do please send the list that you have mentioned, Peter. In regard to the Chamber, I find that there is a kind of elitism and snobbery, if you like. Some people think that new Members do not want to go into the Chamber to contribute, and you are absolutely right, Jo, that sometimes when you go in, you have waited for hours and not been able to speak, you think about everything else that you should be doing. What do you think about having a speakers' list of some kind introduced into the Chamber?

Jo Swinson: Presumably to give people some idea of whether they would be called to speak. I think that would be helpful. On the downside, you may get fewer people attending debates because they know that they are not going to be called to speak. One of the things is about the time investment that is made. If it is six hours, that is a big chunk of your day. If there were also more debates and sometimes Westminster Hall debates—an hour and a half—to have a good canter round a particular issue, speak to the minister about it, it would be something that was quite easy to fit into the rest of the things you are doing that day. If there were also an opportunity to have more short debates in the Chamber, I think that might encourage greater participation. Certainly a speakers’ list has merit in encouraging people to put their name down to try and speak.

Mr Bone: I certainly agree with what Jo said at the end. I think that transparency and openness about Parliament is very good. More publicity about what happens in this place is excellent. I do not know of a single Member who does what Mr Knight suggested: makes an intervention and then runs down to get into Westminster Hall, so that they are then reported as having made two speeches on that day?

Jo Swinson: I think that it can be an influence. Any time you have a league table, it is probably human nature for people to be aware of that and it can be quite a negative influence. In defence of the website and the creators, who also run other websites like WriteToYourMP and HearFromYourMP, I think that this Internet impact on our democracy is a positive thing. It helps to bridge the gap between Parliament and the constituents. It is an evolving tool, and they have taken on board feedback from MPs on how they do it. They used to rank MPs from 1 to 646 and they now give a “This is roughly above average”, “This is well above average”. So I would encourage Parliament and this Committee to engage with the people running these sites, because I think that they are an important tool for engaging people with democracy. However, as they evolve, we obviously find that there are problems and they perhaps have to tweak how they do it.

Mr Bone: I certainly agree with what Jo said at the end. I think that transparency and openness about Parliament is very good. More publicity about what happens in this place is excellent. I do not know of a single Member who does what Mr Knight suggested: makes an intervention and then runs down to get into Westminster Hall. I would find that an extraordinary way to carry on. If the question is, “Are new Members more active than some of the old Members?” that is probably in the nature of things. However, I would encourage you.

Dawn Butler challenged you to be radical; you have been.
Q103 Ann Coffey: I was quite interested in what you were saying about TheyWorkForYou.com. In fact, they probably filled a gap that was not provided by Parliament. If you are a member of the public accessing the parliamentary site, it is very difficult to find out what your MP is doing. Would you be in favour, as the parliamentary website develops, of MPs having their own websites as part of that parliamentary site, perhaps developing some of the work that is being done by TheyWorkForYou.com?

Jo Swinson: I imagine that most MPs do have their own websites by now. They obviously vary in terms of how up to date they are kept. There might be a role for House authorities to provide some support and advice for Members who are not sure about how to do that, because I think that it is very important. It is particularly important in engaging with young people. There is a lot of recent research which shows that young people are less likely to read a newspaper but they will read news online. I am like this. If I need to research something or find out about something, the first place I tend to go is Google and type it in. I imagine that if I were not involved in politics and wanted to find out about my MP, the first thing I would do is Google them and see what came up. So it is a very important channel for people engaging with Parliament. You are absolutely right. I would say that there was a gap not filled by Parliament. Although there have been improvements to the parliamentary website, I still think that it is lagging behind what other sites are doing; although there is some advantage in having an independent site that is monitoring what MPs are doing, because it perhaps has more legitimacy.

Mr Bone: I do not actually have a website at the moment, mainly because it appears that websites are used by the Opposition to go back to something you said five years ago and you are horribly embarrassed by it! However, I do send an e-mail out once a month to quite a large list of people. I also post it. I offer it free to any constituent who asks for it. The other advantage of TheyWorkForYou.com is that there are 60 people who get an e-mail once a month from me, and I do not know who they are. If you want to get the information about the MP but you do not want them to know that you are doing it, that is quite an advantage.

Q104 Ann Coffey: The other question I want to ask relates to some of your comments about the induction process. Did you find that you were given very helpful information and advice when you first came here? What do you think could have been done better? What do you think was not done right and what would you advise for the future?

Jo Swinson: We are always told how it is so much better these days than it used to be, and I am glad; but I am always slightly worried when I hear that. I think that people were trying hard, but my experience of it was that there was very helpful information but just far too much of it too soon. You arrive here, you get your pass, then you go round and all the different departments have got their stalls. You come away and you suddenly have all this paper—and you do not even have an office to put it in. You do not get an office for about two months, which is incredibly frustrating. You are working from one of the committee rooms, hot-desking, taking your stuff to your locker every night, feeling like you are back at university or something. I really think that we need to have a rolling programme of induction. For example, there were helpful training sessions on asking parliamentary questions, but they were in the first few weeks of the Parliament and, frankly, I was worried about making my maiden speech at that point. You could not ask an Oral Question until you had made your maiden speech. Then, at the point where I was perhaps feeling more confident about asking those questions, the training sessions had finished. I therefore think that we need to have a rolling programme. I would not say that it should be only over six months. Still now, there are lots of procedures I find confusing. I found out something only the other day, as a result of the committee that discussed the Sexual Orientation Regulations. I had assumed that I was not on the committee and therefore there was no way that I could attend it. Then you suddenly read that, because of Standing Order 200-and-something, other MPs turned up and were able to make points of order. These things just come out of the blue. If we had a rolling programme, perhaps after a certain amount of time we could talk about the more intricate details of parliamentary procedure. Standing Orders—for example, how you can use Standing Order No. 24, which Nick Clegg found when we had a debate on the extradition treaty—these things would be completely unknown to most MPs.

Q105 Sir Nicholas Winterton: In one sentence, anything to add, Peter?

Mr Bone: We must sort out accommodation on day one for the new Members. It is in a frightful mess. No business would have its senior executives waiting six months to get a desk and a telephone. It is the most appalling incompetence, and that needs to be sorted out.

Q106 Mr Wright: Jo, I was interested in what you were saying, and I share your frustrations about waiting six or seven hours to make a speech and then you may not be called. I was certainly interested in your views about a speakers’ list. You mentioned relaxation of rules regarding things to be taken into the Chamber, such as electronic devices and paper. I have two questions. Do you think that it is a bad thing for democracy and for public perception of parliamentary procedure when they turn on the telly and they see an empty Chamber? Following on from that, do you therefore think that the rules should be relaxed, as you suggest?

Jo Swinson: Yes, I think that people do assume that MPs are not working if they are not in the Chamber and when they see an empty Chamber, and therefore that is damaging. Although I have to say that what I think is even more damaging is when they turn the television on and they see a full Chamber at Prime Minister’s Questions, and quite often the behaviour of MPs can be shocking at that point. That does not
do the reputation of politics any good either. However, as to the rules being relaxed, to be honest, I am not exactly sure what the rules are. I have seen MPs taking in signing sometimes, if it is a long debate, but then you hear that you are not necessarily supposed to do that. It is seen as okay to sign your EDM booklets when you are in there. I do not think that anyone will tell you not to sign your EDM booklets when you are in there. I do not think that anyone will tell you not to do and what you are not allowed to do. Particularly as a new Member—I do not know how everybody else felt when they were first elected—the last thing you want is to be politely asked by the Speaker for doing something wrong, and there seem to be so many different things that you could be doing that are wrong. I remember the tale of my colleague Jenny Willott, who was told off for doing two things wrong in the Chamber. The first thing was to wear her outer coat in the Chamber; the second thing she did wrong was to remove her coat while in the Chamber! It is one of those things where you cannot quite get it right. Personally, I think that a relaxation that allowed people, if they were sitting in a long debate, to catch up on some reading—possibly even reading material about that debate—or some of the administrative stuff that has to be done, would be helpful.

Q107 Mr Wright: Peter, can I ask you the same question? Before you answer, however, my feeling about you, with the greatest respect, is that you are never off your feet in the Chamber. For one of the 2005 intake, I would cite you as probably the best example of someone who has taken to it like a duck to water and who is called by the Speaker a lot. Given the various challenges to an MP’s time of constituency and parliamentary business—and I know you spoke about this in an earlier answer—how on earth have you been able to manage that, in a way that maybe other colleagues have not?

Mr Bone: I think it came down to the fact that I have two very good members of staff: one in the constituency and one here. Perhaps if I am any good at anything it is delegation. We have made a conscious effort to say Friday, Saturday, Sunday—constituency; Monday to Thursday—administrative stuff. Well, the silence is golden! Outside the Chamber! It is one of those things where you cannot do anything it is delegation. We have split it. We have made a conscious effort to say Friday, Saturday, Sunday—constituency; Monday to Thursday—scrutiny of the executive. On the question of debates, I am not sure how you improve any of that, because they are debates and you should be in the Chamber to listen to what people have to say. Where I think Parliament comes into contempt is where you have something like the Sexual Orientation Regulations—whatever your views on it—and not a single backbench Member of Parliament has been able to speak on it. Not a single Member. It is only the three front benches that talked it out in the delegated committee. We have to do something about that. You cannot have important legislation like that, stuck in a small committee room with no television, with officials sitting on the floor, with one Member having to do a limbo dance to get under the bar to get in to the committee to try and intervene—and not a single Member of Parliament other than the front bench being able to speak. Yet we can have six hours of debate on something where there is no substantive motion at the end of it, and there are only a few people there. I think that needs looking at.

Mr Howarth: At the risk of sounding regressive, Sir Nicholas will remember when, 20 years ago, the convention was that you would attend Questions—not every one but, by and large, you would attend Questions every day—and certainly there was an expectation that you would be in the Chamber for the opening speeches and the closing speeches, whether or not you intended to take part in the debate. That has eroded enormously in the 20 years that I have been here. Would the two witnesses think that maybe the time has come to revive, not compulsory attendance but the expectation that people would spend those certain times during each day in the Chamber?

Q108 Sir Nicholas Winterton: I will ask Peter first because I suspect that it will be the shortest answer. Mr Bone: I agree entirely that people should be in for Questions. We have just had a very comprehensive note from the Speaker of do’s and don’ts. That was not in the list, but I think that it should be frowned upon if you are not doing it. Opening speeches? Again, if the opening front benches are going to take an hour each to do it, then no; but if they are going to do proper opening speeches, yes.

Jo Swinson: I find Questions very helpful to go to, and I would share Peter’s point regarding the concern about being there for the opening and closing speeches. Sometimes that would be quite a significant commitment, in the way they do take a lot of time. The other thing I would say is that presumably it is quite difficult to revive a convention like that. I suppose a note from the Speaker would be one way of doing it, but how will it be enforced? That will always be difficult. How are you going to encourage people to do it? I think that the best way to encourage people to be in the Chamber is for it to be as relevant as possible; for them to have opportunities; and, for example, if the opening speeches say something new and are interesting, people are more likely to be there anyway.

Sir Nicholas Winterton: Perhaps this could be the one good purpose and objective of the usual channels. Well, the silence is golden!

Q109 Philip Davies: One of the things that both of you have said which will resonate with every new Member of Parliament is the point you made at the start, Jo, about waiting for six hours and not getting called. Everybody has been through that. I know that you mentioned a time limit on speeches as a way of solving that particular issue, but I wondered if there were any other things that you wanted to mention on that particular point. For example, the fact that lots of new Members, although they will come to appreciate it in years to come, probably resent the fact that all the big hitters and old-timers get to go first and it is always the new ones who end up missing out on getting a chance to speak. There is also the fact that there are some debates that finish three hours early, which clearly no one is
particularly interested in; but if they were to speak in
that debate, they would then be penalised and would
not be able to speak in a debate of more importance.
I wondered if you had any views on those issues.
Jo Swinson: I think that it is ridiculous that, in a
democracy where MPs have an equal right to be
representing their constituents, constituents in a seat
that happens to have a Member who has been an MP
for 20 years are more likely to have their views
represented in a debate. That clearly is madness.
Like so many things in this place, everything goes by
seniority, even down to the allocation of offices—
which, I would totally second, is a crazy system for
doing that and in any business world just would not
be tolerated. I think that time limits would be good
in terms of making debates more interesting and
making Members focus more on what they want to
say. Also, Members working as a team possibly, and
not having to make every single point themselves.
Perhaps if we had ten-minute speeches that would be
enough time to go into a particular angle of the
argument, but you may have colleagues who want to
elaborate another point of the argument, rather than
having everybody feeling that they have to cover
every point in the debate, but doing it very quickly.
I think that should be extended even to Fridays. The
experience of Members going in to a Private
Member’s Bill debate and having two or three
Members deciding to make two-hour-long speeches
and therefore talking it out, is one which is very
demoralising. It is a strange way to run things.
Frankly, if people do not want a Private Member’s
Bill to pass, then get enough people there to vote
against it. Otherwise, what opportunities do
backbenchers have to bring forward legislation?
That is the one slot there is, and it is so easy for one
or two obstructive people to stop it in its tracks.

Q110 Sir Nicholas Winterton: Would you
appreciate, Jo, that sometimes the Government of
the day does not want that Private Member’s Bill
and that therefore they will themselves talk it out, let
alone other backbenchers?
Jo Swinson: Absolutely. Also, the Government will
talk it out rather than have the vote. I would rather
that they won the argument and won the vote on that
issue, rather than this procedure just not letting it
go through.
Mr Bone: I think that it is a difficult one. One of the
things I would say is about extending the length of
debate with their statements. If there is not a lot of
interest, the debate will finish early; but if there is
real interest and you get an extra two hours—the
two hours you have lost at the beginning—it would
be of benefit. I do not understand why we have to
pack up, for instance, at 10 o’clock in the evening. It
seems childish to me.
Sir Nicholas Winterton: I am sure that we could have
a very lengthy debate on that. I know Ann Coffey’s
view, and I am not going to ask her to come in!

Q111 Mr Knight: Can I ask what use you have made
of the ample Private Members’ time that is available
on a Friday?

Mr Bone: As I have explained, my arrangements are
that I do my surgeries on Friday and work wholly in
the constituency on Friday. Unless it is of particular
interest to me, I will not be here on a Friday.
Jo Swinson: I choose whether to be here on a Friday
on the basis of what bill is the top bill being
discussed. There have been several I have tried to
support: the Climate Change Bill; the one about
Parliament waging war, for example, in the last
session.

Q112 Mr Knight: Have either of you ever spoken on
a Friday?
Jo Swinson: Yes. Well, intriguingly, an experience I
had—which is one of the reasons why I was so
frustrated—was when I had prepared a speech to
speak on the Climate Change Bill. Because we knew
that a Member was going to try and talk it out, there
was all the usual channels, running round the
Chamber, speaking to people and saying, “If all the
people who are supporting this bill and who have
made the effort to be here speak, it will get talked
out. What we have to do is for everybody to decide
to not make their speeches. We will then let the
obstructive person speak for two hours, but at least
this will mean that we can actually get this through”.
They were trying to get the next bill through as well
and, in the end, the next bill did not get through.
That was a very frustrating experience. I had turned
up on Friday, wanted to support the bill, and I
actually did decide that I would rather the bill went
through. That was more important than my making
my speech on it.

Q113 Mr Knight: So you have not spoken on a
Friday?
Jo Swinson: I have spoken on a different bill on a
Friday, and I think I made some interventions in
that case.

Q114 Sir Peter Soulsby: We have focused so far on
the competing demands on the time of a
backbencher from their Westminster office and their
constituency, and at least the perceived effect this
has had on the central role of the Chamber. I think
that elsewhere we have some evidence that, if you
look back over time, it has not always been as central
to the life of MPs as some have suggested it was.
However, the one thing you have not touched on as
being an important part of the role of the
backbenchers is their work on select committees. I
wonder whether you have found your work there—
if you are indeed members of select committees—
effective in terms of scrutiny and valuable in terms of
the use of your time.
Jo Swinson: I am not on one, so Peter is better placed
to answer this.
Mr Bone: I am on three select committees. I am on
Trade and Industry and I am on the two joint
Statutory Instrument Select Committees, which are
two very different select committees. I think that
Trade and Industry is exceptionally well run. The
Members of all parties act independently and really
scrutinise the Government and give ministers a hard
time. I think that it is a very important part of
parliamentary business. The Select Committee on Statutory Instruments is a very important committee but unfortunately it meets in private, which I do not agree with. I think that we should have as many committees as possible meeting in public.

**Q115 Sir Peter Soulsby:** In your case, Jo, is that a deliberate choice, not to be a member?

**Jo Swinson:** Yes. It was because shortly after being elected I was asked to take on a junior spokespersonship in Culture, Media and Sport. I took the view that, with learning about the role of being an MP, full stop, and taking on that portfolio, there were only so many hours in the day, and I would rather do things and spend time trying to do them properly, rather than to take on too many things and then find that I could not do it effectively.

**Q116 Mrs May:** I would like to raise two issues, if I may. First of all, we have talked about holding the executive to account and constituency work. Is there not another role for MPs here in the Chamber, which is that the Chamber should be a forum for the debate of key national issues? If you agree with that, what more could we be doing to ensure that Jo mentioned short debates. Should we be freeing up time, having less legislation, more time for debates, possibly with substantive motions and possibly with free votes at the end of those?

**Mr Bone:** I entirely agree with more free votes and less interference by the Whips—and definitely less interference by the usual channels. It is frustrating. I am sure that there was a very good debate yesterday on the celebration of the abolition of the slave trade, but there would not have been a substantive motion at the end of that. I think that more debates where there is a result at the end would be most useful. I can think of debates, for instance, on police mergers. We had one in Westminster Hall which was exceptionally well attended, but of course there was no substantive motion at the end.

**Jo Swinson:** I would agree. I think that substantive motions can give a point to a debate, rather than it just being a talking shop, as it were. I definitely think that we should have less legislation. If you look at how many bills would typically go through a parliamentary session 40 years ago compared to now, it does not bear comparison; it has mushroomed hugely. That means that each bill has less time to be scrutinised and, of course, there is less time within the business of the House to have those topical debates that you would otherwise have. So I would be keen for there to be a business committee that would be able to look and say, “Let’s have a topical debate on this issue”—whether it is Zimbabwe, or whatever it is. I also think that there should be procedures that enable back-bench MPs to propose having debates, other than just half-hour adjournment debates, in the Chamber as well as in Westminster Hall. Westminster Hall is a very important forum and it is a good thing that has come out of this Committee, but it does not have the same status as a debate in the Chamber and we have to accept that. It is being able to initiate debates as a back-bench MP, as well as through a business committee and the usual channels or whatever they are. Individual MPs should have that opportunity too.

**Mr Bone:** The Whips’ Offices have to be less control-freakish. The only time I am ever summoned to the Whips’ Office is to be told off because I have called a vote on something that they did not approve of; though in fact it was none of their business, because it had been a business motion—and I had told them that I was going to do it, out of courtesy. They really have to get away from this “control-freakery”, and trust the Members of Parliament.

**Sir Nicholas Winterton:** I am not sure that the Shadow Leader of the House will necessarily agree with you!

**Mrs May:** I think that it is the former Deputy Chief Whip here who may be having a slightly different view.

**Q117 Mr Knight:** I was just thinking that was a very brave comment.

**Mr Bone:** I do expect a message after this.

**Mr Knight:** I would not go out alone!

**Sir Nicholas Winterton:** But perhaps shoulder to shoulder with me!

**Q118 Mrs May:** On a completely different topic, Jo made reference earlier to time management, and we have had a question about the induction programme. Do you think that there is scope for more continuous professional development of MPs, in areas that are not just about the procedures of the House but on issues like time management and other management skills, dealing with personnel and so forth? If so, do you think that courses should be run by the House authorities or by the parties? I am afraid, Peter, that would probably mean the Whips’ Office.

**Jo Swinson:** I think that definitely this is an important issue. When I talk about having a rolling programme of induction and training, I think that rolling programme should be for all MPs, even MPs who have been here for a long time. Things are changing; there is more to learn. To be honest, to get a sufficient quality I think that it should be done through the House authorities. Otherwise, it could end up that some parties might do it very well and others might not. There should be a standard, I think. There is a role for the parties as well, particularly on feedback. I suppose that, as a Member of Parliament, you get a huge bit of feedback every four years but, in between, it is not easy to know whether what you have been doing has been effective or how you could do it better. You are really left to fend for yourself and everyone is ploughing their own furrow. It would be very helpful if MPs could have continuing professional development and feedback on how they could improve their effectiveness.

**Mr Bone:** Mrs May, no to the idea that the Whips should run training courses. I have no problem with the House providing training courses, though I think it should be optional. It would be rather silly for me, who has chaired a public company, necessarily to
Mr Bone: chairman. actually up to the committee itself to elect its usual channels, they may express a view but it is chairman of a select committee is a matter for the if Peter Bone was implying that the election of the tendency for the Government to try and remove that appointment. What happens is that it is a nudge and which I can challenge. That is really useful. They are impartial and they give you exceptionally good advice. I think that is something that back-bench Members should be encouraged to take up.

Q119 Mr Sanders: I have two questions, which are completely different. The first is this. A lot of people come to this House with a great deal of expertise that they have developed over the years before becoming a Member. Do you think that the appointments system for committees properly takes that into account? Not just in terms of your own experience but maybe your observation of colleagues around you.

Jo Swinson: I think it works differently in different parties. My own experience is through the Liberal Democrat Party, but people are asked to request what committees they would be interested in. You would expect that, during that process, you would say, “I was a doctor for 20 years before getting elected, and so I would like to go on the Health Committee”, and therefore you would expect that to be taken into account. I am not sure how it works in the other parties. It is important to have that but, equally, it is important to have lay people’s views on things, because you do not necessarily want just particular interests to be represented on committees. You also need people who are coming at a particular issue from a fresh perspective, with expertise in perhaps a different area.

Mr Bone: I think that the system in the Conservative Party works the same way. We are asked which select committees we would like to apply for. For instance, in Trade and Industry the Conservative Members are all from business; so it seemed logical that Trade and Industry had business people on it. The one thing I do find worrying is the effective choice of the chairmen of select committees. I think that should be a House decision; it should not be a decision of the usual channels.

Q120 Sir Nicholas Winterton: It is important to say, if Peter Bone was implying that the election of the chairman of a select committee is a matter for the usual channels, they may express a view but it is actually up to the committee itself to elect its chairman.

Mr Bone: I did try to phrase that correctly, Sir Nicholas, because I said the “effective” appointment. What happens is that it is a nudge and a wink. You have the committee and there is one obvious person who is going to be the chairman. However, I do think that there are occasions where—for instance, if a select committee chairman has been awkward to the Government there is a tendency for the Government to try and remove that chairman on occasions. Sir Nicholas Winterton: They have succeeded on occasions! They also failed to prevent him being appointed in the first place—but we will not go into that.

Q121 Mr Sanders: We have spoken a great deal on this Committee about scrutiny. Do you have any idea of whether there was ever a golden age when there really was this scrutiny role being exercised by Members of Parliament, who were attending all the time in the Chamber?

Jo Swinson: I doubt it. We always like to look back and the grass is greener in the past. Let us remember that, very often in the past, Members of Parliament had other full-time jobs. If that was the case, how could they have been as effective at scrutiny as we think they might have been? There may well have been changes in the past 20 years and things are done differently, but change is not always a bad thing. It does not mean that we should not look at the reasons for that and whether we need to address it, but I am not sure that there was a golden age.

Mr Bone: Can I say this, and I should have said it right at the beginning? It is an extraordinary privilege and honour to be a Member of Parliament. Every time I walk through the gates there is a huge privilege that is given to me, and I think that most Members probably still feel that way. However, in the context of scrutiny, it is very frustrating when an Oral Question is put to a minister, who then bluntly does not even attempt to answer it. Recently in the Chamber, the hon. Member for Somerton and Frome put a question. It was a simple question about how many people were being laid off, or something like that. Actually, it was a health question, but the Secretary of State for Health did not even attempt to give the figures and went on to make some speech. That is an abuse of Parliament. Had the Leader of the House been here, I would have said quite the opposite about him because he always attempts to answer the question. There is a great disparity in scrutiny of how some ministers answer at the dispatch box. If the House could do something about that, it would be most welcome.

Q122 Ms Butler: I have two quick questions, one of which is in regard to websites. We are kind of encouraging most MPs to acquire websites. Your explanation was slightly strange. The second one was timing. Did I hear you right, that you thought it was childish for us to be leaving at 10 p.m.?

Mr Bone: On the website question, of course it is entirely up to individual Members whether they want websites, and we have allowances to do it. I am not against websites, and I may well have one. Childish to leave at 10 o’clock? I could have said childish to leave at six o’clock, whichever day we happen to be sitting. I do not think that a debate should be reduced by three hours because there have been two statements made at the choosing of the Government. They tend, surprisingly enough, Sir Nicholas, to be on Opposition Days.

Sir Nicholas Winterton: May I thank both Peter Bone and Jo Swinson very much for the frank responses they have given to a whole range of
questions? Every member of the Committee present today except Paul, who sadly arrived late—for good reason, but he has listened very closely—has participated. Your evidence will be fully considered by this Committee and I thank you again for coming.

Memorandum from Mr Peter Bone MP (M38)

Thank you very much for inviting me to give evidence at the Modernisation Committee on Wednesday of this week. I was very grateful to be given the opportunity to relate my views as a new backbencher to the Committee and hope that my evidence was helpful.

As discussed, following on from my oral evidence I have prepared a note on some of the issues that I think need to be addressed if the role of a backbench MP is to be strengthened.

I would suggest however that it is not just the power of the backbench MP that needs to be strengthened but that more power and influence needs to go to Parliament and less power and influence needs to be held by the Executive.

When I was first elected to Parliament, I was sent the book “The Last Prime Minister: Being Honest about the UK’s Presidency”, the author being the Honourable Member for Nottingham North.

I think that book describes accurately the growth of power and influence by the Executive. I do not accept the conclusion that we have to accept a UK presidency and in effect a different role for Parliament. However I do recognise the reality of the situation that if power is not brought back to Parliament then we will drift inextricably towards what is in effect a UK presidency.

Annex

STRENGTHENING THE ROLE OF BACKBENCH MPs

1. The Leader of the House and a Business Committee

One of the problems that frustrates me most is the way the Business of the House is selected and debated. It appears it is done to maximise the Government’s position irrespective of whether it is good for Parliamentary debate or not.

The most recent example of Government manipulation of Business refers to the Equality Act Sexual Orientation Regulations 2007. It appears to many people that the usual channels stitched up the arrangements for dealing with these Regulations to minimise debate. It was done without regard to what backbench Members of Parliament thought. It has become clear that whatever side of the argument you might have been on the procedures used to deal with these Regulations were wholly unacceptable.

The phrase “usual channels” fills me with dread. It undoubtedly means a decision made between the two front benches without taking into account backbench opinion.

If we look in detail for a moment at the process relating to the Sexual Orientation Regulations. They were laid and re-laid twice within the space of a week. The Joint Committee on Statutory Instruments had less than a day to consider the final version. Members of the public were unable to get those Regulations on the website.

The Joint Committee on Statutory Instruments normally has a week to consider regulations that are often non-controversial yet for one of the most controversial regulations the Committee was given less than a day to consider them.

Within an hour of the Joint Committee approving the technical detail of the revised Regulations, a Committee of Selection was formed to nominate a Delegated Legislation Committee. That Committee was given less than 16 hours notice to consider these Regulations. The Committee was forced to meet in a small committee room with no television coverage, officials sitting on the floor and not enough seats for Members of Parliament.

The so-called debate on the Regulations lasted for one and a half hours and only front bench spokesmen were called to speak. Not a single backbench Member of Parliament was able to contribute to the debate.

The Delegated Legislation Committee, having considered the Regulations, the vote on the Statutory Instrument was scheduled for Monday of this week. The day chosen was when there was a one-line whip for the main business and many MPs would not even know the vote was taking place and would not be in the Palace of Westminster. It is my contention that if there had been a Business Committee of the House such a farce would not have occurred.

Therefore I would recommend that your Committee considers recommending the creation of a Business Committee.
The current Leader of the House of Commons is highly respected and his integrity is beyond doubt. However he has to split himself into two. He has to protect the interests of Parliament and in particular the interests of backbench MPs. But at the same time he has to be a full Cabinet Member with collective responsibility and the need to be politically partisan.

I do not think that this position is tenable. I believe that the Leader of the House's sole responsibility should be to uphold the interests of Parliament and backbench MPs.

Therefore I recommend that your Committee considers whether it would be appropriate to have an independent Leader of the House who acts in a similar way to the Speaker but to protect the interests of Parliament and who should be elected from MPs at the beginning of a Parliament to serve until the end of that Parliament.

2. Questions

One of the tools a backbench MP has to hold the Government to account is the use of oral and written questions. In relation to oral questions, it is to my mind an abuse of Parliament the way some Ministers deliberately do not even attempt to respond to questions asked. In particular I recently remember a question from the Honourable Member for Somerset and Frome where he asked the Secretary of State for Health “What percentage of NHS Trusts have a) deferred operations, b) made redundancies and c) restricted provision of treatment in 2006–07 on the grounds of reducing cost and what percentage plan to do so in 2007–08?”

The Secretary of State for Health replied “As set out in the most recent financial report, it is now clear that the NHS will achieve the three financial targets set for this year while maintaining key service standards. Achieving financial balance this year means that the NHS will be in a far stronger position in the new financial year and, in particular, will be able to make substantial progress towards achieving the target of 18 weeks maximum from GP referral to hospital operation.”

This was in Health Questions on 13 March 2007.

I would contend that that answer was not even an attempt to answer the question posed.

Therefore I recommend that the Leader of the House should have the power to reprimand a Minister if they do not attempt to answer Honourable Members' questions.

Another way questions could be made more relevant and strengthen the role of the backbench MP is by having part of the oral question session reserved for open questions. This would allow topical issues to be raised and be more relevant both for Parliament and the public.

Therefore I recommend that your Committee considers that part of each major oral question session be open.

Business Questions I believe is the most useful session scheduled each week for backbench MPs. It enables them to raise issues both relevant to their constituency and nationally without notice. However far too often the Business Question session is cut short because of a Statement being made. I would like to see Business Questions given a specific minimum time allocation.

Therefore I would recommend that your Committee considers whether it would be appropriate to allow Business Questions to run for a minimum of one hour if Members of Parliament still wished to ask questions.

With regards to written questions it is exceptionally annoying that many of the questions are not answered either because a) the Government claims it has not got the answer, b) they choose to answer a different question to the one that was asked and c) they just do not bother to answer it at all. It seems of little point to ask a named day question as you very rarely get an answer within the time period, even if the question is very simple.

Therefore I recommend that your Committee considers giving power to the Leader of the House to formally monitor the speed, accuracy and content of answers to questions made by Ministers.

3. Debates

Like many other Members of Parliament I have sat through debates where I have wanted to speak and have not been called. It seems to me that there ought to be a better method of allocating time limits to speaking. In particular it is the length of the front bench speeches that often restrict severely the time available for backbench MPs to speak. The other factor that causes a reduction in the time for backbench MPs to speak is the imposition of a Statement during the day’s Business.

Therefore I would recommend two matters to be considered by your Committee in relation to debates. One to impose a time limit on how long front bench speeches can be made and two, to add on time at the end of the day to correspond with the time lost because of a Statement.
4. Statements

Oral Ministerial Statements should be a high point of a Parliamentary day. A Minister coming to the House of Commons to announce some important measure or to clarify some urgent topic is what Parliament should be all about. It gives backbench MPs the opportunity to quiz Ministers in person about an important, current topic. However what happens in reality is that the details of the statement are given to the media at least a day in advance so that the Government gets an additional news cycle from the Statement.

I am fed up being telephoned early in the morning by a newspaper or local radio station for my comments on a statement that is going to be made later that day in Parliament. They have full details of the statement yet as a Member of Parliament I have none.

Therefore I recommend that your Committee considers making it a breach of Parliamentary Privilege for Ministers or Departments giving details of a statement prior to it being made in the House. An additional benefit of this would be that the media would have to attend the press gallery to find out what important issue was being discussed.

5. Holding the Government to Account

One of the key roles of backbench MPs whether they are in Opposition or in Government is to hold the Executive to account. It is Members of Parliament that should be holding the Executive to account, not the media. The media has a role to play in challenging the Government but the primary holders of the Government to account should be Members of Parliament. I fail to see how having an eleven week recess of Parliament can be justified in regard to holding the Executive to account. I strongly believe that Parliament should not have such a long recess. Equally I am not arguing that in September Parliament should convene in the way that it does for the rest of the year.

Therefore I recommend your Committee considers whether it be appropriate that during September and the first two weeks of October that Parliament sits for the basis of scrutiny only with question time including Prime Minister’s Question Time and ministerial statements being made.

6. Ministerial Pronouncements from the Dispatch Box

One of the things that has been most frustrating for me as a backbench Member of Parliament is that when Ministers speak at the Dispatch Box and use facts that are incorrect, there is no easy way to challenge this.

May I give you an example. On 30 November 2005 the Prime Minister claimed at the Dispatch Box that nobody waited more than six months for an NHS operation. This statement was repeated by many other Ministers and the Prime Minister again at the Dispatch Box over the coming months.

At no time has that statement ever been factually correct and yet using every Parliamentary procedure that I could muster it proved impossible to stop what most people would call a misleading statement, even if inadvertently made being repeated.

Therefore I would recommend that your Committee considers whether it be appropriate for the Leader of the House to have a specific responsibility to look into complaints from backbench Members of Parliament about the accuracy of statements by Ministers at the Dispatch Box with the specific power to make Ministers correct their statements.

The other issue relating to Ministerial pronouncements is when they realise after they have said something that what they said was incorrect. I remember the Deputy Prime Minister in answer to an oral question from myself giving the wrong information relating to how far people were from a Post Office. He very promptly wrote to me and apologised for the error and gave me the correct information. However only I and the Deputy Prime Minister knew of the correction.

Therefore I would recommend that your Committee would consider printing in Hansard the corrections to answers that are inadvertently incorrect given by Ministers at the Dispatch Box. Backbench MPs would therefore have their roles strengthened in relation to the Executive.

6. Voting

As I said in my oral evidence I am very concerned about the ever-increasing power the Whips want to exert. I would certainly welcome any measures that could create more free votes.

However there are occasions when I may not wish to support the Government’s position nor the other view that is being expressed. It would be most helpful on those occasions that a positive abstention was available.

Therefore I would recommend that your Committee considers a procedure for positive abstentions in voting to be provided.
7. CONFIRMATION OF CABINET MINISTERS

A radical way in which more power could be brought to Parliament and therefore backbench MPs is regarding the appointment by the Prime Minister of Cabinet Ministers. I see no reason why the Prime Minister should not propose someone to be a Cabinet Minister but I would like to see a Committee of the House carry out confirmation hearings similar to those held in the US. This would be a check on the power of the Executive.

It would also be a check on the Executive stopping them from firing well qualified senior Ministers such as Foreign Secretaries for political reasons rather than in the interests of the country.

Therefore I recommend that your Committee considers recommending appointing a Committee to scrutinise and confirm senior Cabinet Members.

March 2007

Witnesses: Emily Thornberry MP and Kitty Ussher MP gave evidence.

Q123 Sir Nicholas Winterton: Welcome to Emily Thornberry, the Labour Member of Parliament for Islington South and Finsbury, and Kitty Ussher, one of the stars of the Westminster Hour, who a number of us seem to hear rather frequently on Sunday evenings, as we come down to London. You are well aware of the purpose of these inquiries. We are basically seeking to enhance and strengthen the role of the backbencher and, hopefully, to enable Parliament to make better use of non-legislative time. May I start from the Chair with a single question to you both? The Chamber, sadly, is now perceived to be less significant than it was 20, 30 or 40 years ago. Why do you think Members appear to be less willing to come into the Chamber to participate for Question Time, for the major opening speeches of important debates, et cetera? What would be your response?

Kitty Ussher: For me, because it is possible to sit in your office and watch it on telly and, at the same time, do e-mails and make phone calls. So it feels like a more effective use of time, to be multi-tasking and doing all three things at once.

Q124 Sir Nicholas Winterton: Before Emily comes in on this, perhaps I could put this question. Do you not appreciate what the fundamental role of a Member of Parliament is? I may be asking you a rather sensitive and impertinent question. Do you not think that the main purpose of a Member of Parliament is to hold the Government of the day to account, properly to scrutinise legislation? You cannot really be doing that if you are in your office and the debate is going on in the Chamber.

Kitty Ussher: No, but you can do that effectively without doing it on every single debate. Your question, Chairman, was “Why do you think people aren’t in there?” and my answer is because you feel that you are doing your job more effectively because you can do three things at once. However, having said that, obviously it is extremely important. If you are not holding the Government to account, then who is? With the number of MPs that there are, it is quite possible to do your bit of that and also do the other things, because of the pressures that you have upon you. It was simply an answer. When I think, “That’s very important. I’d like to be listening to that, so that I can hold the Government to account”, I also think, “I have 300 unopened e-mails and the chief executive of my council ringing me every 10 minutes, asking me to ring him back”. So if I do it at my desk, I can do all three things at once.

Emily Thornberry: I heard the evidence of the previous witnesses and I want to reinforce it—from my own experience of the last three times I have tried to be called in the House. I tried to be called in Education Questions and was not. The day before, I sat for six hours in the Trident debate and was not called. The time before that when I tried to be called was in the affordable housing debate, which was a debate as a result of my select committee. I sat in the House for six hours. I have 13,000 families on the waiting list for housing in Islington. It is a big subject for us. I was not called. They are the last three times I have tried to be called. The one time I was called this year was in the fishing debate, which was fantastic. I had been round to all 22 of my primary schools and I had talked to them about the Marine Bill and about marine conservation. They have all been writing letters to David Miliband, and so I got up and I read the letters. So there are ten-year-olds from Islington who are in Hansard now, because I was given an opportunity of speaking in the debate. I appreciate what you are saying—that part of our job is to hold the Government to account—but I look at it slightly differently, in that I feel I am a bridge between my constituents and Parliament and between my constituents and the Government. My constituency is well known for being one where many of the chattering classes live, and many of them write to me; but I also have a constituency which is one of the poorest constituencies in Britain, and I want to make sure that my Labour Government is administering things in such a way that my constituents are getting the sort of investment they should be; that my schools are being looked after properly. I think that my job is very much to lobby ministers and to say to them, “This policy is fantastic on paper, but can I tell you that, for example, when you are putting all this money into doing up social housing in Islington, the leaseholders—the people who have bought their council flats—are being whacked with bills of £55,000?” I have done a survey of my leaseholders and have given the department 160 detailed examples of what has happened to leaseholders as a result of the fantastic investment the Government has put into social housing. It is my job to be the
bridge between their experience and what the Government is trying to do. That takes a lot of work in terms of being a good constituency MP. However, once we have collected this information, I can then go and see a minister, knock on the door and say, “I represent 100,000 people. Open the door. I want to tell you about this”. It is not just being in the Chamber, frankly, given the amount of time we have to spend in the Chamber and then we do not get called. I am interested to hear that, in theory, Privy Counsellors do not get called in advance of anyone else. I have to say that does not accord with my experience—but I was very interested to hear that. I was a barrister. I would love to get up and talk. Any chance I ever had to get up and talk in the House, I would take it, but I do have other things that I have to do.

**Kitty Ussher:** I would like to sit there and listen. I would love to spend all day sitting there and listening.

**Q125 Sir Nicholas Winterton:** Can I ask both our witnesses this? If you wish to speak in a debate, do you as a matter of custom write to the Speaker?

**Kitty Ussher:** Yes.

**Emily Thornberry:** Of course, yes.

**Q126 Sir Nicholas Winterton:** I am glad you say “of course”, because there are a few people who still do not realise that that is a very helpful way of at least being noted and put on the list; and of course research can be done as to what your interests are and how often you have spoken. If you just bob up and down in a debate, it puts you at a disadvantage.

**Emily Thornberry:** There is something else I do, which I think shows that I do take the Chamber seriously even though I do not get much of a chance to get called. I did get called for three minutes to speak on Lebanon in the summer. I printed a copy of that; we put it in a covering letter and I went round the streets in Islington where I thought people would be interested and we hand-delivered it. We had a fantastic response from people, saying, “This is a current issue. This is really important. We want to know what our Member of Parliament has to say about this”. Since what happens in the House is so rarely covered, it is also quite difficult and so you have to kind of generate that coverage yourself. As I say, we photocopied the bit of *Hansard* and went round and delivered it, so that people knew the stance that I had taken in relation to Lebanon.

**Kitty Ussher:** I did not get to speak in the Lebanon debate, but I did write to the Prime Minister on it. I sent that letter round and it had exactly the same effect. I think that the Chamber should be incredibly important, but you can actually achieve a similar result.

**Q127 Paddy Tipping:** I am pleased that you have made a big plug for a long-overdue Marine Bill. I will just get to that in a minute! You both talk quite strongly about the conflict between constituency work and being in the Chamber, holding the executive to account. How do you find the balance on that? There is a lot of pressure from constituents to respond: a lot of council leaders who chase you as well. When you are sorting priorities out, what are your priorities?

**Kitty Ussher:** I think that you need to do both effectively. You need to be good at time management and prioritise quite ruthlessly. I am hoping to speak in the Budget debate. I am in committee all day tomorrow. I know that as a junior MP I am unlikely to be called Monday and Tuesday; so I think my only hope is at about quarter to seven tonight. I have therefore cleared my entire diary and I am going to go from here and sit in the House of Commons until close of business. I do not know if I will get to speak, but you have to plan in advance and prioritise effectively. I will be raising national issues and constituency issues. You just have to prioritise. You cannot sit in there for fun, very often.

**Q128 Paddy Tipping:** So you plan it; you are making opportunities.

**Kitty Ussher:** Yes.

**Emily Thornberry:** I have tried to specialise in a couple of topics, so environmental issues and housing. The third one is anything raised by my constituents, which then means so much additional work. I will get half of my constituents who need help writing a letter and the other half, being Islington, are the chief executives of various charities and so on; they are experts and they all get in touch with me and say, “Emily, this is an issue. Will you please raise it with the minister?”. They are my priority. What I try to do is that. I have never worked so hard in my life. It is really challenging and really stimulating, fantastic fun, and a tremendous privilege—but such hard work! I do come across constituents who sit and watch the Parliament Channel. I hope they see me now and finally see me on TV, because they say to me, “What do you do all day long, Emily? We never see you”.

**Kitty Ussher:** You would be doing less if you were in the Chamber.

**Emily Thornberry:** Exactly. You would be doing less if you were in the Chamber.

**Q129 Mr Knight:** Are there any changes you can think of which you would like to see made in the House, which would encourage you to spend more time there?

**Kitty Ussher:** Physically sitting in there?

**Q130 Mr Knight:** Yes.

**Kitty Ussher:** I was going to suggest the opposite. I was going to suggest that it would be quite useful to have a system to know your likelihood of getting called. I know that if I was going to get called I would certainly be watching it, either on television or in the Chamber, if I did not actually have to be there. There is quite a lot I would like to say about empowering backbenchers to scrutinise more effectively, both in terms of initiating debates and also in terms of the passage of the bill as it goes through. I suppose, if we wanted to come on to that at some stage, that would make some of the business more relevant and climb it up the list of priorities that Paddy was talking about—but I do not know if we want to go down
there yet.

I participate, just like Emily and I am sure every single Member, if there is something of crucial importance to my constituency or crucial interest to myself. Also, I guess a little bit of me is trying to make sure that I am contributing regularly. I do not want to be “below average” on the TheyWorkForYou ranking. I am sure we are all in that position. I like to intervene enough to make sure that I am doing the stuff that is relevant; so that if a constituent randomly decides to search for my record, they will be reassured that I am raising the issues of concern to them.

Q131 Sir Nicholas Winterton: Have you ever considered applying for an Urgent Question, if there is a matter of considerable importance that might impact upon your constituency? Have you very often since you have been here sought to use Westminster Hall to raise issues that are of importance to you or to your constituency, or both?

Kitty Ussher: I have never considered doing an Urgent Question, because I have always presumed those are for major national issues and I have not had one affecting my constituency. I have used a Westminster Hall debate for an issue of great urgency to my constituents, and I felt that it was easy to get a debate and a great way of holding ministers to account. As a new MP, I was very positively impressed by that mechanism.

Emily Thornberry: I have tried to initiate debates in Westminster Hall but without any success so far, but I have participated in them and I think that they are very good; they are very important. As for the Urgent Questions, I did not know about Urgent Questions, I am afraid, until recently. I perhaps ought to know, but you learn all the time in this job. With regard to getting more people involved in the Chamber, I think that if the Speaker knows in advance how many people want to speak, then he or she should be able to divvy up the time a little better than happens at the moment. At the moment, you will get the front bench speaking for ever; then the more senior Members of Parliament speaking for 10 or 15 minutes; then, by the time I get called, it is three minutes—if I get called at all. As has been said before, my constituents are equal to everyone else’s constituents. I appreciate they have a new and inexperienced MP, but they are just as important as anybody else. I think that they should be allowed to be represented in Parliament and be given as much air time as anyone else.

Q132 Sir Nicholas Winterton: The Procedure Committee, which I chaired and which Greg Knight now chairs, has got the House to agree and the Speaker to agree that he could introduce what they call “short speeches” for the last hour of a major debate or the last half an hour of a half-day debate. Do you think that that procedure should be used more regularly? Would you like to see the Speaker also use his discretion and authority to impose ten-minute, 12-minute, speech limits in more debates, to enable more people to speak?

Emily Thornberry: I think that what is happening on the big debates is that he does impose a ten-minute limit and then he has the final hour of the three-minutes, but people still do not get called. What I am suggesting is that, if you know that 25 people want to speak and you have a certain amount of time, divvy that time up so that we all get an opportunity to speak, and we get the opportunity to speak for the same amount of time. The number of times I have gone in having written a ten-minute speech; I have cut it down to a five-minute speech; then I cut it down to a three-minute speech—and then I have to put it on my website, because I never get called anyway. It is really frustrating!

Kitty Ussher: There is an inconsistency. If you are applying for a Westminster Hall debate it is done by ballot, and so your seniority is not taken into account; whereas if you are trying to speak in the Chamber your seniority is taken into account. It feels very frustrating for someone who is not a senior MP. You feel that there is no way of ever becoming a senior MP because you cannot make your mark in any way. A proposal that perhaps the Committee might want to consider is that the Speaker should have discretion, after the front-bench speakers, to call one or two based on seniority and, for the rest of the time, it should be done by ballot. Why is it that one of us cannot get called when someone else is, who has perhaps been in the House an extra 10 years but is not the chairman of a select committee or someone very obviously involved in the constituency MP? Why is it that we have unequal ranking in terms of being called, whereas in Westminster Hall debates we do not? It is random.

Emily Thornberry: Since we are not allowed to do any work in the Chamber—that may also be one of the reasons why I was not called to start with, because I did not realise that I was not allowed to do any work in the Chamber and so I was sitting there working! Six hours is a very long time just to sit there and not do any work, when you have the time pressures that we have. The current count, excluding people who have signed petitions and sent them to me, is that about 7,000 or 8,000 of my constituents have contacted me in the last two years since I was elected. It is a lot of work. As I say, I have a needy constituency. Every one of their cases is the most important case, and they expect their MP to give importance to you or to your constituency, or both?

Q133 Mr Knight: Going back to Kitty’s comment, I do not think there is anything fair about a ballot. You might find that is worse, because I think that at least the chair does try to be fair over a period of time. Can I ask if either of you have had trouble getting in to speak in Westminster Hall on any debate? Going back to what our two previous witnesses said about the length of wind-ups, do you think that it is justified to have three wind-ups in debates in Westminster Hall?

Emily Thornberry: I have had difficulty speaking for the amount of time I thought I was going to in Westminster Hall. In the end, the person whose debate it was and I spoke—because they had a lot of
people who wanted to come in—and they said, “Do a couple of interventions but we don’t have time for you to do a speech”. Another time it was, “Do a speech for a couple of minutes, but we have a limited amount of time. We need to have time for the minister to respond”. For example, there was a debate in Westminster Hall on leaseholders, which is a big issue for me and I had a lot to say; but we all agreed that we would try to be quite tight with the time available, because we needed the minister to have time to be able to respond to all the points that we made. You do have to be quite disciplined. It is quite egalitarian. A group of MPs turn up, we understand that there is only a limited amount of time and we sort it out between us.

**Emily Thornberry:** I would agree with that entirely. You may not have time to say all that you want to say, but it feels like it is for a fair reason—and that is fine.

**Emily Thornberry:** Also, we get groups of MPs together to put in for a speech on a topic. Again, it tends to be a gang who will be putting in to speak, and then that gang will get together and, if we have a minister coming, we will work together. We have eight of us who have put in for this debate; one of us has been selected, and then we will divvy up the time between us.

**Q134 Mr Knight:** But are you happy with the system of three wind-ups?

**Emily Thornberry:** No.

**Kitty Ussher:** It had not occurred to me until you raised the point. I think that they should be short, as short as possible—but they are the front-bench speakers and have a right to say something.

**Emily Thornberry:** I think that you do need to have the minister responding. That is the point. It is getting the minister’s attention on particular issues. Particularly if you do it on a cross-party basis, it can be really effective.

**Q135 Sir Nicholas Winterton:** There certainly is concern in the House, I say to our two witnesses, about the time that frontbenchers take in a major debate, and sometimes even in Westminster Hall. The problem is do front-bench spokesmen stop giving way and therefore, as it were, reduce the spontaneity of a debate and people’s ability to intervene, or do they allow interventions and therefore, perhaps inevitably, their speech will drift, to be rather longer than they originally planned?

**Emily Thornberry:** If we had a list in advance and we knew who was going to speak and who was not, and how much time people had, I think that it would make the whole thing much easier. You would get more people turning up and making an intervention, because they know that they will not have a chance to speak and will have to make their points in an intervention. I think that the whole culture would probably change, with interventions on ministers.

**Emily Thornberry:** However, if everyone else had their time divvied up, a minister going over time—I do not see why they cannot be timed too. I cannot see why, if everybody else comes along and has a limited amount of time to speak, a minister should not also be limited and say what they have to say in half an hour.
Kitty Ussher: I think that this is really interesting. As an MP whose constituency, unlike Emily’s, is 250 miles away, I feel that it is much harder for me to take part in Private Members’ Bills debates. Perhaps it is for Emily, as obviously she has been dragged to Islington as well on a Friday. I think that I have been here twice in the last two years for Private Members’ Bills. That feels unfair, because I would like to be able to do a Private Member’s Bill and then go to my constituency. I cannot do that because my constituency is in Lancashire. So I think that, even if they are not whipped, they should be at a time when we are all here. After all, ten-minute rule bills are: why cannot Private Members’ Bills be there? I would like to see loads of innovative, new ways that groups of MPs could bring things on to the floor of the Chamber. I think that would make it more interesting and— to answer your point to me, Mr Knight—that we are more likely to be there. You mentioned EDMs. I think it is a really interesting idea that I would support, that perhaps if you get a certain number of signatures it initiates a debate. It would tie a lot of people into the debate, to start with, and also perhaps make you think twice about whether to sign it or not. We were talking about this earlier. It is extremely easy to sign everything to keep everyone happy, even if you do not 100% support every single word. That would force you to have a proper debate with your constituents, which I also think is a very good thing. If groups of MPs got together, to have more muscle and power to bring things on to the floor, I think it would be a really good idea.

Emily Thornberry: I think that to use EDMs as a mechanism it would need to have cross-party support. Otherwise, the Tories will spend all their time just getting EDMs together and taking over business. We need to have a proper cross-party basis to that, therefore, and I think that is a really good idea. I also think that it would be a good idea to have the possibility of select committees being able to promote legislation, so that a group of MPs could bring things on to the floor of the Chamber. I think that would make it more interesting and—to answer your point to me, Mr Knight—that we are more likely to be there. You mentioned EDMs. I think it is a really interesting idea that I would support, that perhaps if you get a certain number of signatures it initiates a debate. It would tie a lot of people into the debate, to start with, and also perhaps make you think twice about whether to sign it or not. We were talking about this earlier. It is extremely easy to sign everything to keep everyone happy, even if you do not 100% support every single word. That would force you to have a proper debate with your constituents, which I also think is a very good thing. If groups of MPs got together, to have more muscle and power to bring things on to the floor, I think it would be a really good idea.

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Emily Thornberry: Can I put a plug in for Private Members’ Bills? I came nineteenth in the ballot, which people would say effectively meant that my bill would not become law. However, if you use it creatively, it can be really useful. I did a highly controversial interview in Housing Today, in which I said various things about housing associations and democracy. Everybody then wanted to come and see me, and we have been sitting around saying, “We want to do a bill giving greater democracy to housing association tenants. What are your ideas?” I have been able to hoover it up and have got a great bill together. I have also consulted my housing association tenants. Now the Government is having the Cave Review and we are feeding that into the Cave Review. I have my housing association tenants as a housing panel, coming to see Cave to say why they think there should be greater democracy. Okay, the bill in itself may not become law, but I hope that it will have an effect. It is a very creative way in which Members can use Private Members’ Bills.

Q143 Sir Nicholas Winterton: I think that we all understand that and accept the point that you make. Kitty, did you want to comment?

Kitty Ussher: I just wanted to support the point on select committees. I think it is crucial that they should be given some real powers, and that means proposing legislation. I also wanted to come on to the issue of scrutiny and to mention very briefly that there was a vote a couple of weeks ago on the House of Lords, about abolishing it altogether. I supported that, and I understand that I am in a complete minority of MPs. The reason I supported it was because I think it would have forced us to use back-bench MPs in the House of Commons far more effectively in scrutinising government legislation. Imagine if there were no second Chamber: we would have to use the first Chamber far more effectively. You could not have the situation where civil servants are putting amendments in through the Lords because they forgot about it last time, and so on. I think that the way to do that is to slice things up a bit and have a system where the select committees are effectively scrutinising legislation. I do not know if it should be whipped or unwhipped—presumably unwhipped. That would be really empowering for back-bench MPs and make the whole system far more democratic. The House of Commons is always going to be the more legitimate, the superior Chamber. Therefore it should be the House of Commons that is scrutinising legislation, even if there is a House of Lords as well, because we are more legitimate. The only way to do that is to use our backbenchers more effectively in doing so.

Q144 Sir Peter Soulsby: Clearly you both came with some very relevant experience when you were elected: none the less, you experienced the induction process like the rest of us. I wondered what your impressions were of how effective it was and whether, as others have suggested, it was trying to do far too much in far too short a time.

Emily Thornberry: I came in completely exhausted and could hardly string a sentence together, so the whole thing was a bit impressionistic. The impression I got was that the House authorities were quite accessible, friendly and were there to help. So although I could not remember anything they had said, I have been in touch with them since and found that the information is there. You just have to ask. Dawn and I set up a meeting with Gordon Clarke and our staff after a little while and said, “We have some very basic questions. Could you just explain a few things to us?” and it was very helpful. I found that, whenever I have spoken to any of the clerks and said, “I really don’t understand this”, they say, “Thank goodness you have asked. We can’t come along and suggest to you that maybe you should do it in this way because it would be so much better. You have to ask us first. If you just ask, of course we can help”. Then they sit down, and it is extremely helpful. Perhaps because they are lacking in confidence and do not want to seem ignorant, people do not dare ask; but you are never going to learn unless you ask.

Kitty Ussher: What would make a real difference is some kind of other system about employing staff right at the beginning, because it is the most awful thing. As Emily says, you are completely exhausted, you turn up and every single person on the entire planet writes to you to ask you to join their all-party group or come to this or do that, and you do not have any staff. I do not know whether we should look at a system of perhaps being able to offer contracts, conditional on becoming elected, so that you could think about recruiting people months in advance, or whether there should be some kind of pool of staff that we can just tap in to for the first few weeks, so that you can conduct an interview process. I think that all of us appointed the first person who turned up to open the post, and then has had to unravel that situation or offer a short-term contract, with all the tensions that that brings.

Q145 Sir Peter Soulsby: Do you think that it might have been quite useful to have had some exposure to different models of staffing—different balances between constituency staffing, Westminster staffing—and some discussion about that with other Members who have had some experience of it?

Emily Thornberry: We did have that within the party. I am afraid that I went straight to Oona King’s office and employed the person in charge of
Oona King’s office, because she had always been an excellent constituency MP and I knew that she had excellent staff. I just went and employed her the next day. That is what I did!

Kitty Ussher: You have to do that, but it is not really a proper way of appointing people. Ideally, you should advertise, with four week’s notice.

Emily Thornberry: She then insisted that we then had equal opportunities and appointment after that.

Kitty Ussher: You cannot do it when you have this much post and no one to answer the phone.

Emily Thornberry: And I absolutely support what people said before about the ludicrous situation of not having an office. I had a situation where I had been given a phone number. It was in a room. We were still in negotiation with the Palace authorities as to whether or not I was allowed to have that room. My constituents were ringing that phone; I was not able to go into the room and answer it—and there were letters in the local paper about it. I took the local paper to the Serjeant-at-Arms and I said, “I have a majority of 484. What are you doing to me?” and I finally got an office.

Q146 Sir Nicholas Winterton: What answer did he give?

Emily Thornberry: I got an office!

Q147 Mr Burstow: We have been talking a lot about how we can give backbenchers more control over the business of the House, more opportunities to raise topical issues, and so on. We have had a lot of useful ideas in this session and in the last one. One question that was put in the previous session on which I would be interested to get your views is whether or not you think there is a need for a more transparent process for determining which business comes when in the House, so that there is a greater clarity about how those decisions are made. In other words, whether there is a need for a business committee rather than usual channels for determining the business.

Kitty Ussher: To be honest, it is not something where I have ever thought, “We must do that. I’d really like to know how that happens”. You get a couple of weeks’ notice in effect, at least 10 days anyway, which is perfectly sufficient, I think. The only thing is, coming back to the initial point—

Q148 Mr Burstow: The point is that you are getting notice of what is coming or what is being given to you, rather than knowing who it is who is making those decisions about what might be on the agenda. I will give an example. Many Thursdays now will be given over to a Government-chosen topic for an adjournment debate. Sometimes they show great wisdom in the subject they have selected, but occasionally perhaps they do not. Is there not something to be said for a committee where Members of the House are able to consider representations about the topics that might be chosen? In other words, the process that we have on a Thursday when the Leader takes suggestions for statements becomes a real process that does indeed lead on to a business committee discussion.

Kitty Ussher: I guess that what you propose is slightly more democratic in that it is more transparent. The issue as a back-bench MP is more about notice, so that you can do what you have to do, which is to clear your entire diary, just to sit there on your bottom for six hours, for no apparent purpose if you do not get called.

Emily Thornberry: I agree.

Q149 Mr Burstow: Can I ask a quick question, to follow up on select committees? You said that you thought all Members should be on a select committee. I do not know the precise numbers now, but that would suggest a significant increase in either the size of existing committees to accommodate all Members who were not in government or had front-bench responsibilities, or more committees. Which is it? Is it a combination? How would you see that being done?

Emily Thornberry: No, I do not think that it would be possible for ministers to be on.

Q150 Mr Burstow: No, excluding ministers and frontbenchers, but everyone else. There would still need to be many more Members’ places found on select committees. Would you see it as being an expansion of the existing committees and so more Members on each committee, or do you see there being a case for more committees to cover more ground?

Emily Thornberry: I do not know—either—but I think that all Members should be on a committee, and those committees ought to have some authority.

Sir Nicholas Winterton: I think that there is one problem at the moment. A Member may be on more than one select committee, which goes some way to dealing with your problem, Paul, about not enough places currently on select committees. I am pretty sure there would not be enough for everybody, but certainly at this moment there are quite a number of Members who sit on more than one select committee, and perhaps that should not be permitted and other Members should be allocated or offered those slots.

Q151 Philip Davies: I speak as one of these people who is on two select committees. I will always be on the back benches for however long I am here and so it is quite easy for me to say that we want to strengthen the role of backbenchers. Is not the problem that, whilst now you may think that we should strengthen the role of backbenchers, because you are both clearly very talented people it is inevitable that, one day, you will both be ministers. Will you still hold the same views when you become ministers as you do when you are new and on the back benches? Is that not the problem: that you may change your mind when you become ministers?

Kitty Ussher: I think that is quite a tricky one to answer. It feels a little hypothetical.

Emily Thornberry: I do believe in creative politics. I believe that if you draw ideas out of people and you listen to them, you do in the end get better politics. If you treat people like grownups, they behave like grownups. I have found that speaking to my
constituents, and always encouraging them to contact me and tell me what they think, has made me a better politician. I learn from the public and I think that the same thing could happen within Parliament. If the system were a little better, so that we were able—and we all have talents, we all have knowledge and we all represent our constituents—to feed that more into government, we would get better politics.

Q152 Sir Nicholas Winterton: Emily, is your ambition to become a minister? And I would say the same to Kitty Ussher. Because some people are very happy to be backbenchers. It is a very worthy job in its own right.

Emily Thornberry: I find the job that I have at the moment the best job I have ever had, and I cannot imagine doing anything more than I do.

Kitty Ussher: That sounds like an extremely good answer. From another perspective, I have not been a minister but I have been a special adviser to a minister. My memory and experience from that time is that the desire when legislating is to get consensus and to reach out. I also remember great frustration when officials say, “Oh, by the way, Clause 99.2A—we got the legal drafting a bit wrong. We’re going to have to amend it in the Lords”. It is, “Why didn’t you get it right first time? It is extremely embarrassing, having to introduce amendments in the Lords.” From my experience, having worked alongside a minister, ministers, regardless of who they are, want good bills to be effectively scrutinised and work with Parliament in order to do that. We just need to think all the time about how can this place, how can this Chamber, produce the best possible legislation in the most inclusive way.

Q153 Mr Knight: Can I take you back to what you said earlier? You suggested that you thought we should be able to debate early day motions where there was cross-party support and they were signed by a large number of Members. Why do you feel we should debate issues about which, by definition, there is a broad consensus? Is there not a stronger argument for saying we should debate issues of minority interest or controversy?

Emily Thornberry: No, because the reason that there is an early day motion is because there may be consensus about it but it is not happening. That is why you have the EDMs. You have an EDM saying, “There should be this change and we all think this”. Kitty Ussher: You should do both. The individual should be able to take an interest, but you also need to have ways to empower the backbenchers. That is what this Committee is about. Using EDMs is a way to do that.

Q154 Mr Wright: On that point about EDMs, I always get the impression that the public think that EDMs are possibly more powerful than they actually are. I am therefore interested in whether we would debate, after a certain number of signatures. I get the impression that the public also think that all-party groups are more powerful than they are possibly. In terms of strengthening the role of the backbencher, do you think there is a role to enhance the power of all-party groups, so that if an all-party group has a certain number of members, they will be entitled to have something similar to an Opposition Day?

Emily Thornberry: I am chair of the All-Party Parliamentary Cycling Group and we are intending to put in, as a gang, for a Westminster Hall debate. Although we are not influential enough, it is very interesting how influential we can be if we get organised. Again, if we work with members of the public outside who also campaign on cycling issues, we can be quite an effective lobby group; and it is really important that it is cross-party.

Kitty Ussher: I think that what Emily is proposing is fine, but I would be very wary of giving formalised powers to all-party groups, unless we regulate them far more effectively. I am afraid that I see them as clubs. Yes, a cycling club can put in those sorts of things, but they are often serviced and sponsored by private interests, and I tend to stay clear of them for that reason.

Emily Thornberry: Apart from cycling.

Kitty Ussher: Apart from cycling, of course!

Sir Nicholas Winterton: Are there any further observations that our witnesses would like to make or any further questions?

Q155 Ms Butler: Do you think it is childish that we finish at 10 p.m.?

Kitty Ussher: I am so glad you asked that. I see no fundamental reason why being an MP is any different from any other type of job in terms of working hours. Please can we work nine-to-five? It would make life so much simpler in every single way. I am willing to give ground on Mondays, because I think it is also nice to have the choice as to whether to stay in your constituency on a Sunday night or not; but please can someone tell me what it is about doing this job that means you need to sit here beyond five o’clock? Because I do not understand it at all.

Emily Thornberry: Also, if we want to have Parliament that represents a cross-group of people—both Kitty and I have kids, and I want to be able to put my seven-year-old to bed some nights. I do not see any reason why I need to be here half the night. I am quite happy to be here during the day. My constituents think that it is mad too. Worse than that: they hear all this about there having been financial scandals, or anything else, and that reason.

Private interests, and I tend to stay clear of them for any further questions.

Q156 Sir Nicholas Winterton: We note what our witnesses say but, interestingly, both of them have said that they are extremely busy and there is scarcely enough time to do everything. Maybe that is an explanation as to why Parliament historically has sat at strange hours; you might say unsocial hours. Although I think Emily said that she was a lawyer.
**Emily Thornberry:** Yes.

**Q157 Sir Nicholas Winterton:** To an extent, in the past the House sat from 2.30 in the afternoon to allow the very many lawyers that were Members of the House in all parties to practise their profession in the morning and in the early afternoon before they needed to come to Parliament. That was one of the explanations as to why the House sat when it did. **Emily Thornberry:** This lawyer thinks that you should be a Member of Parliament and not have any other job. I have given up being a lawyer. My other full-time job is that I am a mother, and I want to be able to do both. I think that I really contribute because I have kids, and the experience I have makes Parliament richer and makes me a better politician.

**Q158 Sir Nicholas Winterton:** I am sure you do all three jobs extremely well and very professionally. The debate on this matter has taken place in the House on a number of occasions, of course, and I think that the House has probably struck about the right balance. I say that as an individual from the Chair.

**Kitty Ussher:** I disagree with you, Chairman, much as I respect you. May I give an example, which is Tuesdays? If you are on a committee on Tuesday, it means that you are in this place in the morning and in the afternoon and in the evening. There is therefore no possibility to see your family at all, and that seems to me to be arcane. I understand that this Committee is discussing the future and not the past, and so I hope it will consider this point, although it has been discussed.

**Sir Nicholas Winterton:** Perhaps, taking the final word from the Chair, the only comment I would make is that there are very many Members of Parliament who represent seats, like you do, very many miles from London. You are over 230 miles; I am about 180 miles. Before my wife came in, my family was up in Cheshire: I was down here. My wife knew that I was in the House and not doing other things outside, in clubs, restaurants and various other attractive places. However, I know that we could debate this at great length!

**Q159 Sir Peter Soulsby:** I am very sympathetic to what the witnesses are arguing for but, if we were to change the hours in the way that you are suggesting, would that not exacerbate the difficulties we have been discussing as a Committee and provide more overlap and more conflict between the time Members might want to spend in committee and the time they might want to spend in the Chamber? I am very sympathetic with the point you make, but it would make it even more difficult, would it not?

**Kitty Ussher:** My response to that is let us find other ways of solving that problem; for example, September sittings, and so on. Let us work out what our priorities really are. I would say that if our priority is to get people in Parliament to fully reflect the community out there, you need to make it attractive to people who have children who are under teenage years. I understand that some Members will have those in their constituency and some will have them in London. I was not saying in any way that we should trade Fridays, but I am happy to trade September. We just need to acknowledge that MPs of my generation with little children are increasingly bringing them in to London, even if that is not their home, because then you can be with them during the week and at the weekends; and that is what parents really want to do.

**Sir Nicholas Winterton:** This is an important debate but perhaps not entirely relevant to some of the questions that have been put today. However, it has been noted and clearly it will be discussed. On behalf of the Committee, can I thank Kitty Ussher and Emily Thornberry for, again, the very radical and forthright views which they have expressed—despite Emily Thornberry’s reservations about herself—with great force and in a very articulate way. We are grateful to you both for coming. Thank you very much.

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**Memorandum from Kitty Ussher MP (M41)**

Thank you for the opportunity to give oral evidence before the committee on 21 March. I would be grateful if I could submit this letter as further written evidence. I hope this is of use to the Committee.

1. **Time Spent in Chamber**

I think the crucial point here is that being physically present in the Chamber, while important at times, is not necessarily the best way to either represent the interests of your constituents or hold the government to account. A carefully phrased question at the right time, or requiring answers from ministers during an adjournment debate, or laying amendments to a piece of legislation are all effective ways to raise an issue or probe the government’s intentions. However, requesting and holding meetings with ministers, building coalitions of like-minded people both inside and outside the Chamber, and running campaigns through the media are all also effective tools in both holding the government to account and representing constituency interests. Since none of these can be done while physically in the Chamber it would be madness to suggest that MPs who are not sitting day-in, day-out in the Chamber are not doing their job.

In fact, I would argue quite the opposite. A good MP is one who uses the threat of action in the Chamber as a last resort to achieve their ends. For example many is the time on constituency issues I have got local agencies and companies to consider the matter I am raising more carefully when it is explained that I would have no hesitation in raising the matter in the Chamber if the issue is not resolved. But I couldn’t even have
that conversation if I was sitting in the Chamber listening to a debate that was not relevant to the issue concerned. Similarly I know of occasions where ministers have refused to meet backbench MPs on issues of importance; it is only by threatening to hold an adjournment debate on the subject that the matter is resolved. In both instances it is used as a last resort to achieve an aim; it is the ends not the means that is important.

Constituents expect their MPs to be involved in national debates of the day; however that is very different from being involved in every debate every day.

It would be very helpful to have more advance notice of Chamber business so that MPs are not prevented from being in the Chamber due to having entered into other commitments that are difficult to rearrange at short notice.

2. **Empowering Backbenchers—Scrutiny**

When legislation is being considered, there are two forms of opposition to it. The first is principled opposition with the aims of the legislation (e.g., I disagree that we should have ID cards) which can only be resolved by a substantive vote. The second is where parties agree on the aims, but disagree on the means (e.g., I agree that we should have ID cards but the way you are proposing to do it is overly bureaucratic). In this latter case, it is in everyone’s interests that the legislative scrutiny process is used to achieve the best possible piece of legislation. For that, proper scrutiny is required.

It is unacceptable for rafts of amendments to be introduced in the Lords when the Commons is the more democratic body. It is my opinion that the Modernisation Committee should set itself the hypothetical question: “If the Lords did not exist, how should the Commons organise itself to scrutinise legislation in the most effective way?” The answer must presumably include pre-legislative scrutiny by select committees, “cooling off periods” after standing committees when the executive can take advice on how to best amend the Bill to consider issues that have been raised, and perhaps return to the Select Committee for consideration, and giving backbenchers the power to call witnesses at the evidence stage before the Bill is considered in Standing Committee.

3. **Empowering Backbenchers—Private Members’ Bills and EDMs**

I support the idea of giving time for PMBs that have originated from select committees; perhaps one or two a year. I do not think that there should be any optional business on a Friday, as it discriminates against those who have far-flung constituencies. It is a good idea that EDMs with sufficient signatures and cross-party support should prompt a motion on the Floor of the House, again perhaps a couple a year. They could share time with the themed adjournment debates—to take a recent example it is quite possible that a motion commemorating the abolition of slavery could have attracted enough support to be debated without there being a separate decision to hold one by the usual channels.

4. **Sittings**

I see no reason why we shouldn’t sit for a few weeks in September, providing the House is in recess when schools are on their summer holidays and additionally the House does not sit when the main parties are holding their annual conferences. Even hard-working MPs should feel refreshed after most of August off.

Since we got onto the subject of evening sittings at the end of my oral evidence, I wonder if I could offer some more reflections. There is clearly a huge battle between MPs who do want evening sittings and those who don’t. I think that parliament should support ALL Members in making the arrangements that are most appropriate for their own families. That means not working on Fridays and Monday mornings and working 9 till 5 on Tuesdays, Wednesdays and Thursdays. If that means we need to work in September as well, and that committee times clash with times that the Chamber is also sitting, so be it. (That latter point would be helped by more forward planning as to what debates are held when in the main Chamber to enable backbenchers to resolve clashes with committees as necessary—see point 1 above).

It is completely absurd and insulting that some MPs should feel able to tell other MPs how they should organise their family lives. The system should support both those who have families settled and supported in their constituencies and also those (often with younger children) who chose to bring their families to London so that they can be together during the week and then travel to the constituency together at weekends.

I hope this is useful and would be happy to answer any further questions or expand on any points if the Committee would find that helpful.

*March 2007*
Wednesday 28 March 2007

Members present:

Mr Jack Straw, in the Chair

Ms Dawn Butler
Ann Coffey
Philip Davies
Mark Lazarowicz
Mr Adrian Sanders

Sir Peter Soulsby
Paddy Tipping
Sir Nicholas Winterton
Mr Iain Wright

Memorandum from Mr Andrew Dismore MP (M12)

STRENGTHENING THE ROLE OF THE BACKBENCHER

Firstly, the significant increase in workload for many Members in relation to constituency work inevitably means there is less time available to spend in the House. This is particularly so in the absence of adequate resources to support Members. I find myself doing work which really ought to be capable of being delegated to others, but unfortunately there is no one to delegate to, bearing in mind the huge workload my constituency produces.

The other key problem is the lack of a speaking list for debates in Parliament. If one does not know whether or not one is going to get called, or when, it is a major time commitment to give up what may be half a day or longer to sit in the House waiting for one’s turn to come up. I personally have been discouraged from participating in debates because I simply cannot afford to spend hours waiting for the chance to speak. I believe that speakers’ lists would be a major advance in persuading people that they could participate, without having to waste large amounts of time that could be better spent elsewhere.

There also ought to be much more discipline/restriction on the length of time front bench speakers take in debates, as this clearly squeezes the amount of time available for backbenchers, too.

December 2006

Memorandum from Martin Salter MP and John Bercow MP (M40)

All MPs experience some time as backbenchers and for most of us this role will constitute the majority of the time we spend in the Commons.

The backbench MP has a number of roles including:

— Scrutinising and seeking to improve legislation.
— Speaking up for constituents both collectively and at times individually.
— Pursuing policy interests and debates of national concern.
— Engaging constituents in the democratic process.

OPPORTUNITIES FOR BACKBENCHERS

— Presenting petitions.
— Parliamentary Questions (PQs).
— Debates on legislation.
— Adjournment debates.
— Early Day Motions (EDMs).
— 10 Minute Rule Bills.
— Private Members’ Bills (PMBs).
— Select Committee work.

RESOURCES FOR MPs

MPs have access to the facilities of the House, including free use of rooms for meetings and the research and reference services provided by the House of Commons Library. They can book constituents on tours of Parliament and arrange tickets for the public galleries.
ISSUES AND PROBLEMS

— Time and space to scrutinise legislation properly.
— Ability to get subjects debated on the floor of the Commons in prime time.
— Realistic opportunities to promote PMBs successfully.
— Recognition of the growth of constituency work.
— Opportunities for all Members to have a fair chance of being called to speak.
— Career progression for Members and their staff.
— Training and induction for new Members.
— Arcane procedures still unreformed.
— New Members have made it clear that there was too much information and not enough time available to make best use of the initial training and induction programmes. Most new Members in 2005 were not allocated offices for at least six weeks—it was even longer for previous intakes. The hot desking facilities were insufficient.

SUGGESTIONS

The following represent some ideas that the Committee may wish to consider and possibly work up in more detail. We both endorse the principle of these suggestions but with different degrees of emphasis in some circumstances.

— Abolish Friday sittings, except for special circumstances, in recognition of constituency work.
— End the facility for Members to talk out Private Members’ Bills on a Friday. If the House does not wish the Bill to proceed, Members should give their reasons and then vote to prevent its passage. The spectacle of one Member talking for hours to stop another Member making progress is bad for the reputation of the House.
— Move PMBs to 20 three hour slots on Tuesday or Wednesday evenings in compensation for the 13 five hour “lost” Fridays. Raise the number of proposers required on a Bill from 10 to 50.
— If a Member secures, say, 250 signatures on an EDM with at least 50% from the non-government MPs it qualifies for a debate and indicative vote in government time.
— The 10 minute speech limit to become the norm unless specified by the Speaker with front bench speeches limited to 20 minutes and 10 minutes of interventions to allow more time for backbench contributions.
— Priority for Privy Counsellors still seems to apply in most debates. The Committee might wish to consider suggesting a refinement of current practice so that more Members have an opportunity to contribute.
— Review the frequency of ritual debates on the adjournment.
— Increased resources for MPs office costs to take account of regional variations in pay rates and office rents and to allow Members to reward experienced and long serving staff with salary increments.
— How do we establish a career progression for MPs beyond serving on their respective front benches? Can Member training be improved?
— Better coordination with the parties of new Members’ induction which needs to take place over a longer period. Offers of basic training for endorsed parliamentary candidates and refresher courses for longer serving Members.
— Consider a longer period of time following a general election to allow for the allocation of offices and a more sensible period for new Member training and induction. Perhaps some temporary clerical staff could be made available to assist during the first month or so.
— It may be worth having a mechanism for MPs to expand their skills in other fields—eg a secondment in a housing association if one wants to improve housing policy.
— Open parliament at weekends and allow groups such as the UKYP to hold the occasional Saturday debate in the Chamber (the Lords have just agreed to this).
— A proper business committee to be established including backbenchers in its membership to give MPs a greater say in setting the timetable for parliamentary business. This would reduce reliance on the “usual channels”.
— Pre-legislative scrutiny to become the norm with government being required to explain why they decide not to publish a bill in draft form.
— More topical debates:
  — Debates in Westminster Hall should also take place on Mondays and there could be merit in shifting Government Adjournment Debates and/or debates on Select Committee reports to Monday afternoon, leaving Thursdays free for two hour topical debates. These should be driven by a democratic procedure, either chosen by the Business Committee or on the basis of requests to the Speaker.

— Select Committees—suggestions for strengthening:
  — Select Committees to be empowered to insist on the release of government documents and to be able to table amendments to bills in the name of the Committee.
  — Select Committees to be able to determine their own role in the pre-legislative scrutiny process.
  — In order to bolster both the independence and the credibility of the Select Committees, the House should resolve to reconsider the means by which they are constituted.
  — More timely debates on Select Committee Reports, wherever possible on the Floor of the House, and with the opportunity to put key recommendations to a vote? The Select Committee itself could decide which such recommendations should be tabled.

It has often been said that better scrutiny leads to better legislation but without adequate time, space and resources, coupled with appropriate training. Parliament will always struggle to hold to account a well-resourced Executive. We hope that these suggestions are of assistance to the Committee in seeking to strengthen the role of backbenchers and to make better use of non-legislative time in the Commons.

March 2007

Witnesses: John Bercow MP, Mr Andrew Dismore MP and Martin Salter MP gave evidence.

Q160 Chairman: Good morning and thank you for coming to give evidence and for the memoranda you have sent in. We are very grateful to you. I know you understand the scope of these inquiries which is about strengthening the role of the backbencher, and linked to this is the better use of non-legislative time. Could I start off by asking this question of each of you? Each of you came in at the same time in 1997, you have been here 10 years; each of you actually is active in the Chamber as well as outside and you represent constituencies with varying degrees of marginality so you are a spectrum to that extent, proving that it is possible to be active in the Chamber as well as active elsewhere and I have no doubt active on behalf of your constituents. Reflecting on your experience and intuition about this place, what do you think we ought to be doing to encourage more Members to take part in their parliamentary work as opposed to constituency work? What we are struck by on this Committee is the fact that there has been a sort of retreat into constituency work.

Martin Salter: I think the answer to your question is actually the evidence from Philip Norton and, to some extent, backed up by the evidence from Philip Cowley and the evidence from the new Members. We have all looked very carefully at the evidence sessions you have had and it is interesting, looking at the contributions from Philip and some of the other new Members, it is not a retreat into constituency work, it is a tidal wave of it that overwhelms you in a way that you quite rightly yourself said when you very skilfully deflected the Jenkins Report. You helpfully dug up the figures from the House of Commons Post Office from the 1950s which showed that Members of Parliament in those days got between 15 and 25 letters a week; we are now, as everyone here knows—thanks to whoever it was who invented e-mail—getting between 300 and 500 different communications a week. In Andrew’s case a lot more because he obviously goes out and looks for it as well, as indeed many assiduous Members do.

There is then a resource implication and it is something that the House authorities and Parliament cannot escape. If work is increasing by 10 or fifteen fold I firmly believe—we put it in our submission here—that we are only as effective as the skills we have and the staff we have working for us. There are real issues about capacity; there are real issues about prioritisation. There are also real issues about a pay structure which I think is risible to say the least. Any decent business, any public service employer would have, within a pay structure, the ability to pay increments for loyalty and for experience. What we have is a flat budget. Most of us are spending to the upper limit of our budget and often topping it up (particular in the south-east where you are paying London office rents) from our own salaries. Therefore we cannot pay our staff a reward—an incremental point if you like—for experience, for getting up skills, for getting well trained, so there are real issues about resources as well. We could all spend more time in the Chamber if we could cope with the tidal wave and we had the resources to do so. The second point I would make—and again it is backed up by the evidence particularly from new Members—I am not sure that people are prepared to trade six hours sitting in the Chamber, not getting called, when there is six hours’ worth of work that is piling up from constituents and from NGOs and from other organisations. It is the ability to speak and the ability to use our time efficiently and effectively and it is the resources that we have to do the job (and it is a job that is growing). It is not a question of retreat.

Mr Dismore: I have two points to make, the first is the point that Martin has made, and that is the resource implication. This must be the only job in the world where productivity is a downer, not
something to be praised. The net result of more productivity is more hassle and ultimately a poorer service to everybody else because you have those limited resources. I do not think we would necessarily want to re-run the SSRB submissions today, but on behalf of the London MPs—I chair the London Labour MPs Group—I did a lot of research to put a pitch to SSRB showing how much extra it costs to run a constituency in London and the significantly higher work load generated by the peculiar circumstances of the work that we have in London and the fact that the populations we represent are significantly under-represented on the register. As far as spending time in the Chamber is concerned, I do not spend nearly as much time as I would like to primarily because I think a lot of the time it is a waste of time. I think the key to it would be a speakers’ list. If I know I am going to get called at a certain time that would be helpful. You can adjust it a bit by saying that you have to be there for a speech or two before and afterwards, but if you are going to spend half a day—three or four hours—preparing a good speech and then sitting in the Chamber for hours waiting to deliver it, that is crazy. I remember, I think it was over Iraq, where I sat through three debates before I was called and that was a waste of something like 18 hours altogether and all that time you have this tsunami wave coming up behind you that takes forever to catch up.

Q161 Chairman: I am not being facetious here, but was it a waste or did you learn something?
Mr Dismore: I did not learn anything I could not have learned from reading the newspaper reports and the Hansard. I did not spend nearly as much time as I around it. It is good to participate in debates but I think in the end it gets very ritualistic and I think what we have to try to do is make sure that people’s time is spent effectively, is not wasted and that we do have some proper time management. I think in any business where you spend six hours twiddling your thumbs because you cannot do anything else is a complete waste of quite well-paid people’s time.
John Bercow: I agree very much with what has already been said. Specifically so far as Martin’s contribution is concerned, I do not spend nearly as much time as I would like to primarily because I think a lot of the time it is a waste of time. I think the key to it would be a speakers’ list. If I know I am going to get called at a certain time that would be helpful. You can adjust it a bit by saying that you have to be there for a speech or two before and afterwards, but if you are going to spend half a day—three or four hours—preparing a good speech and then sitting in the Chamber for hours waiting to deliver it, that is crazy. I remember, I think it was over Iraq, where I sat through three debates before I was called and that was a waste of something like 18 hours altogether and all that time you have this tsunami wave coming up behind you that takes forever to catch up.

Q162 Ms Butler: I would like to thank you all for your contributions and your papers which I found very interesting. In fact you have covered all the points that need to be covered except for technology. There is an omission of technology there. I am not actually going to touch on that although I normally do because I was so excited by your paper. I must say; you are all modernisers sitting there and I think it is excellent because we do not have that many modernisers really. However, I did a little bit of research and read, Martin, particularly your maiden speech and I was absolutely shocked to find in your maiden speech in 1997 that you made some modernisation points there. What shocked me even further is that we are making the same points again and we still have not moved very far. I am just wondering, does this place somehow beat the modernisation out of you after a certain amount of time or do you just submit to it and say that this is the way it is going to be forever? What advice would you give to this Committee to make sure that in another 20 years’ time we are not still raising the same points again? I wanted to raise a couple of points that were highlighted in your paper. I quite like the idea of considering a longer period of time following a general election before we open
Parliament to give Members a time to settle into the role, to give us time to get started and so on. I think that is a very valuable point and I wonder if you would expand on that. Another point, which is very, very prevalent—especially with me being the chair of the All Party Parliamentary Group—is opening up Parliament at the weekend for groups such as the UK Youth Parliament so they could maybe come in and hold debates. I think that is so important to the democracy of our country and young people getting involved in politics and I just wondered if you would expand on those two points for me.

Martin Salter: The cause of modernisation is a lonely, lonely furrow. There are many great reforms that have been made from the rows of non-elected bottoms sitting on the green benches. This is another important point about the introduction to the House of Commons. When people get involved in politics, they see this as a wonderful resource for people there that would really benefit some of the constituents happy but, as John was saying, there is very little outcome and we would be very grateful if the Committee could give some serious consideration to this idea of 200 or 250 names, on a cross-party basis, actually triggering a debate I would say in the main Chamber potentially at prime time because there is an outcome there and it makes the process real.

Q163 Sir Nicholas Winterton: On a substantive motion?

Martin Salter: It could be on a substantive motion, Sir Nicholas. This is something you have to explore. What we are doing is putting ideas forward and we are looking forward to your report. Secondly, I did raise this issue and it was the cause of some conflict between me and Sir Nicholas about the idea that non-elected bottoms could sit on the green benches. I think it would be fantastic for the UK Youth Parliament and possibly for other groups of young people. Part of our job, as we said in our introduction, is to bring our democracy alive. Is it not ironic that apparently the Scottish Parliament allows young people in at the weekends to experience the flavour of their Chamber and I am told that even the House of Lords has just granted that concession, but in the House of Commons we shut it up at weekends and there is a wonderful resource for people there that would really benefit them and we are very happy to be putting that proposal forward for further consideration again.

Mr Dismore: I think first of all there is a generational thing here. I think the 1997 intake and post-1997 had a very different attitude to the way politics were dealt with. I think that people who have been here a lot longer are rather more resistant to change. I think their way of doing the job was very different to 1997. It is cross-party, not just the Labour intake. I think the same can be said about 2001 and 2005; there is a very different attitude in the way they do the job. I think we have to start making sure that the processes here reflect that. Secondly, I caution about thinking that things are not going to happen the day after you are elected. I remember when I was elected my honeymoon period lasted the bank holiday weekend because of a major issue relating to the NHS in my constituency and I came in on the Tuesday to a pile of post that high already. I think the key to it is to make sure the resources are in place even if they are temporary resources to enable people to immediately get down to work whilst they get themselves properly sorted out: an office, a phone and at least somebody to help with the secretarial side and also to show you the way around and how things work. The key to it is to make sure you use the time in the Chamber effectively. One idea I have which I have not put in the paper is that one of the most popular debates is at the end of term adjournments (the Easter adjournment and the Christmas adjournment) so why do we not have more debates like that—say one a month—ballot to go into them and speak in the order that your name comes out of the hat as we do for private Members' bills. Everybody gets 10 minutes on a particular subject which they can notify three or four days ahead. It is topical, you know you are going to get called, you know when you are going to get called and you are going to get to make a point which the Government will answer at the end of the debate. I think that would be quite a useful experiment and I think you ought to think about doing it with existing end of term debates as well. That way everybody gets a fair crack of the whip and if people are concerned about speakers' lists—as I think we should be doing, as I said before—this would be a useful way to try to experiment with it.

John Bercow: Opening the House at the weekend to outside groups and in particular to the UK Youth Parliament or offshoots of it is not just a gesture. It would be a gesture, but I think it would be a very welcome gesture and a display of openness by the House and I am rather horrified and disappointed to discover that the House of Lords has beaten us to it. I think that we should be spurred by that to do something sooner rather than later. It would actually be taken up and in terms of impact I think it would probably be very great. It is one thing to say that the chair or host will present prizes following debating competitions between schools or students in our constituencies. It is quite another thing to say, “Sample it for real; come here and have a go”. Of course there will be objections—there are objections to everything—of course there will be people who say that the seats might get damaged or whatever. You have to take some risks in this life and it seems to me that if we are to engage with young people I cannot think of a single initiative that would more positively say to those people: “Be part of our world for a weekend; do what you do, your attempt at full-hearted and detailed debate, in our Chamber”. I think that would be a very worthwhile thing. There is another important point about the introduction to life in the House of Commons. When people get here, first of all if they do not have staff, there ought to be some sort of arrangement whereby one can draw upon a pool of temporary staff to facilitate one's activities. I was shocked and rather surprised when I discovered from Emily Thornberry (who I think gave evidence to you very recently) that she
was in an appalling situation when she first came into this place. She did not have facilities; she did not have a proper office (she had what I gather is called a hot desk); it was a completely unsatisfactory situation. She had come in with a very small majority and she had to put up with her political opponents in her constituency firing off letters or e-mails to the local paper saying, “Where’s Emily? She’s not answering our correspondence.” She just did not have the resources. No modern, professional, reputable organisation or employer should operate in that way. May I say that the whips do have their purposes. I am not one of those who subscribes to the Power Inquiry view of the world; I think it is naïve and also disapproved. The whips do have an important role in the allocation of office accommodation. Of course they have to be challenged, as they have to be challenged on other things, because people who have power—even if they are not very good at exercising it and even if they are not the appropriate people to have it—do not want to give it up. Of course they do not want to give it up but they have to be told that they should give it up and that system has to be changed.

Q164 Mark Lazarowicz: I would like to raise three points, first of all on the question of the extra London costs. I accept there are issues about London, but I know that in my case I have office costs, rates of pay, the kind of mixture of work which probably gives me greater demands on my costs than probably apply to my colleagues 50 or 60 miles further away. The issues of office costs vary between different parts of the country just as much in London, outside London, they might vary in different parts of Scotland and there will be issues about people with big constituencies who might well argue for two offices if they are a hundred miles apart. I would like your reaction to that; would it not be the case that if you go for an increase in office costs there would have to be some ring fencing of an extra allowance to allow for the different costs in different parts of the country? The second point is in relation to time limits and debates and speakers’ lists. I can see the argument that having speakers’ lists could lead to the Chamber becoming very much a ritual presentation of 10 minute prepared speeches where people come and go and there is no debate. I would not mind being told that I had to stay in the Chamber for a full three hours of debate, and if it was only a three hour debate and if there was a 10 minute limit as a rule so we all had a reasonable chance of taking part in the debate; if we did not then at least we would not be spending the entire day there. The last point is this, which is this issue of the flood of e-mails and letters that we all get. There is of course a problem in that this is an area where the demand is uncontrollable, partly because the nature of politics means we seek that kind of work and also the nature of communications means that the amount of that kind of letters is going to increase beyond any possibility of coping with it. How do we respond to the fact that this is an area where we are never going to be able to deal with it just by providing more staff and resources because there is no end to what we could actually be faced with if we simply meet the potential growth with the provision of more resources to deal with it?

Mr Dismore: Can I deal with the office costs point first? It might be helpful if I tell you about the submission I sent to the SSRB because it had a lot of very detailed, worked out numbers. London is not unique in this respect; it probably has more higher costs than anywhere else but there are other high cost areas and I think the way you deal with the costs of the rent, for example, is to say that $X square feet—or square metres in modern money—is an appropriate size for an office for a Member, so you go round the estate agents, submit two or three estimates from appropriate places to prove you are not fiddling it and take the cheapest of the two or three that actually fit that. In fact when I did the exercise for this purpose I found that we are living in a hovel and any decent office would be at least twice what we are paying now or even more like three times. I think that is easily coped with. Similarly in relation to staff wages I think there are arguments in certain high cost areas for similar allowances. However, the fact remains that what we should be trying to do is to push people off the parliamentary estate because it is very, very expensive office space, into the constituencies where inevitably it is going to be cheaper. Rates in Hendon are cheaper than in Westminster even though they are very expensive compared to other places. I think we have to make sure that they are properly equipped with a photocopier, with the phone bills met (because that is a very expensive cost compared to free phones here, free photocopying here and so forth). We should have a properly set up office suite for however many staff is appropriate. On the time limit point, what I simply say about this is that if people know they are going to be called it is not unreasonable to expect them to be there for two or three speeches before and afterwards, and the opening and closing of the debate and if they are not then the Speaker has the discretion not to call them. As far as speaker times is concerned, I think that 10 minutes is probably the norm but there will be days when it is slack and you do not need a time limit and there will be days when you need a much tighter time limit. I think the House of Lords has a very good way of organising it which is to find out how many people want to speak and divvy it up between them and if it turns out you have four minutes then that is what you have; if it turns out that you have eight minutes or 12 minutes, that is what you have, but everybody has a chance. That might be an interesting way to look at it. As far as the volume of work is concerned, I do not see anything wrong with that. We should be encouraging people to engage with us as politicians. Picking up the point that John and Martin have made, if people want to write to us or sign a petition or send us an e-mail or contact us through a website we should be encouraging that and responding to it if we are serious about trying to make politics relevant to modern society and engage people and let them think we have something to say on their behalf here. That is what we should be encouraging.
Martin Salter: Regional variations are what John and I put in our paper and not London, which picks your points up. I do not have a problem with a large rural constituency having two offices, one at each end. We have an allowance within the amount of money allowable for election expenses which distinguishes between a county seat and an urban seat. We actually spend more pence per elector if you have a rural seat and that is precisely built into the system for local elections and national elections because of that very point. We think 10 minute limits on speeches should be the norm. One other point that came up when we were talking to colleagues was this idea of having six or seven frustrated Members at the end of a debate unable to get in at all. Why not axe the last speaker? Why not divvy up the times so that people can make even a two minute contribution?

Q165 Sir Nicholas Winterton: It is in the Standing Orders already.
Martin Salter: Sir Nicholas, there is a world of difference between theory and what actually happens.

Q166 Sir Nicholas Winterton: It is not theory, it is there.
Martin Salter: Privy Counsellors are not supposed to have priority in speaking yet everybody knows that they do, so let us talk about the real world. The last point again came out in the evidence. We cannot manage the demand, therefore we have to manage the supply.

John Bercow: I agree with what Martin has said on time limits. Picking up on Sir Nicholas’s point that there is already provision in standing orders on this: Sir Nicholas, I accept that but I think it still does not apply very often. I know I was one of those 10 who fell into this category who was asked to make a three minute contribution in the second reading debate on the Education and Inspections Bill. The bulk of the time had been taken up and then I think it was Sir Michael Lord in the chair who said to me, “John, you will get in tonight but it will just be a very quick snippet”. I think I am right in saying, Sir Nicholas, that provision has not been often applied and I think it ought to become the norm rather than the exception. It should not simply be left to the usual channels to see if they can reach an agreement between colleagues on different sides because then all sorts of other factors can come into play, whether one person who is itching to make a 10 minute contribution dislikes the chap or woman on the other side and is not willing to let that person in. I do not think it should work that way; it should be the norm rather than the exception and it is perfectly doable. As someone who is not naturally brief, all I know is that if I have to do it I can and I do not want the shame and slight humiliation of being told to sit down so I simply look at the clock and I make sure that whatever the limit is I do finish within time. On the subject of this great profusion of correspondence which is increasing, I broadly agree with what has been said. I think the only point that I would make in addition to this: we have to manage it as colleagues and we should not be slaves to those people whose preference for the use of technology leads them either explicitly or implicitly to demand a quicker reply than Mrs Higgins writing on a piece of exercise book note paper and sending her letter with a second class stamp which she feels she can ill afford from her rather small pension. There is no reason why she should have to wait longer and I think we have to decide what is a priority, what is urgent. I am always happy to deal with people by e-mail if they so wish, but I do tend to say to people, particularly those who are prolific e-mailers to me, that I will deal with it in general terms depending on the seriousness of a particular case or emergency, I deal with cases sequentially.

Q167 Philip Davies: Andrew is one of the people I admire most, certainly on private Members’ bills and so given that he is the new Eric Forth in terms of Fridays I think it would be interesting to find out his view about how Fridays work and the whole private Members’ bill thing. More generally, I have a deal of sympathy with the points you make, but just to try to test them out a bit more. I think the chairman made a very perceptive point at the start which is that you are diligent MPs both in the Chamber and outside and therefore that would lead me to say that clearly it can be done. I think I spend an above average amount of time in the Chamber; John Bercow has always sat two seats in front of me whenever I am in there, so he must be in there virtually all the time. What strikes me about the Chamber is that it is like Madam Tussauds, it is the same faces in there; whatever the debate, the same faces are in there all the time. There is always an excuse why you people cannot be in the Chamber, but if you did increase the allowances and increase staffing and all this kind of thing, would any more people turn up? Clearly people can turn up if they want to already. People like Philip Hollobone have no staff and they are always in there so they can do it as well. Is it that nobody is in the Chamber because the public do not care what goes on in the Chamber? Or do the public not care what goes on in the Chamber because nobody is in the Chamber? Which way round is it? If it is the fact that the public do not see a great deal of relevance in what goes on in the Chamber, surely however many allowances you gave people or whatever changes you made, if the public do not think that what goes on in the Chamber makes a fat lot of difference to the world nobody would be in the Chamber whatever happened, they would still be in their constituencies cutting ribbons for new factories that have opened or something.

John Bercow: That is why, if I may say so, an increase in allowances is a necessary but not a sufficient condition of increasing and improving Chamber activity. I think that it would enable our staff to pick up some of the slack and deal with matters in the officials and give colleagues the chance to contribute in the Chamber, but that is not enough. I think you need to do more. You need to make debates in the Chamber more accessible and more interesting and more topical. I would like to see a lot
more short, sharp debates in the Chamber. When I say short and sharp I mean not exceeding two hours and, in some cases, even shorter debates than that, preferably topical. One can argue the toss as to the means by which one topic rather than another would be selected; more SO No. 24 requests put forward and, when appropriate, granted. I think that the Liberal Democrats did get a worthwhile debate on the NatWest Three and I think there was real interest in the Chamber and in the media in that. I also feel that we probably need a new culture. We need to show some self-respect if we are expecting to be respected. What that means is showing that the role of the backbencher is valued. If people come into this place and they think that the only purpose of being here is to climb the ministerial or shadow ministerial ladder, then it is inevitable that people will not think that being in the Chamber is very important. Philip, you are one of the very small number of people who have come into this house and said right at the outset, “I intend to be the voice of Shipley; I have no desire to be a member of the front bench at any stage”, but very few people are in that category. I would like to think we could have a genuine career path for people who either will not become front benchers, were and do not want to be again, or whatever. We have not really got that yet. We have made some progress in paying chairmen of select committees and so on and I think we probably still need to think of new ways of investing the role of the backbencher with greater respect and importance than are currently attached to it.

**Mr Dismore:** I was asked about Fridays. The present system is not very effective but it is a system. I do not think it should be easy to get a private Member’s bill through; that is my starting point. It should be subject to proper scrutiny and there are certain basic conventions. It should be relatively modest, it should not cost anything and it should attract broad support across the House. When bills do not, they get into trouble; when they do, they have a reasonable prospect. I did put in a paper to Sir Nicholas Winterton’s former Committee for a comprehensive reform of the system which involved pre-legislative scrutiny, timetabling and so forth which I think would achieve all the objectives without having to shift from Fridays and I think we circulated a copy.¹ Rather than go through that now, I think it is all set out there in a pretty comprehensive way. It should also include an opportunity to get 10 minute rule bills through as well, although subject to certain criteria. I think topicality is the key to it. I am the chair of the Joint Committee on Human Rights. I have been trying to get a debate through the Liaison Committee on people trafficking since the end of last October/November and it still has not been timetabled. If anything is topical at the moment it is people trafficking and it has still not been timetabled. I think part of the problem with select committee debates is that now they have been shoved off to Westminster Hall they are less attractive. Westminster Hall provides a useful function and we should use it more, not less, but at the same time we have to recognise that certain debates are rather more important and should be back on the floor of the House. Equally, some of the stuff on the floor of the House probably could be sent off to Westminster Hall, some of the more general debates.

**Q168 Chairman:** On the people trafficking debate, have you also suggested that to the whips or to my office? I was not aware of it. I can think of two or three occasions recently where we might have found a half day slot for it.

**Mr Dismore:** That is a useful thought; I shall write to you forthwith.

**Chairman:** I think it shows deficiencies in how we allocate government time that is available for non-legislative debates.

**Q169 Sir Nicholas Winterton:** I have three questions; I hope our witnesses can answer them. All three have made great play about the need for more resources, more office staff. Do our witnesses not think that Members of Parliament are now taking on responsibility for matters which have absolutely no bearing on their responsibilities at all, particularly local government matters relating to housing and planning, et cetera? It is because people are so conscious of wanting to be re-elected that they take on every approach, every representation. Is that not one of the reasons why Members are now flooded with e-mails, letters, telephone calls, et cetera? Instead of concentrating on matters of importance, that is holding the Government to account, they are more conscious of being re-elected and their constituency duties actually come before their duties to this House. That is question one. Question two: would our witnesses wish us, in this Committee, to make representations to the Speaker who has not been mentioned so far in the questioning today but who is critically important not only in respect of whether or not we can establish the precedent of the House of Lords, ie having a speakers’ list (by the way, the House of Lords has also set the pace in respect of questions where there are questions and a debate on that question, ie a short debate) and the Speaker is also very relevant in respect of implementing the standing orders relating to short speeches at the end of a half day debate or a full day debate, the last hour or half hour being devoted to short questions. Would our witnesses like to see the establishment of a business committee which could be representative of backbenchers in all parts of the House which could facilitate, for instance, the debate on an early day motion which has 200 or 250 signatures to it and which has cross-party support and is also very relevant and current? Those are three questions and to my mind they are critical to this inquiry.

**Martin Salter:** Let me start off with the first one. With respect, there is a cultural difference here.

legislate and not much else. There are Members of Parliament who do not hold constituency surgeries, but there are not that many of them now. Actually it is not for us to determine what the public want or should have. The public is the boss here; we are their representatives. If they choose to raise policy issues with us, if they choose to ask us to take up issues, then in some ways we have to respect that and we have to respect that change of atmosphere. I do not think there is anything to be ashamed of for MPs wanting to get re-elected. Politics is the battle of ideas and it manifests itself through elections. I got the second biggest swing in the country in 2001 but I did not do it by being diligent in the Chamber. I am not particularly diligent in the Chamber. I do not mind admitting it. My priority is my constituency. I live there; I travel up every day, de facto I have less time to devote to work in the Chamber. There are so many other devices you can use like interventions, like early day motions and the rest of it which allow you to skate the surface of a debate and satisfy a constituent, but you are not really getting in there and getting under the argument in the way that you and John do with your much more diligent presence in the Chamber. I am afraid we just have to recognise that the public’s requirements and the public’s aspirations have changed and we have to skill up and resource up and change our process to meet the demand, because otherwise there is going to be even more dissatisfaction with our political process and even less engagement.

**Mr Dismore:** I would simply say that if a lone parent with four kids in a one bed flat that is damp comes to me because the local authority (which is not of my particular persuasion) refuses to engage with her or have anything to do with her or re-house her, I am not going to turn that person away. To that person what I do is extremely important indeed. It may not be important in the national scheme of things, but politics is about people and if we cannot engage with the people we are here to represent and help them, then what are we doing here? It is important that we hold the Government to account; it is important that we scrutinise and select committee work is a vital part of that, but if we are not helping our people not only will we not get re-elected, I do not think we are actually being human beings and experiencing what our constituents are experiencing (albeit at second hand) so that when we do speak here we can speak with some authority and background on the issues we are talking about. If I talk about housing I am talking not of my own housing experience but from the cases that have been brought to me by constituents complaining about over-crowding, complaining about the inability to get re-housed, about poor conditions, and that means I can speak with a degree of passion and also with a degree of authority which would not otherwise be there.

**John Bercow:** I think that you get a proportion of letters from people, for example, about planning matters and when you do it is quite important to be clear what you can do and what, frankly, you cannot do. In dealing with representations on those matters I will tend to say, that yes, I am happy to write to the Planning Committee but it is important for you to know that there is no question of Mr Bercow using his power to tell the Planning Committee—or the Development Control Committee in my area—what to do; it does not work like that. I am disinclined to get involved in lengthy correspondence about matters of that kind because I do think that they fall within the bailiwick of councillors. However, I distinguish, if I may say so, between that and the sort of case that Andrew has just described. I do see myself as standing up for the person who is battling for a better life either against an imperious public agency or against corporate misbehaviour by a large company (and indeed a small company for that matter). Frankly there is scarcely a limit as to how much time I am prepared to spend when I think that somebody otherwise is going to have his or her life badly damaged. I would not attach too much significance to the supposed impact of us being asked to deal with too many things that are not our business. I think the idea of a business committee is excellent. I have said it before. I came before your Committee in May of last year and I said on that occasion that I think that a business committee of the House would be a good thing. I do not myself object to programming. I think, however, programming has been effectively corrupted and abused and the reason is that it is run by people who should not be running it. To be fair, the Government should not be determining the programming. I do believe that a business committee, preferably with no overall party majority on it, would be a better way of ensuring that time is divvied up in such a manner as to allow the likes of minorities to be represented and to give Members, including above all backbench Members, a chance to contribute. One other point. I like the business committee model but I am open to the idea if people do not want to run with that, of giving more powers to the Speaker him or herself. My main point is that just as I object to the executive picking the members of select committees which then scrutinise it, so I object to the executive determining how much time should be devoted to the scrutiny of it in relation to particular subjects.

Q170 Mr Wright: Can I mention two very brief points? In terms of career progression I am particularly concerned about up-skilling, about continuing professional development, and I would throw that question that you have in your memorandum back at you and ask if you have any practical ideas as to how we can do that. Given the range of skills that a modern Member of Parliament needs—we have talked about the expansion of office resources, management of staff—in terms of continuing professional development to strengthen the role of the backbencher, what do you suggest?

**John Bercow:** I think there is a lot to be said for better training of Members at the outset and, to use the jargon, continuing professional development, in other words the chance of refresher courses. It probably would be quite expensive to do, but
worthwhile because democracy costs. Why can people who have a particular interest in a given subject not have an opportunity to explore that interest further? I think somebody floated the idea of secondments. At the moment we have quite an old-fashioned idea: you can either go on an Industry of Parliament Trust Fellowship or you can go on the Armed Forces Parliamentary Scheme or I think there is possibly provision to do some time working with the police or whatever. I would like to see a much wider range of opportunities. If somebody wants to specialise in housing or in mental health policy or, dare I say it, a particular passion of mine over the last year or so, in the field of special needs, why should one not have a chance to do an internship with one of those specialists in the field. I think that would be a really good thing. The only other point I would make at this point, lest I forget, is this: Martin talked about the need for more relevant debates and fewer rather formulaic debates. I do think—I made this point to each of the last two of your predecessors—we ought to look at this ritualistic practice of having several debates a year on motions for the adjournment on the European Union lasting several hours each, defence in the UK, defence in the world and Wales. It is not in any sense an insult to be interested in the European Union or defence in the UK or defence in the world or Wales; it is simply that I feel that the Government puts those debates on as a filler and it would be much better to have topical two hour debates not with a 10 minute speech limit but a five minute speech limit. Instead of giving people the impression that all that really matters is rising onto the front bench, you would get some credit and some respect from your colleagues in the House by taking part in those, then we could gradually make some progress.

**Martin Salter:** It is funny how Members can find time to go to Parliamentary Union, the Commonwealth, always to nice hot places when it is cold over here. Apparently you can learn an amazing amount having lunches with ambassadors and visiting nice places and the rest of it. That is good for democracy and that up-skills us, but how about spending a day or a week working as a care worker or having a secondment to whatever public service or, as John said, a particular passion that grips our fancy?

**Q171 Sir Peter Soulsby:** I found all the written evidence we have had very helpful. You have commented quite a bit on the effect of the growth in electronic communications and particularly focussed on the effect of the tsunami of e-mails that we all suffer from. Can I just ask you about two other aspects of this? One is the growth of websites like TheyWorkForYou and the effect you think that is having in terms of enabling people to use it to contact us but also because of the measurements that they use, perhaps having a perverse incentive to Members to behave in ways they would not otherwise. Also on the point of electronic communications, the availability of these things—PDAs—and whether you think there is a case for these to be used quite openly in the Chamber in the way that many of us use them rather covertly both in committees and in the Chamber. It does enable us to keep on top of some of those e-mails and to make some contact with the outside world and to be doing something useful while we are sitting waiting to have our 10 minutes of speech.

**Martin Salter:** I think the electronic communication point also relates to a point that Emily Thornberry and others gave in evidence. How crazy is it that you are there for six hours and you can be pulled up for signing a letter or going through paper work in a more obvious way, and yet we have all seen the video footage of MPs asleep on the green benches. You do not operate in that way anywhere else. I think the TheyWorkForYou website is actually insidious because the measurements that are used are manipulatable. There is the same rating on it for an intervention as for a speech and frankly this is a service that Parliament should be offering. Philip Cowley said this; we have allowed it to be subcontracted to freelancers out there. This is a service that we should operate and it should be done on an objective basis. I feel really sorry for new Members who are running around, worrying about their scores on the TheyWorkForYou website (this is something that Sir Nicholas and I at least agree on). Many of us on the Government side do not actually table parliamentary questions because we will get more information by actually writing directly to a minister and expanding an argument and hopefully getting a coherent response more so than you ever will do by taking PQs, but that does not make us less diligent Members of Parliament; it just means we have been more comprehensive about how we have taken up a policy issue on behalf of our constituents.

**John Bercow:** The House is still very amateurish in that way and Martin is right, we ought to have our own system and of course if there is a void it is filled. I do think that the TheyWorkForYou website has had a partially damaging effect but I am not particularly inclined to moan very much about it. I think we have to put something in its stead. I suppose because I believe in healthy competition I tend to say “So be it”, if they are making a mess of it and they are misrepresenting the significance of one activity rather than another, then it is up to another player to come in the market—perhaps indeed the House of Commons itself—to put the record straight. On the question of technology, very simply what I would say to Peter Soulsby is that my only concern about the use of electronic devices in the Chamber or in standing committees is disturbance and interruption. In other words I have no pompous concern that it is interfering with the integrity and independence of Members; it is quite wrong that members of the public should be able to send us e-mails while we are in committee. That is what I call the pompous objection which does not do anything for the reputation of the House. I have no problem with people communicating with us while we are in committee, but what I think is important is that we do not have a constant clatter. We do not want typing taking place or noise being generated. It is difficult enough sometimes with the acoustics of this place to get focus and concentrated attention in our
work and we do not want that being interfered with. Otherwise I have no objection whatsoever to the greater use of technology. It seems to me to be a reflection, if we accept it, that this place is coming into the 21st century.

Mr Dismore: I would simply say that the genie is out of the bottle with all these websites. There is nothing we can do about it and we just have to live with it. It is also a way of people monitoring us, holding us to account and also, through those websites, communicating with us. I do not object to them in that respect. As far as electronic devices are concerned, I would draw the line on them in select committees. I have one member who is always on his mobile phone and it is extremely distracting for the members and in particular I think it is a discourtesy to witnesses. Otherwise I would agree with what John says, so long as they are not scaring the horses it is not a problem.

Q172 Ms Butler: Can I just say on this point, we went to Wales where they had rubber keyboards so they were very silent and also part of the thinking behind having it in committees is that you have all the papers on the screen so you can cross-reference, look at the explanatory notes and all of that on line and have it colour co-ordinated just to make the look at the explanatory notes and all of that online so you can cross-reference, behind having it in committees is that you have all the papers on the screen so you can cross-reference, account and also, through those websites, communicating with us. I do not object to them in that respect. As far as electronic devices are concerned, I would draw the line on them in select committees. I have one member who is always on his mobile phone and it is extremely distracting for the members and in particular I think it is a discourtesy to witnesses. Otherwise I would agree with what John says, so long as they are not scaring the horses it is not a problem.

Q173 Ann Coffey: If a million people petitioned Downing Street objecting to road charging, do you think that should trigger a substantive debate on a substantive motion and a vote in the Commons? If not, why not? Why should people contact their MPs if they can contact the Prime Minister? Do you think that there are some tensions in that kind of impact on the Internet in terms of direct actions and the traditional role of an MP representing their constituents and how do you think we can deal with that and still make Parliament seem relevant to people and, indeed, make MP's relevant to people?

Mr Dismore: I think the real problem is to respond not to those who shout loudest. You get a very good pressure group campaign where everybody is terrified of it because you get this pile of postcards or e-mails or demands to do this, that and the other and I think you have to step back from those sorts of things. I think if people contact their individual MPs there should be a way of trying to feed that through perhaps in letters to the House, not just take it up with the minister as an issue but say, “Look, I've had fifty postcards or fifty communications on this particular issue” and if other Members are seeing the same maybe we would want to think about having a debate on that particular issue or look at some of the other reforms that have been suggested by us here as a method of triggering a debate. I do not think people bombarding Downing Street websites is necessarily a good indicator of what should or should not be debated. It may be something that has been debated the day before and they object to what the Prime Minister had to say. I do not think that is necessarily a good trigger.

John Bercow: There is a difference between numbers and quality. I do not think there should just be a numerical trigger because I think quite a lot of people can be persuaded, particularly when it is very easy and convenient to sign up to something and they will not necessarily have given it any significant thought.

Q174 Ann Coffey: Does that go for MPs signing EDMs as well?

John Bercow: Yes, it does, which is why we should have a better system whereby instead of just having parliamentary loo paper we should have a system whereby colleagues know that if they sign an EDM there is a possibility that a debate will be triggered and they can then be legitimately looked to—particularly if they are a top six signatory—to be a participant in the debate. I think we have to be very careful not to replace one form of ritualism and automaticity (about which I was complaining earlier) with another form of ritualism and automaticity. Yes, we want to engage with people and we want people to have the right to feed in their views, but the idea that we should allow a well-organised pressure group campaign to dictate the parliamentary agenda is wrong. If you were to say, “Don’t we open ourselves to that”, there comes a point at which we have to remember that we have judgment and we have to have the guts to assert ourselves sometimes in exercising it and to say that it is a relevant issue, the Prime Minister, the Government, Parliament note that a lot of signatories have put their names to this, but that does not of itself justify changing our timetable or our agenda and we do not intend to do so.

Q175 Ann Coffey: Following on from that, when we had the editors from the papers they said that part of the difficulty with this place is that we are not seen to respond to what is out there. If you are saying, well actually we should not be responding to what is out there, we should be taking the judgment, is that not just furthering the problem that people already see, that what they are thinking we are not debating?

John Bercow: Not really because I think the fact that somebody signs up to something like a petition to Number 10 after a very considerable amount of pressure has been exerted in a short period is not necessarily indicative of very much. I think it would be more significant if, over a sustained period, there was a lot of evidence—qualitative evidence as opposed to merely evidence of numbers—that said “We feel that Parliament simply has not addressed X issue or Y issue”. This is fairly knee-jerk stuff and I
do not myself believe the Government should change its legislative timetable or its parliamentary timetable simply to reflect that. If we do that we are absolutely making a rod for our own backs and instead of being here exercising our judgment we become simply delegates in what is effectively a plebiscitary democracy.

Q176 Ann Coffey: What is the point of Downing Street having these kinds of websites? People feel they have influence and access here.

Martin Salter: That is a question for the Prime Minister. It is not the power of a Number 10 petition, it is the fact of what happens to petitions when they arrive here and they are presented in the middle of the night to an empty Chamber and put in a bag basically. I think the Scottish Parliament at least has a Petitions Committee and some process whereby the petitions can go somewhere and trigger something. That is what you should be looking for.

Q177 Chairman: The Procedure Committee are doing something on petitions, by the way.

Mr Dismore: The short answer to that is that if people e-mail the Prime Minister, it is for the Prime Minister to respond to them. If he wants to give his explanation of what he has done and why then that is up to him, it is nothing to do with us.

Q178 Mr Sanders: I would like to test your views on topicality. The idea in oral questions to have a catch all question that could open up a topical debate of something that has happened maybe in the previous 24 hours rather than several days before when questions would have been tabled, what are your views on that?

Martin Salter: We think that is rather clever and we are annoyed we had not thought of it.

Mr Dismore: It is like doing PMQs with cabinet ministers; there is no problem with it as long as it does not become the dominant feature of the question time. Prime Minister’s Questions is a circus; it is not about actually eliciting information or achieving a debate. The thing about ordinary ministerial question time is that it does give the opportunity to develop a series of arguments backwards and forwards across the Chamber through six or seven—even more sometimes—supplementaries, whereas PMQs is one, one, one, one; there is no effort to develop the debate. That is why I think what the Liaison Committee does with the Prime Minister is so important because we can, in the Liaison Committee, develop a line of argument which you cannot do through the open question system.

John Bercow: I agree with that suggestion from Adrian. What I would say is that in a 60 minute question session it is perfectly reasonable to have a reserved portion lasting, say, 10 minutes in which such a topical matter can be raised. The worst example of the weakness of the old system, partially reformed now when you have to submit questions for oral answer only three days before as opposed to a fortnight before, was the time when in Foreign Office questions nobody could raise the subject of Pinochet because it was not on the Order Paper but it was in everybody’s minds. The Speaker of course can assert himself and insist on very short supplementaries and make it clear that in that 10 minutes he hopes to get in at least half a dozen colleagues.

Martin Salter: If you are successful, Adrian, it will become known henceforth as the Sanders Slot.

Q179 Chairman: The Procedure Committee is looking at this. It is irritating if you are a minister in the Foreign Office, time and again wanting to say something about a particular issue, even with the three day notice, not being able to get in. I would like now to ask a couple of points. I am going to lead the witnesses because the clerk tells me it is helpful to have this as evidence based report. When I came in all those years ago I used to sit on the backbenches as well as in committee doing my constituency correspondence. No-one upbraided me for this. I used to sign letters in there and was discreet about it. I cannot for the life of me see what the difference is in principle between doing that at a time when only paper and pen was available, and somebody being able to use discreetly a PDA to perform exactly the same task. Would you agree?

John Bercow: Yes, I have no problem with that at all.

Q180 Chairman: For the Chamber as well as upstairs in committee.

John Bercow: I have no problem with it. I think that the objections are archaic. To a lot of people outside they will see pompous.

Q181 Chairman: Thank you very much for that; that was the right answer. The second point is on the issue of speakers’ lists. I think there is what they described as an emerging consensus in favour of speakers’ lists and certainly having an experiment on this. Are you struck, as I am (the answer to this question, by the way, is yes) that there is the equivalent of a speakers’ list for PQs, for oral Parliamentary Questions, and yet there is an increased attendance at Parliamentary Questions rather than a decreased attendance.

John Bercow: It does seem rather curious. I guess the argument in a sense historically has been that if you know when you are going to get called you will come in to make your speech and you will observe perhaps the parliamentary courtesy of staying for one speech after your own but that is all. It seems to me that you can finesse that quite easily. What you can do is indicate that the way the system will operate is that you will speak at roughly three to thirty, you will be expected to be present for, say, at least half an hour before that and you will be expected to be present for at least half an hour after that, and of course for the opening and closing speeches. It will not simply be a case of someone coming in, speaking and leaving. Indeed, if they do, then that person would either be guilty of a breach of rules or would be in such bad odour with the chair as to be damaged in seeking to speak in future debates. Where there is a will there is a way and I think it would make a lot of sense. It is not right that people should have to wait hour, on hour, on hour with no likelihood or
guarantee of being called to speak. I would just say, if I still have a sense that there is priority given to ex-ministers and to Privy Counsellors. I am not sure at all that that should apply because I think the House needs to hear a representative sample of opinions from Members from all sides of the House and from all sorts of different intakes. Again it seems to me to be an unnecessary parliamentary equivalent of doffing the cap and touching the forelock in that because somebody has been here a long time or has held a senior office he or she should automatically be called first. What one might say perhaps is that somebody who has held a very senior office might get priority in seeking to speak in a debate that relates to his or her former responsibilities, but the idea that ex-cabinet ministers across the board should be able to wander in and probably not even bother to write to the Speaker but be called first is frankly pretty objectionable.

Martin Salter: Obviously the answer is yes. I would like to lead the Chairman, if I may; I would be very keen if we could read into the record a very brief summary of our views on strengthening select committees and abolishing Fridays which we have not touched.

Q182 Chairman: Abolishing Fridays?

Martin Salter: Not in general, just in here. To develop the theme, what we are arguing in our paper is that it is unreasonable, given the tsunami of case work, given the requirements to be in the patch only on a Friday (you are lucky you do not live within commuter distance from your constituency because you get called in all sorts of different ways, believe me). We think it is an unreasonable trade off for people to have to be giving up an entire day away from the constituency, turning down a lot of engagements and the rest of it, when we have a process for private Members’ bills where, on the one hand we claim that parliamentary time is at a premium but we deliberately use filibuster to ensure that they do not proceed. You have had evidence from many other witnesses who have said that if there is a case against a private Member’s bill let it be made and let it be put to the vote. The whips will hate this but this is one of the reasons why we should look afresh at how we deal with private Members’ bills. On select committees I do think it is important that we continue to enhance their roles. They should have the right to command papers (it is sometimes very difficult to get information out of government departments). I think they should have a role in determining their role in pre-legislative scrutiny. I think you were involved in the original decision that with pre-legislative scrutiny it could go to a joint committee, it could go to a public bill committee, it could go to a select committee or it might not happen at all. We are arguing in our paper that the Government should, as a matter of course, have pre-legislative scrutiny and be required to explain why it has not rather than the other way round.

John Bercow: On select committees I am very attracted to the idea that a select committee ought to be able to get a debate on a key report and then it should have the responsibility itself for deciding from the great wealth of its recommendations which it wants to put before the House and have subject to a vote. I can think of a select committee report undertaken some months ago by the Education and Skills Select Committee on special educational needs—in my view an excellent report—which was subject to a debate in Westminster Hall. It has not been debated on the floor of the House. There was one particular recommendation in that report about separating the assessment of need from the provision of education to meet that child’s need which in my view deserves a proper airing on the floor of the House and ministerial reply. It is quite unsatisfactory that several months after that report was issued it has, in a sense, gone into the back garden. My last point is this, so far as Westminster Hall is concerned it seems to me that we have decided to dip our toes in the water but we have refrained from swimming. It would be much better to say that we are now actually going to swim in Westminster Hall and instead of just having debates on Tuesdays and Wednesdays for quite short periods and either a select committee debate or a government debate on the adjournment on a Thursday afternoon, it would make a lot more sense to say, “Wait a minute, what about Monday?” We do not use Westminster Hall on Mondays at all and for those who say that there are a lot of colleagues coming back from their constituencies and it is all very difficult and so on, the answer to that is that there would not be votes there and those colleagues who want to take up issues in Westminster Hall on a Monday should have the opportunity to do so. I would like to see a substantial expansion of our activity in that place.

Chairman: On that note can I thank you all for a very interesting session.
Wednesday 18 April 2007

Members present:
Mr Jack Straw, in the Chair
Mr Paul Burstow  Mr Adrian Sanders
Philip Davies  Mr Richard Shepherd
Mr Greg Knight  Sir Peter Soulsby
Mark Lazarowicz  Sir Nicholas Winterton
Mrs Theresa May

Memorandum from Rt Hon Sir Alan Haselhurst MP, Chairman of Ways and Means (M42)

STRENGTHENING THE ROLE OF THE BACKBENCHER AND MAKING BETTER USE OF NON-LEGISLATIVE TIME

INTRODUCTION

1. I am grateful for the chance to contribute to the Modernisation Committee’s enquiries into Strengthening the Role of the Backbencher and Making Better Use of Non-Legislative Time. The Committee has expressed the hope that the two inquiries “will feed into one another”. I myself certainly see a link between the two subjects, to the extent that strengthening the backbencher’s role is likely to involve some enhancement of opportunities to initiate or take part in debates other than those which involve the scrutiny of legislation.

2. I have not, therefore, attempted in this memorandum to deal under the separate inquiry headings with the specific issues suggested by the Committee for discussion.

3. I start from the proposition, as I think does the Committee, that the recent reductions in overall sitting time to permit Members to spend more time in their constituencies seem to be an accepted part of the Parliamentary timetable. There may not be much appetite for reversing this trend by, for example, providing for more Friday sittings, in addition to the 13 dedicated to Private Members’ Bills. It follows, therefore, that any attempt to carve out greater opportunities for backbenchers must involve either additional sitting time within the existing envelope of the Parliamentary week, some readjustment of the way in which time is currently employed, or making better use of existing time-slots.

INDUCTION FOR NEW MEMBERS

4. Induction for new Members, in the broadest sense, has improved greatly in recent years, and more particularly over the last decade or so. A great deal of effort by the staff of the House is now put into ensuring that a formal reception process is followed by a series of briefings and seminars on such issues as accommodation, IT and other office support, basic procedure, and security. These measures are all fine as far as they go. What is missing, in my view, is advice to newly elected Members on what might best be described as “how to understand the procedures and conventions of the House and to be effective”. It is true that the first of these issues is partly addressed in the statement to the House which Mr Speaker now makes at the opening of every Session (and by occasional written reminders about the conventions and courtesies of the House). But I believe that there is no substitute for new Members as a group hearing directly from their more experienced colleagues about the responsibilities and duties of Members, as well as about how best to take advantage of the various Parliamentary opportunities open to them. I recall from my own initial election to the House in the 1970s that the then Conservative Chief Whip organised a seminar for new Members on precisely these matters. I understand that his successors arranged something similar after the 2001 and 2005 general elections. I would welcome a situation in which this type of induction were provided by all the parties to their new Members as a matter of routine after every election. I would suggest that such a process might benefit from appropriate input by relevant Officers of the House on matters such as registration of interests. I also think that it would be helpful if the Clerk of the House, as Chief Executive of the House service, formally welcomed all new Members as a group on their first day at Westminster, to be followed by the Heads of the various Departments introducing themselves and explaining their roles. Such an event works very well, I understand, in the Australian House of Representatives, where it takes place in the Chamber.

5. The first and paramount role of a Member of the House of Commons is to represent his or her constituents at Westminster, not the other way round, and, in doing so, to carry out scrutiny of legislation and the activities of the Executive. It is not clear to me that all Members, particularly those elected more recently, accept (or at least act on) this principle. That in turn raises the question of how much time Members are willing to commit to being at Westminster. And the scrutiny role is challenged by a much wider range of activities competing for Members’ time than used to be the case. I would mention in this context, for example, party meetings, backbench committees, pressure groups, campaigns of various kinds and, of
course, the ever-increasing demands of the 24 hour media. It is sometimes said, and it is difficult to deny, that a one minute soundbite on the evening television news is worth any number of speeches on the floor of the House, not least because of the opportunity it offers to make direct contact with a large and captive audience. The pressure to create more time for constituency and campaigning work was one of the main driving forces behind the changes in sitting hours introduced during the last two Parliaments. They in turn have led to a clash of commitments for Members at Westminster, with the scrutiny function suffering. A further effect of the changes has often been to turn Thursdays, for example, into a virtual non-day. Whipped business is now rarely taken, and, if it is, the last votes are often scheduled for four or five o’clock. The main business frequently consists of uncontroversial, rather anodyne adjournment debates of the sort that used to be taken on Government Fridays. It is scarcely surprising that once Question Time and the Business Statement have finished, the Chamber empties.

Predictability and topicality of business

6. It is not easy to see what can be done about this state of affairs. Two solutions sometimes suggested are greater predictability in the timing of business and more topicality in the House’s proceedings. I deal with each of these in turn.

7. I can understand why greater predictability (particularly as regards voting and speaking) is attractive to some Members. But it is not a view I share, not least because it clashes with the other, and I believe more important, goal of topicality.

8. It is in any case unrealistic to expect business to be entirely predictable. Business managers need some margin of flexibility in their forward planning and timing proceedings down to the last minute would, in any case, be undesirably restrictive. But it ought to be possible, for example, to avoid the sort of situation that occurs from time to time, in which business is announced by the Leader of the House which is plainly not sufficient to occupy a whole day’s sitting time. There is nothing more dispiriting for Members than to see business collapsing several hours before the scheduled close, with the resultant loss of debating time which is at such a premium, particularly for backbenchers.

9. I should add that I would not favour bringing back the former practice of second and third adjournment debates. Because of the short notice at which they were called, and the lack of opportunity for Ministers to be properly briefed, these often took the form of statements read into the record by the Member concerned rather than a debate in the proper sense of the word.

10. Nor would I welcome the introduction of published speakers’ lists as a means of giving Members greater predictability as to whether, and if so when, they will be called in a particular debate. Any gain in certainty of timing would, in my view, be more than outweighed by the loss of spontaneity in debate and the temptation for Members to spend even less time listening to their colleagues’ contributions. This would, unless counteracted by pretty rigid and difficult to enforce rules, further erode the principle that, in order to be able to speak, Members need to be in the Chamber.

11. I do, however, have one or two thoughts to offer which are designed to enhance the topicality of proceedings, as well as to ensure that those items of business which are already topical, such as Ministerial statements, are used more effectively.

Statements

12. The first idea, which the Committee might like to revisit, is that statements should be made available in advance to all Members, rather than simply to Opposition front bench spokesmen. I can see no practical difficulty with such an arrangement, other than that of creating sufficient copies in time. But, given the political will, departmental resources ought to be equal to this challenge. Receiving a statement, say, half an hour in advance would enable Members to digest its contents and to put specific questions to the Minister on points of clarification or elucidation, rather than, as often happens at present, rehearse matters already covered in the Minister’s remarks. And the Committee may also wish to consider whether, building on what it and Mr Speaker have already achieved in this area, there is further scope for injecting more crispness and discipline into the Statement procedure. This would produce the double benefit of creating more time for backbenchers to put questions and of enabling statements to be more effectively scrutinised. I appreciate that some statements may not be finalized until close to their delivery in the House—in which case Departments should still use their best endeavours to ensure that copies are available to the Vote Office as speedily as possible.

1 Under the existing arrangements, Departments already supply 300 copies of a statement to the Vote Office, to be distributed when the relevant Minister sits down.

2 I welcome the recent announcement by the Leader of the House that he intends to give notice, on the Order Paper, of oral statements, whenever possible.
Urgent Questions

13. So far as Urgent Questions are concerned, the Committee might like to consider the criteria which currently govern the Speaker’s decisions.

14. Under Standing Order No 21(2) the Speaker may grant an Urgent Question which is “of an urgent character” and relates “either to matters of public importance or to the arrangement of business”. The Committee might wish to consider whether, in consultation with Mr Speaker, it would be useful to draw up some informal guidelines about the sorts of issues or events which would meet the test set out in the Standing Order, with a view to tilting the balance slightly more in favour of Urgent Questions being granted.

15. It would assist in the goal of creating more opportunities for backbenchers to take part in statements and Urgent Questions if the occupants of the Chair felt able to let the proceedings run for a little longer than is customary at present. They would doubtless be encouraged to do this if they did not feel under pressure to protect the subsequent business from undue encroachment. The best way of ensuring this would be to provide for “injury” time. It could be argued that such a course would run counter both to the desire for predictability and to the aim of avoiding late votes (or votes later than the moment of interruption). For that reason, I would restrict the use of injury time in this way to Opposition days and to remaining stages of bills—the two types of business where loss of time to statements and Urgent Questions is particularly unwelcome and disruptive.

16. The suggestions I have made in relation to Urgent Questions and statements, apart from creating more opportunities for backbenchers to raise issues in the House, would, in parallel, also contribute to a goal to which the Committee rightly attaches importance—namely, connecting better with the public. It would do this by showing that procedure is not acting as an unreasonable barrier to the ventilation in the House of matters of concern to voters in their everyday lives.

Private Members’ Motions

17. One opportunity for backbenchers which no longer exists is Private Members’ Motions. These were abolished in 1995 as part of a package of procedural changes, the full significance of which the House may not fully have appreciated at the time. I personally think it a pity that backbenchers do not have a chance to test the mood of the House by putting a specific proposition before it, in addition to being able to raise an issue with a Minister. Some means of selecting such Motions for debate would be needed—either a ballot, as used previously, a Speaker’s discretion or some combination of both. This task could also form one of the roles of a new Business Committee, whose creation I favour but which is perhaps a little outside the scope of the Committee’s current inquiries.

Westminster Hall

18. Westminster Hall is a valuable source of debating opportunities for backbenchers (and, on frequent Thursdays, for Select Committees). It has now established itself as part of the parliamentary scene to the extent that many Members who originally opposed its introduction as a distraction from the Chamber have now changed their minds. This does not, however, mean that it could not be put to better use. In general, Westminster Hall offers a hitherto unexploited forum for taking more unwhipped business and for trying out new ideas (whether they are intended for eventual implementation in the Chamber or Westminster Hall itself). In terms of specific proposals, I have in mind two possibilities: debates on uncontroversial legislation and opportunities to raise topical issues. These innovations would be worth introducing in their own right. But there would also be the benefit, in the case of debates on uncontroversial legislation, of bringing Westminster Hall closer into line with the Main Committee in the Australian House of Representatives—on which it was originally modelled. Indeed, the Standing Order relating to Westminster Hall allows for other categories of business to be taken there in addition to adjournment debates. If more debating time were thought to be needed as a result of these changes, Monday afternoons might be a possibility:

(a) Debates on uncontroversial Legislation

19. I see no reason why, for example, second readings of uncontroversial bills (that is to say those on which no division is expected) should not be taken in Westminster Hall, thus freeing valuable debating time in the Chamber. This might include debates on bills of the sort which are currently referred to a Second Reading Committee. Such a development ought not to cause a headache for the Government business managers, since they would have the assurance, under the Standing Order, of knowing that, if a division were unexpectedly called, this would be remitted to the floor of the House. I accept, of course, that taking Committee and Remaining Stages in Westminster Hall would not be practicable, because of the dependence of proceedings on the outcome of earlier decisions.
(b) Raising topical issues

20. Another possible development of Westminster Hall—perhaps on a trial basis initially—would be the establishment of a 30 minute slot\(^3\) for “issues of concern”. This would enable ten Members to raise for three minutes each, and without notice, a matter of national, local or constituency interest without the need for a Ministerial reply. If this trial were successful I would hope the new procedure could be introduced in the Chamber.

(c) Select Committee Reports

21. Another topical use of time in Westminster Hall would be a weekly half hour slot, along the lines originally recommended by the Liaison Committee in 2000,\(^4\) for debating newly published Select Committee reports. The slot would begin with a Minister giving an initial response to the report for five minutes, followed by the Chairman of the Committee, or another Member speaking on its behalf, for five minutes. The remainder of the half-hour would be available for other Members to comment. There would need to be a mechanism for the selection of reports for debate in this way, which ought to involve the Liaison Committee. Since it would not be practicable for the Committee to meet every week, the task could be delegated to the Chairman, consulting other members of the Committee as appropriate. If this idea worked well in Westminster Hall, I would hope that serious consideration would be given to transferring it to the Chamber.

(d) Cross-cutting Questions

22. I would also mention in this context cross-cutting questions. These were introduced in Westminster Hall as a means of enabling Members to raise issues which engaged the responsibilities of more than one Department. Although the experience was variable (not least because the interaction of Ministers from different Departments depended to a large extent on the ability of Members to table suitable Questions), I regret the fact that this practice appears to have fallen into abeyance. The last session of cross-cutting questions was held in October 2004. I would hope that some way could be found of restoring the procedure for a more extended trial period.

Programming

23. The principle of programming bills is not necessarily objectionable, but it needs to be applied more sensitively and flexibly. If programming were modified in this way, something approaching a consensus on its use might be achievable. I set out below some examples of what I have in mind:

— The outdate for the bill should be the product of genuine negotiation between the usual channels, with the Government prepared to give serious consideration to requests for more time for the passage of the bill, whether overall or in respect of a particular stage; the flexibility Ministers have shown on some bills in acceding to requests for additional sittings at the Committee stage needs to be more routinely observed. And the rights of backbenchers, or groups of backbenchers, with a view distinct from that of their party must also be given proper weight.

— In the case of major or particularly complex bills, more time should be allowed for Report stages; it is not conducive to effective scrutiny of a bill if debate on amendments is truncated or if whole groups of amendments are not even reached before the knife falls. To the extent that the Speaker’s grouping of amendments inevitably takes into account the total time available and the incidence of any knives, this can lead to larger groups than would otherwise be the case.

— Injury time should be allowed for divisions at the end of Report stage; it is wrong that votes should eat into the already limited time for Third Reading. I suggest that this would best be achieved by allowing a protected maximum time of, say, one hour for Third Reading. I acknowledge that this would remove one aspect of predictability in the timing of business. But the additional time would not be taken up in all cases; and when it was it would almost always be in relation to an important or controversial bill.

— Third Reading itself should revert to its traditional, and proper, purpose of reviewing the progress of the bill, highlighting the main amendments made, including concessions to the Opposition parties, and indicating any outstanding issues to be resolved; whilst there is a place for expressing brief thanks to those who have made a contribution to the passage of the bill, this has become, in many cases, the centrepiece of Third Reading speeches, particularly those from the front benches.

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\(^3\) ie a maximum of 30 minutes.

SHORT SPEECHES

24. The short speeches provision is, in principle, a useful adjunct to the power of the Chair to seek to regulate debate—in this case in order to ensure that in oversubscribed debates as many Members as possible can be called. But I have some doubt as to whether the relevant Standing Order is working well in practice. At present, Mr Speaker can impose a time limit on backbench speeches of not less than 8 minutes, which is announced at the beginning of the debate. And, following a recent change to the Standing Order, the Chair can now, with Mr Speaker’s agreement and if the number of Members still wishing to speak appears to justify it, introduce a shorter limit of not less than three minutes between certain designated times (for practical purposes, the last hour). It is not always straightforward for Mr Speaker to assess the demand to be some disappointment at the end of a heavily over-subscribed debate.

25. I would like to see more flexibility in the operation of the short speeches Standing Order. It should be possible, at the beginning of a debate, for the Chair to announce a provisional limit on speeches of, say, 10 minutes. That would represent a maximum figure, which would not be increased. But, as the debate progresses and the Chair was able to form a clearer picture of the number of Members seeking to get in, a lower limit of perhaps seven or eight minutes could be imposed—to take effect from the next but one speech after it is announced. This additional flexibility would help to avoid the abrupt transition from a reasonably generous allocation of, say, 10 minutes or more to a minimum limit under the Standing Order of only three minutes during the last hour. Not only is the concept of the last hour of the debate definable only in terms of a pre-determined starting time for the front bench wind-up(s), but some Members who have waited patiently throughout the debate might prefer not to speak at all rather than condense their remarks into such a short time limit.

26. I have put forward these ideas in a personal capacity and purely in the context of the themes of the Committee’s inquiries. No doubt the Committee, if it decides to pursue them in more detail, would wish to seek Mr Speaker’s views.

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5 The relevant recommendation from the Procedure Committee referred to “the last hour before the wind-ups”. The Standing Order itself refers only to “between certain hours”.

Witnesses: Rt Hon Sir Alan Haselhurst MP, Chairman of Ways and Means, and Mr David Doig, Clerk of Bills, House of Commons, gave evidence.

Q183 Chairman: Sir Alan, Mr Doig, thank you very much for your attendance, and particularly, Sir Alan, thank you for the memorandum that you submitted. We have forty minutes. If it is satisfactory to you, since you have presented such a comprehensive memorandum, can we follow the order of the topics that you raise in your memorandum? Is there anything you wanted to say by way of introduction?

Sir Alan Haselhurst: Perhaps more at the end. If we have not had time to cover the points in sequence, I would rather hear the questions and then try and satisfy those before making any additional remarks.

Chairman: The first substantive item you dealt with in your evidence is induction of new Members. I think it is pretty uncontroversial, but although things have greatly improved we have to do a lot more and not overload the process right at the beginning of a parliament, and try to bring a better connection between what Parliament is doing and what the parties are doing.

Q184 Sir Peter Soulsby: In your very helpful memorandum you talk about having been introduced by the Conservative Chief Whip, when you first arrived, and the role that the party took. Can we reflect on the balance between the responsibilities of the parties and the Whips in particular, and the House authorities in this respect? Who should do what?

Sir Alan Haselhurst: I think that the party Whips can help Members in terms of procedure and getting to know the place, centred on the Chamber and the committee work that they might do, and give them some sense of how to do the basics, as it were. We were told: How to write to a minister. Not everyone who comes here knows exactly what the procedures will be and the ways in which they will make their representations on behalf of constituents. It was material of this kind that was conveyed in a one-off session, which, I have to say, made a big impression on me and has stayed with me throughout my time. All the other features of the House, for example how you book a room or organise tours, and the rights and wrongs in terms of Members’ interests, needs to be given to Members, perhaps not all at once in a type of freshers’ week approach. I think it is too much to digest. If I may add, having read some of the evidence that you have already received on this, I rather revised my view, in a sense. I think a very good
point is made about the gap between the general election and the summoning of Parliament. In 1970, which was my first experience, it was eleven days. I think that that ought to be the kind of period at least, if not even more generous than that, because a new government, even if it is of the same party, may equally value a little bit of time for ministers to settle in and make their plans. That is particularly true if there is a change of government. It seems to me that the most important thing that could happen in that time is settling accommodation. It is absolutely ridiculous that Members should be wandering around like refugees in this building for weeks afterwards. The most essential thing they need is an office so that they can start to get to work in appointing a secretary and staff. If they have that comfort, they are then in a position to learn a little more about some of the situations that they will encounter.

Sir Peter Soulsby: I would just comment that I think while many Members have agreed that some things have improved over the years, the experience of a new Member in this particular respect has not.

Chairman: You make reference on induction to using the Chamber as a means of inducting people. I think that we do things far too quickly in this country, and taking a breath is not a bad idea sometimes and a longer period between the general election and when Parliament meets would enable that to happen.

Q185 Mrs May: Can I pursue beyond induction, Sir Alan, to the question of continuous professional development because as MPs we come here and try to learn the practices of the House, and then we have a very little opportunity for further professional development in any sense. Would you like to comment on whether you feel there is a need for top-up sessions carrying on into MPs’ careers about the House but also possible development in other areas for them so that they can make their representations in the best way and have a greater knowledge of certain topics?

Sir Alan Haselhurst: I think the thing to remember is that there is no stereotype for a Member of Parliament; we are all extremely different animals, and we pursue different interests in different ways. We will always have a different formula for the way in which we spend our week or our year, according to our interests and what we believe are the right things we should be doing. I think that in so far as the facilities of the House are concerned, it might be helpful if there were periodic opportunities to refresh. The Library does send out reminders from time to time, and I think that other departments could do that, to say, “there will be a session”—at six-monthly intervals or whatever is appropriate, and if a Member needed to know more about something, they could go and enlist for it. In terms of trying to develop one’s other strengths, let us say developing a specialism in housing, I am not sure. I looked at the evidence that has been presented, and I am not sure that one needs special arrangements whether through the IPT or anything of that kind. Surely, we are all sensible people, and if we say we want to know more about housing, then we could ring up the chairman of the Housing Corporation, for example, or talk to one of our local authorities and say, “Brief me more on this; I want to spend some time with you”, and fit it into our own weekly schedule.

Q186 Mrs May: I was talking about general overall professional development like time management skills. Is there any scope for those being put on; or do you think it is for individual Members, if they feel the need, to find a course somewhere?

Sir Alan Haselhurst: I am not sure I would put House resources behind that particular aspect of development. If someone feels that they have got such a large staff, for example, that they need help in dealing with it, then they ought to go to a specialist that they could know or call upon to say, “How can I handle this; I am in a situation I am not used to?” I have never quite been in the situation myself that my staff has been so large that I have struggled to manage it. I notice that some colleagues now have quite a long staff list and that may give rise to that kind of problem. There are lots of people around that one could consult individually over things like time management, to say, “I am struggling here”. I am not sure that the House has to provide it on a corporate basis.

Q187 Chairman: You cover a great deal in your memorandum, so can we move on to this business of the week’s predictability and topicality of business? You comment that Thursdays have become a virtual non-day; and that is a point that Sir George Young has also made in his memorandum. I think we need to look at that, and you may have some thoughts about how we make it into more of a day. Sir George Young has suggested that PMQs are moved to Thursday. The other issue is speakers’ lists. You say there are reasons for not having those. I have been in the very fortunate position over almost all my career of being on the frontbenches rather than the backbenches; but I remember, even in the days when, to pick up Peter Riddell’s point, one was used to long sermons rather than short sermons, spending six hours in the Chamber and then not getting called was pretty irritating. That was in the days when there were no other draws on a backbencher’s time because there were no select committees. You will remember those times. It seems to me that today there has been a huge increase in constituency pressures. Bearing in mind the demands of what you would refer to as 24/7 news services and much else besides, to expect a Member to sit there, not knowing whether they are going to get called, is worse than the disadvantages of the speakers’ list, which is that it may become rather mechanical. My own sense is that if you had speakers’ lists, but also the Chair was rigid in saying, “If you want to be on the list, you have got to be there at the beginning of the debate; you have to stay after you have spoken; and you have to be there for the wind-ups; and, by the way, if you are not, do not expect to get called again for a very long time”—if you do that and allow injury time on interventions, so that it is not like the
House of Lords where people are reading speeches, and the dynamic of debate continues, surely speakers' lists would work?

Sir Alan Haselhurst: I think it is important to separate myth and reality here. I read with increasing disbelief some of the evidence you have already heard from colleagues as to the days on days where they have sat for six hours, frustrated. I do not remember what these days were. The occasions when there are too many people to get into the time available are increasingly sparse, even on such easy occasions, if I may say so from the point of view of making a speech, as the Queen's Speech Debate, where the House has been packing up early for lack of speakers. I think it is only on very few occasions now that the debate is seriously over-subscribed to the extent that people have no chance of being called. The Chair is very different in its approach to Members from when I first came here. It was very difficult to approach the Chair, as a young Member in those days; now the Chair is much more benevolent and recognises that Members have all these pressures, and it does attempt to be helpful. We do not take any kind of pleasure from letting someone stew there, hour after hour, knowing jolly well that the chances of their being called are remote. We try to be helpful. People come up to the Chair and ask what is their chance, and we try and guide them and say that they could have a cup of tea and it will be later on. If you have heard the opening speeches and stay for at least one speech after you have spoken and you are in for the wind-ups, you will be keeping your nose clean as far as the Chair is concerned. There will be occasions when we even allow flexibility around that, according to circumstance. I do not think that there is quite the pressure every day, and more often than not in recent times one has seen the Whips busy ing around, trying to find people to come in to fill up the time. That is the very opposite to the impression that some people have given. The Chair does try to help. I would like to say very strongly to the Committee that it should advise the House to trust the Speaker. There is no parliament in the world that puts the Speaker on the pedestal that we do, by saying, “You have to be absolutely impartial; you can never return to party politics” et cetera. We see that person as defending the interests of the House and backbenchers and so on. If that is so, as I believe, then we should give flexibility to the Chair. It will try to be helpful, mindful of the interests of backbenchers and how life has changed for them. If you create lists, it brings a rigidity into it that will have some uncomfortable consequences. It is very difficult sometimes to discipline Members to do what one would like them to do ideally, which is to write in beforehand and then be present and so on. If a senior Member comes to the Chair and says, “I hope you have got my name on the list” and one says, “I am afraid I have not”—“Oh, but I wrote a letter to the Speaker” or “I spoke to the Speaker’s secretary” or “I did this” or “I did that”, it is not easy for the Chair to say, “We have no record of that; go away”. You try to be flexible. If someone comes in and says: “I have now got a delegation from a constituency that

Q188 Sir Nicholas Winterton: Can I say I share the view that Sir Alan has just expressed in a very clear and transparent way. With your permission, Chairman, can I introduce the subject of short speeches, which comes later in Sir Alan’s paper, because I think it dovetails in with this matter? Can I ask Sir Alan whether he believes that the new Standing Order relating to short speeches being a minimum of three minutes—and you mention this in your paper, and I have a vested interest because it was a recommendation of the Procedure Committee a year or two ago—has ever been used. I think it has been tried about once or twice. Do you, Sir Alan, believe that somebody being able to speak for three or four minutes at the end of a debate—perhaps the last hour in a full day’s debate, or in the last half hour before wind-ups in a half-day debate—would give people the incentive to be there and listen to their colleagues? This is one thing that worries me, having been here for a number of years: increasingly, Members come in and out of the Chamber and do not sit for a major proportion of the debate in order to listen to what colleagues have to say from their own side and from the other side of the House. A use of the Standing Order more frequently to enable many more people—it could be, if it were three minutes in the last hour of a major debate—twenty additional speakers getting in, making one or two very critical points. You have said to me privately, Sir Alan, that very often the short speech is the better speech. Do you believe that this would help Members and reduce the frustration felt particularly by new Members of this House?

Sir Alan Haselhurst: I know that the recommendation, which bears your fingerprints, Sir Nicholas, about the short speech rule, was well intended. I am not sure that it has worked as well in practice; and if it has not been used as often, it is partly on the grounds of the reticence of the Chair as to how fairly to introduce it in certain situations. There have been manifestations of annoyance by Members who have prepared a 10 or 12-minute speech to find that they are being offered a three-minute speech, which they do not feel they can adjust to and have then gone out of the Chamber. Therefore, while the calculations you have used say that for the last hour so many people are going to be there, who will have three minutes each, suddenly you find that that number has halved. It is quite difficult. That is the experience we have had. With it, of changes taking place between the Speaker’s conference when these things are decided, so that Members are given sufficient advance notice of what the time limit is going to be, if there is one for
backbench speeches in today’s debate. Circumstances alter either because a significant number of Members have withdrawn from speaking, or because a significant number of Members have put in a late plea to speak; and the time limit one has put on is no longer relevant to the situation with which you are faced. I plead for this Committee to look at giving total flexibility almost to the Speaker to be able to adjust. If he has started off by saying it is 12 minutes, then he may decide he can reduce that to 10 or eight, which would make less of a severe difference between those who come in early in the debate, and those in the last hour who find that all they are going to get is a gabbled three minutes.

Q189 Chairman: I think we are all attracted to the flexibility you are proposing but are there flexibilities above the announced maximum? For example, if you announced a 10-minute limit but then the demand to speak fell away, could you then say Members could speak for fifteen minutes?  
Sir Alan Haselhurst: I personally would. Again I say: trust the Chair. If you had a situation, which I have to say one had as recently as yesterday, where there was anxiety on both sides in relation to a timetable that Members had; that there was likely to be a vote at 10 o’clock at the conclusion of the debate and the debate had to go on until that time. In some cases you might have been struggling to keep it going until that time. The Chair should have certain flexibility in that sense, I believe. As I say, if you have confidence in the Speaker and his assistants to operate the thing in the interests of Members, which is our tradition, then place that full trust in the Speaker.

Q190 Philip Davies: You have said a couple of things that I would like to explore further. You mentioned time limits and commented about having a debate in the proper sense of the word. Do you think that having shortened time limits gives Members an excuse not to take interventions and therefore not to have a proper debate, which does not help in terms of adding to a debate? The second point is about the speakers’ list. It seems to be either feast or famine; there are either debates in which everybody wants to speak or debates where nobody wants to speak. Is the problem not at the very start of a new parliament, when new Members are very enthusiastic and keen and want to throw themselves in? That is when they all experience not getting called. It happens once or twice at the start of their time in Parliament and at that time they decide, “This is a waste of time; I am not going to bother”, and from that moment on they make a decision not to contribute to debates and not to put in to speak, even though later on in Parliament they probably could get in. Do you not feel that it is their early experiences that shape the way they act in Parliament?  
Sir Alan Haselhurst: The Speaker’s Office maintains very comprehensive records, and this has been a great insight for me in the last 10 years. It is surprising how well new Members do in terms of the number of occasions on which they speak. Sir Nicholas, in a previous session of the Committee, referred to the possibility of them making only two speeches in major debates. If you get an Iraq type debate, where probably sixty Members want to speak, and realistically only about thirty are going to do so because only one day has been devoted to it, there are problems of allocation. Across the board, in debates, on second-reading debates, on Opposition days and so on, or debates on adjournments of certain topics, the new Members are achieving quite good scoring rates, if I may say so; their average is not at all bad. There will always be pressure when it comes to very, very high-profile debates. You then have to ask yourself: “What are debates about?” If the House of Commons is a debating Chamber, it is only one aspect of what we do as members of the legislature. That is an occasion for challenge, probing debate, putting a matter on the record, trying to persuade either your party or the other party of a particular point of view to indicate the pressures on the country that you feel are important; and you must express yourself. On those occasions, you cannot completely exclude some of the major players from the debate. I know that this irks some newer Members, but, again, the Speaker is trying to leaven the wisdom and experience of some of the senior Members with the fresh intake. I am not sure it is quite accurate to say that every Member’s constituency has a right to be heard in every debate, because patently that cannot be the case in the timetable we run for a debate; and you are only going to get between thirty and forty speakers, depending on how you operate the time limit. On the short speeches point, I think that to go down to three minutes and no interruptions is a corruption of the thing; and I believe you would be better off with a variable limit so that you can get a decent bite at the cherry.

Q191 Mr Shepherd: There are three points to this question, and it is about the allocation of time. We have all witnessed days when business seems to have petered out at about seven o’clock. How would that time be filled and at whose discretion? The other question, which follows on from Philip’s question, concerns where you have considerable interest by Members in participating in what is perhaps a nationally important debate. I will cite the Iraq debate for one day, when clearly many people could not get to speak; and yet in the House of Lords on this important issue, through the Leader of the House we had two days to consider the proposals in front of the House. Is it practical that the Speaker could actually say that because of the number of requests coming in, this requires two days? Historically of course we sometimes go for three days to second-readings if there is an important matter before Parliament, and there are a couple of instances of that; and in important second-readings there are also instances of two days being given over, because that is the point where the principle is being discussed. Can you give us your views on these issues?
Sir Alan Haselhurst: I think it would be quite a serious step, on the latter point, to suggest that the powers of the Speaker to determine the business of the House and the length of time available for it should be extended in the way you are hinting.

Q192 Mr Shepherd: It is not hinting, in all fairness. I am just seeing it as a proposition. This does not occur very often in truth, does it?

Sir Alan Haselhurst: No. I am not directly privy to this because, obviously, there are certain things that the Speaker does which only the Speaker can do, and it is not a corporate or collective decision; but the Speaker meets the Chief Whips of the parties on a regular basis and I think it is through that means that he would attempt to influence the situation; but it would be a very big step indeed to move away from the role of the usual channels to determine what should be the length of time available for a debate. On some occasions it ought to be as plain as a pikestaff that there would be—and probably only two or three times a year—such a demand generated for a debate; so let us be adult about this and allow a sufficient amount of time for it. There are two contradictions, I think, going through the whole of this debate. There is the topicality versus predictability point, which I do make some comments about; and also there is a clash between those Members who say, “There is too little time for us to be doing these things” and at the same time saying, “Can we leave at five o’clock?” We have got to get this right. It is a certain sort of job, this; and there are lots of people across the country in different jobs who will have to work all sorts of hours, according to the demands of that job. I do not see that this job is so out of line with what a whole section of the population knows, be they in the public services or wherever, that sometimes there are funny hours. One of the things I worry about, where there is a squeeze on backbench Members, is when ministerial statements are made with permission—would it ever be denied?—of course it would not be—and an urgent question is raised. This is where the Speaker can exercise some influence on topicality, but has to take account not just of that issue but what it is going to do to the timetable for the day. If he knows he has a list of Members wanting to speak on the named business, he has to agonise—“can I let these things go and add to the agenda without there being injury time at the end?” That is the dilemma, and I do not think the Speaker should be put in that position where his unfettered decision is in fact fettered in his mind by the realisation that there is a point of interruption which he cannot effect. The debates petering out is again a matter of management for the usual channels, and it comes up against this predictability point. If Members have been told by their various Whips’ offices that they should be here at 10 o’clock or seven o’clock for a vote and it looks as though the debate does not have the natural steam in it to last that long, what happens? That is the problem. It seems to me, never having been part of the usual channels, that there ought to be rather better man management between them to be realistic about the fact that the debate is not likely to last; and therefore they either seek to put in two debates in the time available or determine whether it is a matter that can be remitted elsewhere. I suggest that Westminster Hall might be a place where various things might be tried which have not so far been tried.

Chairman: We only have another twelve minutes, and I want to ask Sir Alan to make some general remarks at the end so if everybody could bear that in mind . . .

Q193 Mr Sanders: If a debate does run out, what is there to stop you suspending that until the 10 o’clock vote, rather than forcing people to, in a sense, lower the quality of the debate by trying to keep it going? Is there any reason why you cannot just suspend and then stick to a timetable of when there was going to be a vote?

Sir Alan Haselhurst: I do not think so. There is no actual procedure for it, and it certainly could be done; but it would be an extraordinary commentary, would it not, on what this place is about if apparently the country has elected 646 people and there are not enough of us to keep a debate going on a certain subject?

Q194 Mr Sanders: It would be honest, would it not?

Sir Alan Haselhurst: It might be honest, but it might be too honest for our own good, I would have thought.

Q195 Mr Burstow: It does bring a different meaning to the term “spontaneity of debate” when the Whips are bringing everyone in to make speeches that they may not have planned to make in any way, shape or form until the piece of paper was given to them. There are some interesting proposals in your paper about Westminster Hall that I wanted to tease out a bit further. I was particularly interested in the idea that you suggest around raising topical issues in this 30-minute slot and the opportunity for 10 Members to make three-minute contributions and so on. Can you elaborate on how the mechanics of that might work and how frequently during the course of a week it might be used? It sounds to me to be quite a useful device to allow Members to raise topical issues that they want to draw to the attention of the House.

Sir Alan Haselhurst: I cannot see anything wrong with an experiment. Some of the proposals that have come out of this Committee during its lifetime have been on the basis of persuading the House to try something for an experimental period. It seems to me that some of the more innovative ideas could be given a test run in Westminster Hall. There is scope for using Westminster Hall either differently from the three days that is used at the moment, or even by extending on to a Monday. I cannot see any difficulty about that. I would suggest that one might have a half-hour topicality slot, which certain legislatures in the world already have, on a weekly basis, and see how it goes. If it proves to be valuable and allows certain issues to be aired, be they of national or constituency importance, and got on the
record; depending on how Members react to it, it could be something that is extended or even transferred to the Chamber.

**Chairman:** Mark wants to come in on this, and so does Theresa. Can we concentrate on statements and the important section on programming that Sir Alan raised in the remaining time?

**Q196 Mark Lazarowicz:** I can see the argument about allowing some injury time at report stage, but presumambly there is an argument for some limit to the injury time allowed at report stage because you could have a situation where it could run into a considerable amount of time beyond the expected end of the day. I would be interested in your views on that. Can I briefly go back to the point that Paul Burstow made on Westminster Hall debates. I was interested in your reference to proposals regarding select committee reports. I think that is a good idea, and I wonder if you have any indication of why that proposal never saw the light of day, in terms of actual business in Westminster Hall debates, as a result?

**Sir Alan Haselhurst:** On the last point, I do not know why it did not see the light of day, but I am inviting the Committee to look at this again and see whether it might be tried. On injury time, there are two situations. One is the report stage where, if you are allowing under the programme one hour supposedly for a third reading debate, and when the closure comes on the report stage one hour before the final point of interruption, there could then be a series of votes; and that can often tear to ribbons the time available for third reading. Third reading in those circumstances has lost all meaning as a debate. It is absurd that one gets a quarter of an hour of congratulation, back-slapping and so on, and the only person never mentioned is the Chair. The thing does not end on the highest note. It seems to me that the Committee might consider whether third reading has a purpose—which I am inclined to think it has, but maybe times have moved on. If there is a purpose to third reading, let it be a protected hour—that is all I am saying. The other injury time is because of the topicalities. If the Committee decided to suggest that the criterion that the Speaker is expected to work within for determining urgent questions, might be relaxed slightly in order to promote topicality, there are consequences of that. Similarly, what I said about statements was with the aim of cutting down the total amount of time that is spent on a Government statement, and yet benefiting backbenchers disproportionately. If you could get statements over more quickly as a result of people being better informed about what was in a statement half an hour beforehand, again we would be saving time to some extent. It is not totally infrequent to have two government statements in a day, plus there is a good urgent question that ought to be taken: it seems to me that you cannot just slash the time available for what might be a second-reading debate or any other kind of debate, when you know a lot of Members wish to take part in that; and therefore you have to add on some injury time. There could be a formula for it so that there is some limit to it. I am not suggesting that we get into a situation of going through the night or this kind of nonsense; but we have to get the balance right between the ability to function, as one is sent here by one’s constituents to do, and at the same time being able to get away at a reasonable hour. It is extraordinary that we should pack up when so many Members are frustrated at not being able to speak because of a general desire not to be here beyond a certain time.

**Q197 Mrs May:** I want to pick up particularly the issue of statements. Many people will have a certain sympathy for your proposal that everybody should get a copy of the statement in advance, particularly when things have been announced in the press beforehand anyway. People will have a rough idea of what is happening. I would like to tease out what you meant by saying there is further scope for injecting crispness and more discipline into the statement procedure, and whether it was about further reducing the length of time frontbenchers have to speak to give more opportunity for questions; and do you think there should be general guidance on the minimum period that a statement is available in advance to frontbenchers and backbenchers? The worst occasion I experienced was when shadowing Stephen Byers and a particularly important statement came out 10 minutes before he stood up.

**Chairman:** To you?

**Mrs May:** To me—which meant that there was very little time to look at it. Ministers obviously vary on this. In terms of statements and urgent questions, and that topicality issue, you have not made any reference to SO No. 24 and the use of that procedure, and whether there is more scope for that.

**Q198 Sir Nicholas Winterton:** Before you answer Theresa’s question, there was a very important statement on Monday relating to Iraq on the abduction of the 15 service personnel and selling stories to the media. The Speaker, for probably very good reason, terminated that statement and supplementary from backbenchers after an hour, albeit there were a lot of Members still wanting to speak. Do you think that in a case like that, when there is such an important statement being made, and a lot of people are interested, there could be injury time granted that could change the time of the point of interruption so that in fact more people could participate in what is a critical issue and a very important statement?

**Sir Alan Haselhurst:** That is the whole point I am making. On that occasion, the Speaker knew he had another ministerial statement that followed that one, and he could have had a request for an urgent question. I do not think he did have, or I was not aware of that. The fact is that the whole question of injury time has to be considered because we are being squeezed, and that does not sit well with Members then saying they have not got the opportunity to take part in debates. My own thoughts on the statement, which are for your consideration—and I have not pre-discussed it with Mr Speaker—are that if it were practical for all Members to be able to pick up the statement from the Vote Office half an hour beforehand, I think you
could then say to a minister, “You do not then make your statement by reading the whole thing out but you speak to your statement for, say, five minutes”; and then the principal opposition and the third party perhaps have three minutes; and then the rest of the time that is available is for backbenchers. I think that the questions that might be asked in those circumstances would be more to the point. When you are listening to something for the first time you do not always digest it and you may therefore ask what I call a “damn fool” question because you didn’t quite catch it, and sometimes you do miss the point; or you can ask a more incisive question because you have seen what is in the statement and mentally have it bedded down in your mind. I think that would lead to crispness and so on. At the same time, the Chair would then batton down hard on long preambles from Members rather than asking a question; so the whole thing could be more tightly managed. As to the courtesies given to the principal shadow spokesman, that works generally speaking. It occasionally goes wrong and sometimes there will be frantic efforts to alter a statement at the last minute and so on. I think the normal courtesies work. I did not mention SO No. 24 specifically in my submission, but I would say that that is another opportunity where the criteria governing Mr Speaker could be relaxed again. In my early days in this place you were getting SO No. 24s every day, and the House got tired of this, because of the ritualistic response by the Speaker; but you also got the occasions when they were accepted. There was huge dislocation then for everybody because the Speaker announced there would be a three-hour debate on that matter the following day, and suddenly people were looking at their train timetables and so on. Again, this is the clash between topicality and Members’ predictability. We have to accept there is some inconvenience in this work if we really want to be on the button on a particular matter.

Q199 Chairman: Thank you very much, Sir Alan. Time, sadly, has run out, even here! Is there anything you wanted to say by way of summary?
Sir Alan Haselhurst: There are just two other points that we have not covered. I simply stress that we have to be adult about this business of topicality and predictability, and see what the job is that we are trying to do. Trust the Speaker, is my other great theme, because the Speaker will try to be helpful and not be seen as distant, as is implied in some ways by the evidence given, by people feeling that they were just wasting their time in the Chamber. Private Members’ motions I would commend. I think they were almost abolished by accident, but if Members want to put forward a subject that will have a vote at the end, you might seriously give consideration to the restoration of that. I would commend again—because I tried to make it work from the Chair, but it was not all down to me—the cross-cutting questions idea in Westminster Hall. Again, let us experiment in Westminster Hall and see whether some of these ways of helping Members and making Parliament more effective can be developed there.
Chairman: Thank you very much indeed for your memorandum and for this evidence session.

Letter from Rt Hon Michael Jack MP (M19)

STRENGTHENING THE ROLE OF THE BACKBENCHER

One way in which the role of the backbenchers in the Commons could be strengthened is by amending the procedures whereby the government makes statements to the House, particularly on matters such as key consultation documents or newly published White Papers. At present a Minister comes before the Commons to present a 10 minute statement and the opposition parties then have a similar length of time to pose their questions before backbenchers are given up to an hour at the Speaker’s discretion to probe Ministers about the contents of their new publications.

The drawback of this approach is that Members do not have any of the documentation associated with the statement or announcement in front of them and are therefore constrained as to the thoroughness with which they can probe Ministers about important policy developments. It is often the case that the principal issues to be discussed in the statement have already had an element of pre-digestion by virtue of the now almost obligatory interview on the Today programme on the morning of the day in question.

I would like to see the situation changed so that on a day when the government was to make an announcement as detailed above the necessary documents would be available in the Vote Office from 9 am and when the Minister came to present a statement to the Commons there would follow a new form of probing debate and question time for approximately one and a half hours. During that period a Member, having previously indicated to the Speaker their wish to participate in the session, would be given up to three minutes to make a short observational statement about the White Paper or consultation or ask a series of questions. At the end of an hour and a half’s probing the Minister would be required to respond to the points put forward. Such an approach would give a far greater depth to the probing of important new announcements and ensure that those Members with real interests and expertise in a particular area had the best chance of being called by the Speaker to contribute to such exchanges.

January 2007
Select Committee on Modernisation of the House of Commons: Evidence

Letter from Rt Hon Michael Jack MP (M43)

I am putting on record my observations about the future work and for Select Committees which I hope will be of interest to the Modernisation Committee.

Currently Select Committee rules and resources are geared towards the traditional role of undertaking a series of sequential inquiries on different aspects of Departmental policy responsibilities. Some flexibility in this approach is available if Committees are prepared to utilise facilities such as sub-committees, rapporters or unofficial groupings. These approaches increase the score of departmental activity which can be subject to regular scrutiny.

However Select Committees are now having to face new demands to take on a further range of investigative activity. These include a more rigorous and continuing analysis of departmental expenditure including the supplementary estimates, pre-legislative and possibly post-legislative scrutiny. In addition to these UK activities it is now being suggested that Committees might take on additional European scrutiny with particular reference to EU Green Papers and other relevant documents.

Whilst all of these suggested streams of work can be justified undertaking them all would put a strain on the ability of Committees, as currently constituted, to conduct this volume of work. The extra strain could not simply be relieved by the addition of more staff or resources. Looking at my own Committee of 14, the reality is that the majority of the work is carried out by a hardcore of around nine who are the regular attendees. Currently for us to cover our present range of tasks and inquiries we meet as a main committee, sub-committees are formed and we have even invented an unofficial grouping called an Observatory to enable us to monitor continuing issues such as Avian Influenza but where a formal inquiry is not yet required. We also do our best to meet with visiting delegations from other legislatures interested in our work.

In addition my Committee is anxious to improve its scrutiny of Defra’s financial activities. However, what this will mean is that two or three members who have some appreciation of the complexities of public finance will have to spend a considerable amount of time getting up to speed to really understand the subject in order to enhance our performance in this area. However, because of the constraints on the number of sub-committees we can form, it will not be possible for us to effectively form a standing sub-committee which could monitor the department’s finances on a continuing basis. As you will appreciate for Members to do all of these functions it would mean for some being in almost permanent session. Such an approach would be incompatible with the current other duties of colleagues and unrealistic when you look at the many calls on Members’ time.

So far my comments have focused on the Parliamentary Members of the Committee. You will immediately appreciate that if we were to expand our range of scrutiny activities as suggested we would also need a substantial increase in the number of clerks and specialists who were available to us in order to give the necessary professional support to members.

If Select Committees are to enhance their range of work I believe that the time is now right for the House to undertake a fundamental review of the way it uses the House’s Committee structure. As I see it Parliament is fundamentally organised on the basis of ad hoc committees. This is different to many other legislators who have specialist committees by subject and through which all of their legislative and scrutiny activities flow. Such an approach from our Parliament would mean a fundamental change in the way that committees operate in the House of Commons. For example, the House would have to consider the implications of creating a group of members with real specialist knowledge. In legislative terms this approach could also pose a challenge to the current system of ad hoc committee whipping.

In considering a package such as this thought should be given about the role which would be played by “enhanced” committees in looking at Department value for money and performance issues. Currently this job is largely carried out by the Public Accounts Committee. In contrast Commons committees established on these lines could significantly improve the House’s ability to hold the Executive to account as well as enhancing the role of the Backbench Member.

March 2007

Memorandum from Rt Hon Sir George Young MP (M9)

Strengthening the Role of the Backbencher

1. More Transparent System of Appointment to Standing Committees

At the moment, names are submitted by the relevant Whips to the Committee of Selection. The Committee has no idea of who might be interested in serving on which Bills. I suggest that those interested in serving should write to the Clerk—as used to happen. The Committee could then make a more informed decision.
2. **Less Time for Front-bench Speeches and Shorter Statements; Freeing Up Time for Backbenchers**

   I understand the point made by the Leader of the House about front bench spokesmen taking interventions. But this risks becoming a vicious circle. As more interventions are taken, backbenchers see that they are going to be squeezed out of the debate. So they make an intervention instead, thereby further reducing the time for speeches. And while some statements are short, they are read out incredibly slowly (the current Home Secretary springs to mind). Progress has been made, but more could be done.

3. **More Use of Time Limits to Get More Backbenchers In**

   Four eight minutes speeches are likely to be more informative than two 16 minute speeches. It also keeps the Chamber fuller. Again, progress has been made, but many speeches could be a good deal shorter without losing their impact.

4. **Allow Debates to End Early, When There are Not Enough Speakers**

   “Thou shalt not kill; nor strive, officiously to keep alive”

5. **Continuing Development of Alternative Career Structure**

   Progress has been made to counter the gravitational pull of Ministerial office. But, again, more needs to be done to encourage Members to see a career on the backbenches as an equally rewarding one to running a Government department.

   *November 2006*

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**Memorandum from Rt Hon Sir George Young MP (M10)**

**Making Better Use of Non-legislative Time**

   Thursday has become the weakest link in the Parliamentary calendar. It used to be a fully-paid up member, but has become marginalised. This has put pressure on Tuesdays and Wednesdays.

   Moving PM’s Questions to Thursday might open it up for more business—particularly if PM’s Questions were in the afternoon.

   Opposition Days should be traded in, in part, for the right to demand statements which don’t qualify under Mr Speaker’s ruling, and are not volunteered by Government. This would make the Chamber more topical, and is also likely to increase attendance.

   *November 2006*

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**Witnesses:** Rt Hon Michael Jack MP, Rt Hon Alan Williams MP, Dr Tony Wright MP, and Rt Hon Sir George Young MP, gave evidence.

**Q200 Chairman:** Colleagues, we now move on to the next distinguished and experienced Members. Thank you very much, Michael, Alan, Tony and Sir George, for accepting the invitation to attend. I know you have sat through the earlier evidence of Sir Alan Haselhurst. Sir George, you have sent us two notes, which are very helpful, and so have you, Michael. All four of you, as well as being experienced and distinguished Members chair select committees as well. I will start with the Father of the House. Do you want to make any opening remarks about how we make the Chamber more effective and how we strengthen the role of the backbencher?

**Mr Williams:** I think the suggestion of having a list is sensible. I do not think we are ever going to go back to the illusory days, when the House was jam-packed. Even having come in in 1964, I can remember that as being not the normal occasion.

   **Q201 Chairman:** It is a very good point.

   **Mr Williams:** If the Chair had a discretion to say it could be two hours or one hour, I would suggest to you that this could be a very effective way of opening up completely on emergency access. When I was in opposition and doing the mischief job on the frontbench, I used to meet up with the Whips in the morning, then we would work out who would put in the private notice question and who would back it up with a private, an emergency debate, and we would shuffle all the options. If we were a little more relaxed about the emergency debate, that could solve an enormous amount of problems at a stroke. I am sure
there are many occasions when the Chair would say, “yes, this obviously merits an hour, but can I justify taking three hours out of a whole day?”

**Sir George Young:** Just to pick up what Alan was saying about the trade-off between topicality and predictability, I just think we have to go down the topicality route much more, just in terms of standing back and trying to reconnect this place with the world outside. We need to be more topical, even if it does become less predictable. In terms of filling the Chamber, you get the Chamber full if you have a topical statement on something; and you get more media coverage of what is going on in the Chamber if you move towards topicality. I am instinctively in favour of the changes that promote topicality, even though there are some consequential. On that theme, why should ministers be the only people who make statements? Why should not the chairman of a select committee, when he produces an important report like Michael’s on the RPA (Rural Payments Agency), or Tony’s on the ombudsman, or Edward Leigh on Monday on the NHS, also be able to make a statement in the House of Commons? Why should that be a privilege reserved to ministers? I leave that thought on the table.

**Dr Wright:** One unhelpful first comment is just a plea for not being realistic about the job. You can endlessly invent good ideas, initiatives for what Parliament might do if Parliament were other than it is. The unreality comes from not being honest about what the place is now, and what drives it; what is in the bloodstream of Members; what is in the career structures of Members of Parliament. Those are the things that make this place how it is. I think there is a gap between devising all kinds of interesting operational scenarios and understanding how the place is. That is why I say you cannot talk about the role of a backbencher, for example. You can talk about roles, in the plural. There was an interesting moment a few years ago when I noticed that for the purpose of making a submission to the SSRB somebody had sat down and done a job description of a Member of Parliament. It was pure fantasy because there is no such Member of Parliament who does the job described; they all do different jobs, depending on their reading of the role. It is a multiplicity of roles done differently, and there is no such thing as “the backbencher”. One of the best bits of evidence I thought you had was the survey done by Michael Rush and Philip Giddings. When they asked Members about the most important parts of their job, they said the most interesting finding was the difference made by whether a party was in government or opposition, and gave the figures of Conservative Members in 1994 giving a very low rating to scrutiny; but now it has gone up to 90%. Being a backbencher on the government side and a backbencher on the opposition side are two completely different jobs; so to talk about “the backbencher” is absurd. My conclusion from all that is that we need to focus on making Parliament better at doing the job it has to do. I think that directs you to certain other areas, some of which we are doing at the moment. I think they are the real areas that offer some promise.

**Mr Jack:** I start from two points. Does the government of the day really want to be more scrutinised and probed? Does it accept that occasionally the Government might lose, however you define that? Is the question of the time that we have available in the House of Commons for all of our business going to be looked at realistically, because I very much agree with what Tony Wright has said. It is very easy to dream up endless novel changes to the procedures, but you always run up against the most precious commodity we have in the House, which is time. One of the things that, had I thought about it, I would have included in my own submission, was perhaps a further review of the use of time. There is still the tendency that we have X hours for a debate, so that is the amount we use it up. If you could do it in X minus minutes—if we could create surplus time, what would we use it for? My two submissions focused on a revision of the procedure as far as statements are concerned. They recognise that the reality of the world is that most major government announcements are pre-leaked to the media in one way or another, and we go through a charade: a minister goes on to the **Today** programme and says: “I cannot tell you everything because I must tell the House of Commons first”, but 95% of it has been pre-digested. Under those circumstances, my principal submission suggested a different way entirely of looking at statements to give people the opportunity to go beyond simply asking a question but having some time for a mini debate with limited amounts of time for contributions to the backbenches but where the backbenches would be armed better with the information by having had not just the statement but the White Paper or other relevant documents ahead of time. The submission I put in on select committees was far more radical, and that effectively said that if we really are going to crank up the ability of non-government Members of the House to truly hold the executive to account, then under those circumstances you may have to look at a wholly different way of channelling business through a different type of committee structure, which would be more in parallel with continental practice than is the case with the House of Commons, where our committee structure is very much ad hoc. If you had powerful select committees that were sitting five days a week, fully resourced, probing every piece of business going through there, then the backbenchers who are members of that select committee would undoubtedly have a lot more clout when it comes to holding the Government to account.

**Q202 Chairman:** Thank you very much for those very interesting opening statements. On your point, Michael about whether governments want to be more scrutinised and probed, the answer to that is that ministers’ views vary. My own view—and I am on the record about this—is that although it is sometimes uncomfortable, the quality of government, as well obviously as the quality of our democracy, benefits from having a greater degree of scrutiny. I often say to my colleagues that it is not a
zero sum between Parliament and Government, although sometimes ministers might be forgiven for thinking that it is. On pre-leaked statements—or briefings—although we live in much more of a goldfish bowl outside, it is possible to have disciplines that ensure that Parliament is the first to know about the detail of policy. Some ministers do observe that. I think that, frankly, government has got into bad habits. I do not accept that these habits are unchanged. There has been a big change between what happened when most of us, the older generation, came into the House, and now, which is the select committees. They are now more powerful than people let on. They do a very effective job, I am told by those who know, compared with committees in the United States. They may not be so dramatic, but they certainly do an important job, and by God, if you are a minister and you are going before a select committee for a grilling for two or three hours, you have to have the answers and cannot rely on rhetorical devices because they get you absolutely nowhere. There is this difficulty about how you link in what the select committees are saying and reporting with the Chamber. I do not think any of us want to get into the position of many other parliamentarians where the Chamber becomes irrelevant. There never was a golden age—Alan, you are right. The point about the Chamber is that it is the cockpit of the nation; the numbers in the Chamber determine who forms a government; opinion in the Chamber can wreck a government, and can certainly wreck a minister’s career and enhance one also. It is a really important forum. The question we are facing is how to make it more effective, given the current realities, not going back to some non-existent golden age. I think it particularly applies to how you get the input from the committees. Do you have any suggestions?

Sir George Young: Have you thought of select committee days, when the Chamber does not sit, on the grounds that a lot of select committee business is disruptive?

Q203 Chairman: So you would have days on which select committees could sit.

Sir George Young: Yes.

Dr Wright: Can I again make a plea for realism? One of the things that we all say is how important the work of the select committees has been since 1979—and it has. It is one of the good growth points of the institution, and it is very hard now to imagine a parliament without the system working. However, they are still, I think, not doing what they might do. What was profoundly shocking for me, for example, in the last parliament, was when our party decided that it was more important taking on campaign roles inside the party than being members of a select committee. In fact two members of my select committee were removed to go and be campaign organisers or assistant campaign organisers for different parts of the country. I mention that because perhaps I should not have been shocked by it, but it was a statement about the relative importance of roles. It was a statement that it is less important to be a member of a select committee, scrutinising government, doing that Westminster role, than it is campaigning out in the country. From the point of view of Members who know where careers lay, they also know that they are going to get more brownie points, as it were, from campaigning for their party than being scrutineers in select committees; so it plays to the career structure. We can invent different models, but if they are out of synch with how the place actually is, they will get nowhere. My view is that we should build on developments that are taking place. The idea about developing the select committees is a good one. Perhaps we can have select committee days, with perhaps George’s idea about chairs being able to make statements. Having votes on select committee reports is a good thing. Select committees—we did it, uniquely, developing our own bill—it should not only be Government that produces putative legislation. There are a number of things we can do—getting better pre-legislative scrutiny, post legislative scrutiny—I think the new public bill procedure has far more to offer—although I do not know how it is working in detail—in terms of making Parliament matter more than some of the devices that you may be able to think of.

Q204 Sir Nicholas Winterton: Should there not be less legislation?

Dr Wright: I think we have all made that speech, Sir Nicholas, have we not?

Q205 Sir Nicholas Winterton: I ask you.

Dr Wright: I know, and it goes down very well.

Q206 Chairman: What is the answer?

Dr Wright: I have made that speech on Queen’s Speech days, and I believe it, and I think there is a very good case for saying we should legislate less but legislate better. Every party has subscribed to that in theory, but no government subscribes to it in practice.

Q207 Sir Nicholas Winterton: But would you not agree that the only way that parliament can become more relevant is if Parliament itself, rather than the executive, takes more control of what goes on in the House?

Dr Wright: Yes.

Q208 Sir Nicholas Winterton: If that is the case, how could that be achieved?

Dr Wright: Yes. I think this is one of the arguments for trying to think about how non-legislative time might be organised by somebody other than the usual channels. I am not privy to these things, but I have been involved in discussions about how we might have a business committee that was concerned with developing that area of parliamentary business. I have ticked a box! It is certainly worth exploring.

Mr Williams: Can I throw in one point on something that was touched on earlier, and that is the Thursday and Friday phenomenon? It is a logical consequence of several things. It is natural, as has rightly been said, that Members want to save their own seats and...
have to give high priority to it; but something that now is regarded as utterly unacceptable and used to be a way of life as far as my generation was concerned, was pairing. With pairing, you could nip away in the week. Someone else would not vote; you could go to a constituency engagement, come back, and you would have your Thursday and Friday. However, now Members are here and they are trapped. The Opposition side think it is a great wheeze not to pair with the Government because it makes it uncomfortable; and from the Government Whips’ Office point of view it is control-freakery and gives them an extra hold over all their Members; but something that has been done! You have not had to put up with the floaters, the people who do not represent a seat; that has been done! You have not had to put up with the floaters, the people who do not represent a seat; they represent an area and can go cherry-picking all around the constituencies; so they are protecting their backs, but eighty Members is a lot of Members Organisation their time.

Q209 Chairman: That is a good point.
Mr Williams: The other point is—and I am hobby-horsing now—everyone knows my views on devolution so you have to excuse it, but this again is a logical consequence that has not been taken into account. We talk of a decline in attendance, but remember that for eighty of us there are large parts of what goes on here that are irrelevant. We are not concerned, was pairing. With pairing, you could nip away in the week. Someone else would not vote; you could go to a constituency engagement, come back, and you would have your Thursday and Friday. However, now Members are here and they are trapped. The Opposition side think it is a great wheeze not to pair with the Government because it makes it uncomfortable; and from the Government Whips’ Office point of view it is control-freakery and gives them an extra hold over all their Members; but something that has been done! You have not had to put up with the floaters, the people who do not represent a seat; they represent an area and can go cherry-picking all around the constituencies; so they are protecting their backs, but eighty Members is a lot of Members Organised their time.
is an internal argument that I have had, but I am then told, “Well, the Liaison Committee has been rather lax in making its mind up about what it is.” If I was able to say, “this debate is about this quite important topical issue” and I was able to describe it, rather than saying it is a fourth report of the X select committee—you think, “Oh, fine, I will have a day off.”

Dr Wright: If there was, for example, a vote—

Q213 Chairman: I am suggesting both; you have a vote but also, subject of course to colleagues and if the government agree—having a vote is an important idea, but also ensuring that what is presented to the House by the select committee is understandable, topical and important.

Dr Wright: Yes.

Sir George Young: On size, can I make a plea not to have large select committees. One of your witnesses suggested that every backbencher should be on a select committee. The consequent size I think would make them very difficult to manage, if everybody wants to ask a question and you have 20 or 25 people on a select committee, and then you are trying to get a report together. My select committee is ten, and I am very comfortable with that.

Q214 Chairman: Alan—inquorate?

Mr Williams: No problem! All the collective chairmen are very well behaved. The clash between tails on seats, which is what preoccupies the Whips, and the efficacy of the Committee is something that needs to be looked at. Michael’s Committee is something of an exception, I think. First of all, they are very hard-working, and Michael, if he will excuse my saying so, is a very imaginative chairman in the way he approaches his work. When I took over the Liaison Committee I met with every individual chairman and I put to them all that they should consider the possibility of sub-committees as a way of widening their investigative capability. Some committees now are larger than they need to be. There are chairmen who complain that there are too many people and it is taking too long. In the committee I love so much, the Public Accounts Committee—I have been on 17 years—we always used to operate at 12 members, and we each had 15 minutes to question. That was your 15 minutes! However, then the Whips decided, because statutorily we are a different committee to the others in nature, we could have a maximum of 15 and therefore we would have 15. Since we have had 15, we have had to drop questioning time from 15 minutes to 10 minutes because meetings were dragging on so long and it was unfair to witnesses. I do not think there is any single rule on size, but I think we need to be more flexible and not preoccupied with just meeting the Whips’ whim.

Q215 Sir Peter Soulsby: Can I just say, as one of the backbench Sherpas on Michael’s Committee, I entirely agree with him about the need for flexibility in the way in which they work, and the establishment of a sub-committee is an enormous advantage. I wanted to come to the evidence that others have given us about the impact of constituency duties and expectation of Members in general and backbench Members in particular, and the way the expectations have changed over the years. The amount of e-mails that Members get has grown exponentially. The need for all parties constantly campaigning out in the constituencies has also affected the focus. Is this inevitable? Is it reversible? Is there a way forward other than to be overwhelmed by it?

Dr Wright: It is congruent with an intelligent response on the part of Members to the job that they do. It is not irrational for them to behave like this because they can control that; that is an area where they have power and can control. There is also direct interest. They can decide. They are big figures in their areas and can decide how to organise their lives and can make some real impact locally. There is no question that the role of the Member of Parliament in the constituency has changed out of recognition over the last generation for all kinds of reasons. I sometimes tease my constituency party. One of my illustrious predecessors was Jennie Lee, and there is a lovely press cutting that stated, “Miss Lee was gracious enough to attend the annual meeting of the Cannock Labour Party”. This is a different world. MPs now are community catalysts. I do not underestimate the work that they do in their areas; but it is of an order that is unrecognisable from the previous generation. You can see why they give attention to that: it is valuable; it provides a service to their constituency; and of course there is an interest that comes with it. It is a reflection of some of the difficulties of finding a secure role at Westminster.

Mr Williams: I think as well there is the technological impact here. I grew up in Parliament under the convention that one Member of Parliament did not deal with another Member's constituents and problems. I think we all observed this with our letters, but now we are flooded not with letters but with correspondence from people we have never heard of, and parts of the country we have never been to, and for some reason we seem to presume that we have to answer them all. Having read the evidence of quite a few people, it has been a brave witness who says he ignores them all. I do not know whether there is any practical way of modifying the convention that made life tolerable for us to meet the conditions of the new technology; but I must say that with the rate of expansion of incoming requests, I am glad I have decided to retire next time.

Q216 Mrs May: The new public bill committee procedure introduces some of the characteristics of select committees into the public bill committees, and I wondered if our witnesses could comment on whether they think that will have any impact in the longer term on select committees. The second issue is an aspect of the topicality issue. Sir Nicholas has had his bee in his bonnet, so I am going to have mine! It is about freeing up more time, or using more legislative time, to do more cross-cutting debates,
more debates on issues. Legislation, by definition, tends to be departmentally based in terms of the debate; but more debates on issues, with free votes at the end of those debates so that there is an opportunity to get the will of Parliament rather than just the will of party.

Mr Williams: The Liaison Committee in its annual report made it quite clear that in our view, as far as the Public Bill Committee is concerned, we welcome that. I think it is an excellent innovation and will lead to better quality of interrogation and participation by the Members. However, in no circumstances can we accept that it should preclude the rights of a select committee also to carry out pre-legislative inquiry because we do it from a position of expertise very often. This is one of the key points we made in our report. I do not see that it should cause great difficulty as far as government is concerned, but you can see the different nature of an ad hoc group that is going to look over one or two days under the chairmanship of a chair from a chairman list, who knows nothing about the subject, as compared with an ongoing, several-day inquiry by a specialist committee headed by somebody who has probably been chair of the subject for a long time and with a lot of Members who have special interest and special know-how. To run them in tandem is excellent, but one for the other is unacceptable.

Mr Jack: As far as the Public Bill Committee is concerned, my worry about it is that whilst it is a very good idea to have a probing element to explore some of the technical details of a bill, if I look at the scrutiny we did, for example, on the draft Animal Welfare Bill in pre-legislative terms, we worked intensively for six weeks, two or three times a week, looking in detail at a bill that was work in progress, which, by the time it emerged on the floor of the House, was a much more workman-like piece of legislation. I think the Government benefited from that kind of work. You are never going to get that in the current arrangement. I come back to what I said at the beginning: it is about winning and losing. When it is malleable, it does not matter if the Government says, “Okay, we will change that” because it is not about winning or losing a vote in a committee. When it is for real, the Government has the right to say, “Okay, we want our legislation, thank you very much.” Unfortunately, that process often drags on to the statute book because the constraint of time that not every bill is probed for adequately time to be examined properly. Mr Williams: The pre-legislative area is one we have identified as one of our areas of weakness that we want to expand, and ministers have accepted this. Unfortunately, while I understand there are operational factors, the number of draft bills coming forward nullifies all good intent. In our annual report on page 79, in 2003 twelve draft bills were published out of 36 Government bills—excellent, one in three. In 2005–06 it was three out of 58, and I think we have had four offered this year so far. If the Government really is serious about developing pre-legislative legislation, we accept and welcome the additional thing they want to offer, but they should fully use the facilities that already exist and co-operate more with the select committees in not only providing the bills but providing them in adequate time to be examined properly.

Dr Wright: Theresa, if I may say so, has identified some absolutely critical issues. We all know that the way in which we scrutinise legislation has been an embarrassment. It is a good job people did not know what has been going on—and we have all been parties to it; so any attempt to do that better is a good idea. Whether or not we now have the right model I do not know. I think there are more radical models that we might think of, and there would be some sense in thinking about how to fuse the select committee model with the bill scrutiny model. It is daft that you do not build in the expertise that Parliament has in the scrutiny of legislation in that area, as a natural process. It is a start that you build on. Theresa’s point about more cross-cutting issues is absolutely right—we are very bad at that. A crucial area is to have cross-party initiatives. There is a mismatch between the kind of tribalism that we bring to our affairs in this place—except when we meet like this in a civilised way—and how the rest of the world operates outside. We are seeing the beginnings of that here, but we have to build on it, and the select committee route will help. Theresa’s last point about more free votes is a very good idea. The fact that we do not have them reflects the tribalism. I cannot see why, on a range of measures, for example the current one on the Mental Health Bill, they have to be party measures. In fact the legitimacy of the measure would be greatly improved if Parliament was voting simply as Parliament rather than as tribal blocs.

Q217 Sir Nicholas Winterton: A brief response from all our four witnesses—and I ask this question positively without any disrespect to our current Chairman: do our witnesses, who are experienced Members of this House, believe that this Committee would be better chaired by a backbencher rather than by a Cabinet minister? Would it not enhance the role and the authority of a backbencher and the House as a whole?

Mr Williams: I think one has to go by experience of what has happened. Under Robin and Jack is following the same route—it did make great
achievements. I think it was an advantage to have this interface. My colleagues may disagree completely with me, but I feel that if it works it is silly to change it.

Sir George Young: I think there is a big issue about whether Parliament should repatriate some of the powers that have gone to the executive. This is the only select committee that is chaired by a member of the Government, and there is a real question as to whether that exception is justifiable. With respect to the current Chairman, who is a good House of Commons man, I do not think it is justifiable. The chairman’s job, as a member of the Cabinet, is to get the Government’s legislative programme through the House of Commons. The job of the Modernisation Committee is to define the machinery by which that legislative programme is examined. It seems to me that there is an incontrovertible conflict of interest if you have the same person doing both jobs. My view would be that I would merge the Procedure Committee and the Modernisation Committee together, and I would have it chaired by a backbench Member of Parliament.

Dr Wright: It is intellectually indefensible but it may be practically useful, especially if we have a reforming Leader of the House.

Mr Jack: I agree very much with George, but I think George’s premise should be predicated by the fact that once this Committee under a different chairmanship had come up with its ideas, that it should have the right of proposing the amendments to the way the House operates on the floor; because the advantage we have at the moment is that at least the current Leader has to do something when this Committee comes to some conclusions.

Chairman: I am catholic on this. I just say that you have two roles as Leader of the House. One role is to represent Government’s interests in Parliament, but the other role is representing Parliament’s interests to the Government. It may be difficult but someone once said if you can’t ride two horses you should not be in the circus!

Sir Nicholas Winterton: This is not a circus!

Chairman: My two pennyworth on this—and at the end it is Parliament that needs to decide, and not me—is that the voice of the Commons, excluding ministers, is strengthened in government if you have a Leader of the House chairing this. I thought it was an odd arrangement and it is, but it may work. Time will tell. Thank you very much indeed for your excellent evidence and for your attendance. We will all do our best.
Wednesday 9 May 2007

Members present:

Mr Jack Straw, in the Chair

Mr Paul Burstow     Mrs Theresa May
Ms Dawn Butler     Mr Adrian Sanders
Mr George Howarth  Sir Peter Soulsby
Mr Greg Knight     Sir Nicholas Winterton
Mark Lazarowicz    Mr Iain Wright

Memorandum from the Clerk of the House of Commons (M23)

STRENGTHENING THE ROLE OF THE BACKBENCHER

1. How backbenchers perform their role as Members of the House is largely a matter for each Member to decide. It is of course important that all Members attend the Chamber as frequently as possible and participate in proceedings. But the potential range of activities in which Members may be engaged is wide and it is inappropriate for me to prescribe how they should perform their functions. Instead I address some of the detailed questions posed by the Committee’s terms of reference.

INDUCTION

2. The first important matter highlighted in those terms of reference is about the arrangements made after a general election to introduce new Members to the work of the House. The Clerk’s Department has played a full part in the House-wide induction programme for new Members since 1997. Details of the induction programme in 2005 are included in the Memorandum from the Services Information Group.

3. The induction training for Members is much more complicated than that which the Department operates for staff because of the breadth of information which must be made available and the wide range of services of interest to Members. As I have already said, since there is no model job description for Members they must decide for themselves what aspects of Parliamentary work they wish to concentrate on and what they need to know to do their job effectively.

4. The Clerk’s Department naturally concentrates on explaining the work of the Chamber and Committees, for which the Department is responsible.1 We have a large number of staff with long experience of the institution and of how Parliamentary opportunities can be used to full effect. It is an important resource at the disposal of Members. A programme of briefings on House business and procedure is offered but we could provide individual briefings for Members if that was wanted. In any case, Clerks are always ready to advise Members in private about any matter of the House’s business. To improve on what was done in 2005, I would welcome views from the Committee on what further assistance we can offer Members after the next General Election.

Period available for induction of new Members

5. There is a very limited time for new Members to learn about the work of the House before they become inundated with constituency and party obligations. This is partly due to the relatively brief gap which occurs between the General Election itself, the meeting of the House to elect a Speaker and to swear in Members, and the State Opening of the session. The table below shows that the period between the election and the formal commencement of business has not always been quite so compressed.

<table>
<thead>
<tr>
<th>Date of General Election</th>
<th>First day of the meeting of Parliament</th>
<th>Intervening days</th>
<th>Date of first day of Queen’s Speech Debate</th>
<th>Intervening days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday 23 February 1950</td>
<td>Wednesday 1 March 1950</td>
<td>6</td>
<td>Monday 6 March 1950</td>
<td>5</td>
</tr>
<tr>
<td>Thursday 25 October 1951</td>
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<td>Tuesday 6 November 1951</td>
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<td>Tuesday 7 June 1955</td>
<td>12</td>
<td>Thursday 9 June 1955</td>
<td>2</td>
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<tr>
<td>Thursday 8 October 1959</td>
<td>Tuesday 20 October 1959</td>
<td>12</td>
<td>Tuesday 27 October 1959</td>
<td>7</td>
</tr>
<tr>
<td>Thursday 15 October 1964</td>
<td>Tuesday 27 October 1964</td>
<td>12</td>
<td>Tuesday 3 November 1964</td>
<td>7</td>
</tr>
</tbody>
</table>

1 Briefings were also given by members of the Department on Standards and the Code of Conduct in 2005.
6. While it is unrealistic to expect much of a gap, there could be a slightly longer period than has been allowed recently for induction of new Members, allowing them to concentrate on adjusting to the Parliamentary way of life before the pressure of formal business builds up. The table shows that from 1955 to 1974 and again in 1992 the House did not meet formally until at least the second week after the election. Reversion to such a practice would provide a window of opportunity for new Members to settle into parliamentary life. If such a timetable were adopted, the Clerk’s Department (along with others) would be ready to offer any additional services and support that was thought useful and up to date.

**Conventions and Courtesies**

7. The procedural briefings given, and leaflets prepared in 2005 included those on the conventions and courtesies of the House. These are largely based on rulings from the Chair, frequently given at the behest of Members. They have evolved for good reason. The House is a debating chamber and most conventions are designed to assist (or not interrupt) the flow of debate and to facilitate a proper and orderly exchange of views.\(^2\) Mr Speaker regularly writes to Members about the conventions of the House and a brief article elaborating the conventions is contributed to *The House Magazine* after each General Election. A copy of Mr Speaker’s most recent letter is appended to this Memorandum. The Modernisation Committee has previously considered these conventions in 1998 and some have been modified as a result of the Committee’s Report and it may be timely to review them again.\(^3\)

**Do Procedures Discourage Backbenchers from Contributing or Exclude Them from Participation?**

8. I have already noted that most procedures and conventions are designed to ensure that there is genuine debate and exchange of views in the Chamber—another example is the rule against reading out speeches except in certain cases so that there is a more natural “flow” of debate.\(^4\) Members may feel that they are unable fully to engage in debates because they are not called to speak on every occasion when they seek to catch the Speaker’s eye. But frequently that stems from the fact that the most popular debates are heavily over subscribed and, even with use of the Standing Order on Short Speeches, it is impossible for the Chair to catch the Speaker’s eye. The problem that new Members may experience in getting called to speak was addressed by the Modernisation Committee when it recommended that precedence in debate no longer be accorded to Privy Counsellors.\(^5\)

9. New Members may also feel inhibited by the Chamber but that may result from a lack of familiarity with it rather than the hostility or unsympathetic nature of its atmosphere. Years ago, incoming Members would be encouraged to sit in the Chamber on a regular basis to soak in the atmosphere before taking part in debates themselves. Nowadays a Member is inundated with constituency work from the outset of his or her parliamentary life and select committees and party activities compete for Members’ time to the exclusion of the Chamber. It is nonetheless important for Members to become accustomed to participation in the Chamber, and find their own style and way of contributing to its sometimes lively atmosphere. I think establishing that style goes a long way to dispelling any notion that it is an unfriendly or exclusive place.

**Guidance on Serving on Select Committees**

10. General guidance is already offered to Members in the induction programme about serving on committees of all types. Members appointed to select committees will be given support by the staff of their committee and specific assistance is offered to Members joining a committee. If the Modernisation Committee has any suggestions for further guidance or assistance, my Department would be happy to consider them.

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2 For example, the requirements that Members entering or leaving the Chamber should not pass between the Member speaking and the Chair and that Members speaking in a debate should be present for the opening and wind-up speeches.

3 For example, changes were made to the procedure for points of order during divisions, and the prohibition on quoting from speeches in the House of Lords was lifted.


5 Fourth Report 1997–98, Conduct in the Chamber HC 600.
Participation in Select or Public Bill Committees

11. Some Members are concerned about the limited opportunities available to participate in the work of select committees or Public Bill Committees. Below is a table showing the total membership of different types of committees since session 2002–03.

<table>
<thead>
<tr>
<th>Session</th>
<th>Standing Committees (Public Bills)</th>
<th>Standing Committees (Delegated Legislation)</th>
<th>European Standing Committees</th>
<th>Select Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002–03</td>
<td>424</td>
<td>525</td>
<td>27</td>
<td>41</td>
</tr>
<tr>
<td>2003–04</td>
<td>373</td>
<td>483</td>
<td>26</td>
<td>40</td>
</tr>
<tr>
<td>2004–05</td>
<td>194</td>
<td>477</td>
<td>28</td>
<td>40</td>
</tr>
<tr>
<td>2005–06</td>
<td>382</td>
<td>545</td>
<td>31</td>
<td>274</td>
</tr>
</tbody>
</table>

Although the figures do not tell the full story, it is clear that not all Members are able to participate in the mainstream work of either Public Bill Committees or select committees.

12. At the beginning of this Parliament, the size of some select committees was increased, thereby adding to the number of places available overall. But even now, only some 288 places are available on the Departmental and other main investigative Committees, with a further hundred places being available on domestic or scrutiny committees. That leaves a significant proportion of backbenchers without a select committee placement. It would be difficult to add significantly to the number of Members involved in select committees as presently constituted without changing the character of the committees or increasing the number of sub-committees operating. Clearly, the establishment of more committees or sub-committees would have resource implications for the House. But it is a matter which the Modernisation Committee might wish to consider.

Committees on Public Bills

13. There is also a limited number of seats for members on Public Bill Committees. In the last Parliament in the two normal length sessions, 2002–03 and 2003–04 424 and 373 Members respectively attended such committees (then known as Standing Committees). Some of these committee placements involved only a small number of sittings. It should also be borne in mind that Government Ministers and Opposition frontbenchers are included in the figures. Overall a significant proportion of Members is excluded from participation in any one session.

14. It is true that any Member may attend and speak in Delegated Legislation and European Standing Committees. But the opportunities to attend and speak on significant or controversial proposals are not frequent and even then lack of time will lead to some Members being left out.

15. Adding to the number of Members taking part is not a straightforward option. There is an optimum number of Members who can participate in the proceedings on a Bill and expanding numbers on each Committee would not make best use of Members’ time nor would it necessarily be welcomed by them.

16. One development which may have a positive impact is the change from Standing Committees on Bills to Public Bill Committees. The provision to allow Public Bill Committees to take evidence (just launched in January 2007) may lead to Members gaining a greater sense of involvement in the legislative process by making individual contributions to the scrutiny process.

Opportunities for Backbenchers to Initiate Debates

17. Since the creation of Westminster Hall as a parallel debating Chamber, backbenchers have considerably more opportunities to initiate debates than have been available since 1945 and a continuing erosion of backbench opportunities throughout the last century has, in this particular way, been checked. As the Committee will know from its inquiry into the use of non-legislative time, these debates stemmed partly from the inquiries in the mid 1990s on the sitting hours of the House (the Jopling reforms) and the recommendation of the Modernisation Committee to replace Wednesday morning sittings in the Chamber with more extended sittings in Westminster Hall. Four one and a half hour and six half hour adjournment debates are available each week. This total of nine hours exceeds by a considerable margin the time that was formerly available either for Wednesday morning sittings or, previously, for Private Members’ Motions and Consolidated Fund Bill debates. For example the paper on the use of non-legislative time shows that in 1993–94 backbenchers disposed of a total of approximately 120 hours for debates on Private Members’ motions, and on adjournments on the Consolidated Fund and prior to each recess, whereas in 2003–04 they had 307 hours in Westminster Hall alone.

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6 A further three hours of debate in two weeks out of every three is devoted to debate of select committee Reports.
18. It would be possible to increase the number or length of sittings in Westminster Hall, adding time at the end of current sittings or holding additional meetings on Monday or Tuesday afternoons for example but that may not suit Members and would have resource implications both for the House and for Government.

DEBATES ON A SUBSTANTIVE MOTION

19. What backbench Members cannot do currently is initiate debates on a substantive Motion which would enable them to test the opinion of the House on a subject at their own initiative. The Committee will be aware that in the period before the Jopling reforms, Private Members’ motions took precedence on 10 Friday sittings and on four Mondays up to seven o’clock. The Fridays were gradually diminished partly in favour of additional time for Private Members’ Bills and finally to facilitate the establishment of Constituency Fridays. The Monday afternoon debates were ended as part of the changes following the Jopling report. Many Members found the debates unsatisfactory; most were poorly attended and only a minority of Members wished to retain them.  

20. The questions for the Committee are whether there is a demand for additional debating time for backbench Members; and whether Private Members’ Motions should be revived but if so, how the time could be found for them. It should be recognised that the success of Westminster Hall has been related to the fact that the business taken there has been unopposed. It is unlikely to be possible to take substantive Motions there without a consensus for such a change or without an amendment to the Standing Orders since only six Members are able to block proceedings under SO No 10 (10) and they would be likely to do so if it was felt that matters to be referred should properly have been debated in the House itself. But such a reform would be a significant strengthening of the role of a backbencher.

Malcolm Jack  
January 2007

Annex

LETTER FROM THE SPEAKER TO MEMBERS

16 May 2005

CONVENTIONS AND COURTESIES OF THE HOUSE

At the start of the new Parliament it may be helpful if I identify for all Members—but particularly for new Members—the conventions and courtesies of the House which I, and the House, regard as of particular importance:

— Members must address the House through the Chair. Accordingly, other Members should not be addressed as “you” but should be referred to as “the honourable Member for [constituency]”, “my honourable friend” or “the honourable Member opposite”. Privy Counsellors should be referred to as “Right Honourable”. Ministers can be referred to by office or simply as “the Minister”.

— On entering or leaving the Chamber, Members should give a slight bow to the Chair, as a gesture of respect to the House.

— Members should not cross the line of sight between the Speaker and the Member who has the floor, or at Question time, between a Member who is asking or has asked a Question and the Minister who is responding to him.

— Members wishing to speak in debates in the Chamber or in 90-minute debates in Westminster Hall should write to me in advance. Members who have not written in may still take part in debates by approaching the Chair or seeking to catch the Chair’s eye, but it is likely that preference will be given to those who have written in.

— It is the custom of the House that new Members should not seek to participate in exchanges in the House (at Question Time or following Ministerial statements) or in Westminster Hall until they have made their maiden speeches.

— Members must resume their seats whenever the Speaker (or a Deputy) is on his or her feet.

— Members should notify colleagues whenever:
  (a) they intend to refer to them in the Chamber;
  (b) they table Questions which specifically affect colleagues’ constituencies;
  (c) they intend to visit colleagues’ constituencies (except on purely private visits).

— Members must speak from the place where they are called, which must be within the formal limits of the Chamber (eg not from the cross-benches below the bar).

— Members may intervene briefly in each other’s speeches, but only if the Member who has the floor is prepared to give way.

— Members speaking in debates should be present for the opening and winding-up speeches, and should remain in the Chamber for at least two speeches after they have concluded.
— Members may refer to notes but they should not read speeches or questions at length.

— Members seeking to be called following a Ministerial statement, Urgent Question or the Business Question must be present for the whole of the opening statement.

— Members with oral Questions on the Order Paper who cannot be present at Question Time must notify the Table Office of their absence in good time.

— Members with oral Questions should not leave the Chamber until supplementary questions on their Question have ended.

— Electronic devices, including mobile phones should not be used in the Chamber. Such devices may be switched on as long as they are in silent or vibrate mode. Members should not use electronic devices as an aide-mémoire, or to receive messages when addressing the House. Members in the Chamber, whether seated or speaking, will be asked to either resume their seat, or leave the Chamber, if they are seen to be actively using these devices.

— Members should bear in mind Erskine May’s dictum that “good temper and moderation are the characteristics of Parliamentary language”. It is important that exercise of the privilege of freedom of speech is tempered with responsibility.

QUESTIONS AND STATEMENTS

— Prior to Departmental question time or Ministerial statements, Members should only write to me seeking to be called where they wish to draw my attention to a particular fact (eg a constituency connection or personal interest) which they think I should bear in mind. Members who submit generalised requests to be called will be given no preference.

— A request to be called at Prime Minister’s Questions should be submitted only in the most exceptional circumstances. An example might be where a human tragedy has taken place in the constituency. Generalised requests to be called will be counter productive.

DEBATES

— Members wishing to speak in debates in the Chamber or in 90-minute debates in Westminster Hall should write to me in advance. Members who have not written in may still take part in debates by approaching the Chair or seeking to catch the Chair’s eye: but it is likely that preference will be given to those who have written in.

— Selection of speakers in debate is at my discretion. My objective at all times is to give all Members a fair opportunity to take part in debate. I will take account of relevant experience or expertise (in or outside the House), Members’ expressed interests or constituency involvement and the number of times Members have previously spoken (or have failed to catch my eye) during the Parliamentary session. Under the Standing Orders of the House, wherever it seems to me appropriate I will impose time limits on speeches in order to give as many Members as possible the opportunity to contribute to debate. Members must understand, however, that it will not always be possible for them to be called when they wish to speak. The Chair will generally seek to be as helpful as possible to Members seeking advice on the likelihood of being called.

— It is not necessary to apply to speak when the House is in Committee or is considering a Bill at Report stage. It will be sufficient for Members to rise in their places on such occasions.

— My office keeps comprehensive records of Members’ success and failure in being called in debate, following Ministerial statements and at Prime Minister’s, Business or Urgent Questions. These statistics are always taken into account on a subsequent occasion.

ADJOURNMENT DEBATES

— Half-hour adjournment debates in the Chamber or in Westminster Hall are intended to be an exchange between the Member and the Minister, who will respond on behalf of the Government to the issues raised. Other Members may intervene in the debate only with the permission of the Member and Minister concerned and, if such permission is granted, the Chair must be so notified. It is inappropriate to criticise other Members for failing to attend an adjournment debate in which they cannot expect to participate.

Speaker
Memorandum from the Clerk of the House of Commons (M39)

Making Better Use of Non-legislative Time

1. The current inquiry of the Modernisation Committee is being undertaken together with an inquiry into strengthening the role of the backbencher. I have already responded to that inquiry and this Memorandum should be read in conjunction with my earlier Memorandum on that subject. The Committee has also received a paper on the use of non-legislative time prepared by the staff of the Committee to which I will refer in this paper.7

Background

2. The present distribution of sitting time broadly reflects the arrangements made in 1994–95 which in turn stemmed from the Jopling Report on Sittings of the House published in February 1992.8

That Report was based on three principles:

— the Government must be able to get its business through and, within that principle, ultimately control the time of the House;

— the Opposition must have enough opportunity to scrutinise the actions of Government and to improve or oppose its legislation as it thinks fit; and

— backbench Members on both sides of the Chamber should have reasonable opportunities to raise matters of concern to their constituents.9

3. After more than two and a half years of discussion behind the scenes, a comprehensive package of changes was introduced in 1994, at first on an experimental basis.10 When the Procedure Committee reviewed the experiment in 1995 in its Report on Sitting Hours Reform,11 it recommended that the changes be incorporated in Standing Orders and this was done on 2 November 1995.12

Set Piece Debates

4. In its Report, the Procedure Committee published the following list of annual set piece debates which took place in the Chamber.13

<table>
<thead>
<tr>
<th>Debate</th>
<th>Days</th>
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<tbody>
<tr>
<td>Queen’s Speech Debate</td>
<td>6</td>
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<tr>
<td>Opposition Days</td>
<td>20</td>
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<tr>
<td>Estimates Days</td>
<td>3</td>
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<tr>
<td>Budget Debate</td>
<td>5</td>
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<tr>
<td>Summer economic Debate</td>
<td>1</td>
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<td>Armed Services</td>
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<td>Defence White Paper</td>
<td>2</td>
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<td>EU matters</td>
<td>1 or 2</td>
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<tr>
<td>Reports of the Public Accounts Committee</td>
<td>1</td>
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<tr>
<td>Welsh Affairs</td>
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<td>Foreign Affairs (usually)</td>
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5. It is quite striking that, in respect of the debates held in prime time, the allocation of time in 2006 has changed very little since the early 1990s. Only the Summer economic debate has fallen regularly from this schedule. Although time spent on defence has been given a different focus, the number of days has remained broadly the same.14 If it is accepted that the amount of time devoted to legislative business is unlikely to be reduced, and there continues to be a requirement to allocate time to these regular annual debates, the scope for creating additional opportunities for different types of business is necessarily limited.

Changes since 1994

6. Despite this apparent continuity, the analysis of business taken each year15 illustrates a number of changes in sitting patterns since 1995, including the removal from the floor of debates on statutory instruments and a reduction in hours of sitting which have taken place in addition to

7 NLT M 1 (not printed).
9 Ibid para 7.
11 HC 491 1994–95.
12 HC Deb. 2 November 1995, cc 405 et seq.
13 HC 491 op cit para 31.
15 See memorandum from the staff of the Committee NLT M 1.
the main daily business in the Chamber. These developments have been accompanied by an expansion of opportunities for back bench and select committee adjournment debates, originally (in line with Jopling) on Wednesday mornings in the House and, since session 1999–2000, in Westminster Hall. The intention of the Jopling reforms was to reduce the amount of time that the House sat after the moment of interruption and in that it has broadly succeeded, as the Committee’s own Memorandum demonstrates.

Increasing Sitting Hours

7. For the purpose of this memorandum, I have assumed that the House will not wish to sit on more days each year than at present. This is not surprising as the House of Commons sits on more days and for more hours than almost all legislatures in the developed world. I have also assumed that the House would not wish to revisit the issue of sitting on Fridays, except for private Members’ Bills. Constituency Fridays have become indispensable to Members’ constituency work.

8. There is also little enthusiasm for the House to go back to regular sittings beyond the moment of interruption. The hours and arrangement of sitting were reconsidered in January 2005 at the end of the last Parliament and the House decided that the hours of sitting on Tuesdays should revert to the traditional afternoon pattern. At that time there was no great pressure to extend sittings for other types of business. Among the options canvassed at that time were sitting after seven o’clock on Wednesdays or increasing the time available in Westminster Hall.

What Time is Available?

9. I have noted above the limited scope to extend the hours of sitting of the House. How the Jopling Committee and the Procedure and Modernisation Committees in the past have approached this task was to move certain business off the floor or to create new types of sitting. The Modernisation Committee is considering not only opportunities to rebalance current sitting hours but also the possibilities of introducing new types of proceeding.

There are a number of ways which could be used to make time for new types of business. These include:

— extending the number of hours of sitting of the House;
— reallocating time currently devoted on a regular basis to the existing business;
— extending further the use of the parallel Chamber in Westminster Hall.

Extending the hours of sitting

10. The Committee may wish to consider whether there is scope to add to the number of hours during which the House sits. If the House sticks to the broad consensus that business should not regularly be taken after the moment of interruption (especially after 10 o’clock) and sitting hours remain the same, the only option available to increase sitting time at a reasonable hour would be to extend Wednesday evenings by three hours up to 10 o’clock. The Opposition parties would doubtless resist more time being available for Government business. On previous occasions no consensus has emerged on whether that time should be used and if so what business might be taken.

Reallocation of time currently used for existing business

11. Although there may be limited scope for changing the regular pattern of set piece debates or for changing the amount of time available on the floor of the House for the various stages of legislation, there remains a variety of other regular business taken each session. For example, there are annual debates on matters such as social security and pensions uprating and local government and police financial support which must be accommodated. Time is also provided each year for debates on current issues. Since the last election there have been debates on important White Papers or Reports such as on the Conventions of the UK Parliament or Pensions reform. The Government is continually pressed to find time for debates on particular subjects as can be seen every Thursday at Business Questions. At times of the year when legislation is not pressing, the Government holds debates on the adjournment to enable topics to come before the House. Such debates frequently take place on a Monday or on a Thursday when they can take place without the need for whipping and they may not be heavily attended. Because the debates do not arise on a regular basis, it might be difficult to translate these occasions to provide predictable opportunities for other types of business. In any case, Members might not welcome removal of such occasional opportunities to debate subjects which are of topical interest and for which the Government is pressed to find time.

16 This has been achieved by eliminating some debates on Money and Ways and Means resolutions and the adjournments after the passage of Consolidated Fund Bills and the debating of statutory instruments in Committee.
17 NLT M 1 op cit.
18 See, for example, the comparison of annual number of sitting days in Commonwealth parliaments in The Table, The Journal of the Society of Clerks-of-the-Table in Commonwealth Parliaments, Vol 22, 2004, pp 210–11.
Westminster Hall

12. Debates in Westminster Hall have been a significant success and have, to some extent, reversed the historical erosion of private members’ time over a long period. 12 hours of debate occur each week, nine of which provide opportunities for backbench Members. The regular Thursday debates also provide select committees with ready opportunities to follow up their reports. The scale of the opportunities for backbenchers has enabled many topical debates to be held, in recent times on Farepak, on rail services, on air passenger duty and on the future of cottage hospitals, which otherwise would have been confined to Question Time.

13. The debates in Westminster Hall have settled to a regular pattern on Tuesday morning, on Wednesday morning and afternoon and on Thursday afternoon. During some of these sessions, the House is sitting. It would be possible to increase the number or length of sittings in Westminster Hall, adding time at the end of current sittings or holding additional meetings on Monday or Tuesday afternoons for example. That might not suit Members and would have resource implications both for the House and for Government. Unless Monday mornings were used, any further sitting time would need to be at a time when the House is sitting, a practice which already leads to conflicts of interest and complaints from Members who cannot be present at two debates at the same time.

14. As I have noted in my other Memorandum, the success of Westminster Hall has been related to the fact that the business taken has been unopposed. It is unlikely to be possible to take business other than adjournment Motions there without a consensus for such a change or without an amendment to the Standing Orders since, under SO No 10 (10), only six Members are able to block proceedings and they would be likely to do so if it was felt that the matter to be debated should properly have been discussed in the House itself.

Topicality of Debates

15. Since 1997, the House has addressed the issue of making its business more topical and a number of procedural changes have been made. The notice period for oral questions was reduced from two weeks to (in most cases) three sitting days; the creation of additional opportunities for adjournment debates in Westminster Hall has increased the likelihood of early success in the ballot.

16. If the House wished to add a further opportunity for topical debates, time from the regular business would have to be found. A difficulty here is that Members do not welcome the truncation of the main business on a particular day, for example when there are programmed proceedings on bills or there is an Opposition Day. There are frequent complaints when statements eat into the time for that business. Were the Committee minded to propose that on one or more days a week a limited period be set aside for “topical” business, it would be helpful if this was done on a regular basis so that the business managers could take account of that fact when scheduling business and heavily oversubscribed debates or legislative business were not affected.

Debates on Substantive Motions

17. Debates regularly take place on substantive Motions in Government and Opposition time. All Opposition parties benefit to some extent from the twenty days provided each year pursuant to Standing Order No 14. As part of the Jopling package, the procedure for private Members’ motions was discontinued and I have commented on this matter in my memorandum on Strengthening the role of the backbencher.

18. Statistics provided to the Committee show that more than twenty debates are held in the Chamber each session in Government time on motions for the adjournment of the House. It has sometimes been suggested that many of these debates could be held on the basis of a substantive motion. That would facilitate the moving of amendments and provide the occasion for votes in the House, neither of which can occur readily in an adjournment debate. On the other hand, it could be argued that debates on the adjournment are more flexible and the rules of debate less strict so that they can be arranged more quickly, for varying lengths of time and will enable Members to contribute without constant reference to a motion which might limit what can be discussed. The parties (and Members) may also benefit from the looser whipping regime which may accompany them. It is for the Committee to determine where the balance in this argument lies.

Ways of Allocating Time

19. Currently the Government controls the time of the House, subject to the allocation of time by Standing Order in respect of Opposition Days, Private Members’ bill Fridays and specific timed business such as that for 10 Minute Rule Motions.

A number of methods are currently used to allocate opportunities:
— A ballot administered by the Speaker’s Office is used to select subjects for adjournment debates,
— A shuffle is done electronically to determine precedence of notices of oral Questions,
— A queuing system is used to allocate 10 minute rule Motion slots,
— The Speaker decides whether applications for Urgent Questions or emergency debates under SO No 24 meet the criteria laid down in Standing Orders and should be granted,
— The Speaker’s chooses one adjournment debate in the House and another in Westminster Hall each week.

20. Among the suggestions previously considered for allocating time has been the idea of a Business Committee which could determine the priority and scheduling of business. That idea has ramifications well beyond the use of non-legislative time and has not previously found favour with the usual channels who currently determine business.

Other possibilities canvassed for allocating time in the Chamber include:
— Giving further responsibility to the Speaker for determining priority of different types of business. This might well bring the Speaker into political controversy unless some objective criteria could be established on the basis of which he could make his selection.
— Providing that Early Day Motions with sufficient support might be debated. Under this proposal, it would not readily be possible to discriminate between subjects which were suitable for debate and those which were popularly supported but would not generate significant discussion. This form of allocation might also generate organised party activity to gain a debating opportunity when each of the main Opposition parties (and the Government) already have time at their disposal.

INTERPELLATIONS

21. The Committee has indicated that it may wish to consider the adoption of novel procedures to expand the opportunities for the House to challenge the Government. One procedure proposed for consideration is the Interpellation.

22. The procedure has been used in continental European Parliaments at different times. It generally is based on a Member introducing a subject for discussion for a limited period after which other Members might contribute. At the end of the debate a Minister might reply and in some jurisdictions a vote might follow.

Points that the Committee should consider are:
— How might the right to initiate an interpellation be established?
— Would the procedure be intended for backbenchers or Parties to use?
— How far the worth of the procedure would be dependent on a Ministerial response or the possibility of a vote on a Motion at the end?
— In what part in the Parliamentary week should it be scheduled?
— How far would this procedure differ from Opposition business?

IS THE STANDING ORDER ON SHORT SPEECHES WORKING?

23. On 1 November 2006, the House incorporated the temporary order on Shorter Speeches into Standing Order No 47 on Short Speeches. Now the Speaker can apply a time limit on speeches at the beginning for the whole or a part of a debate and towards the end of the time apply a shorter speech limit. The reaction of Members to these limits varies. Some (and most newer) Members prefer the imposition of limits to enable a larger number of Members to speak. Others resent the inhibition which it places on their ability to make a sophisticated and extended argument.

24. One problem which has emerged is the rigidity of the limits set—a minimum of eight minutes for short speeches and three minutes for shorter speeches. The calculations which the Chair must make are affected by the number of Members who have written in advance seeking to be called. If Members subsequently withdraw, the set time limit may bring the debate to an end prematurely. Similarly if Members seek to catch the Speaker’s eye without prior notification, the chosen time limit may be too generous to enable all to speak. Clearly it would be wrong to fetter the Speaker’s discretion in setting limits. But the Committee may wish to express their view on the use of the two elements of the Standing Order and whether a more flexible approach might be adopted, for example by the Chair altering the limit mid-way through the debate and not only towards the end, in the light of progress of the debate.

Malcolm Jack
March 2007
Witnesses: Mr Malcolm Jack, Clerk of the House, and Mr Douglas Millar, Clerk Assistant, House of Commons, gave evidence.

Q218 Chairman: Malcolm and Douglas, you are very welcome. Malcolm, I gather you would like to say something to us by way of general introduction. Thank you very much, by the way, for your paper and attachment.

Mr Jack: Thank you very much, Chairman. There are just two points that I thought might be worth making at the beginning, and I am sure they will cut across the discussion we have anyway. One was really just to pick up on something in the memorandum which I have sent to the Committee, and that is—I feel I do not really need to say this to a select committee of the House—that Members are all different and they prioritise in different ways. That is why we said in our memorandum that we did not really think it was our business to recommend how Members spend their time. The evidence that the Committee has had over the last five sessions, including evidence from Members of the House of course, confirms that Members have different priorities and approach things differently. I think one of your witnesses used the phrase, “You have to learn to plough your own furrow”. That is just one general point that I would like to make at the very beginning. The second point really is the business about the totality of time. As the evidence has come to the Committee there are suggestions for various changes and some of them I can perfectly well understand, for example trying to make debates more topical and that sort of thing, but I think what the Committee will have to consider when it comes to its conclusions and recommendations is whether there is any appetite to sit more either in a day or over a session, ie longer days or more days during the session. I think that is going to inform the sort of recommendations that you can sensibly make. I do not say it excludes changes within the existing time but I think it is quite a crucial factor, particularly in things like injury time, because it will imply the House sitting later on a particular day. It was just those two general points I thought I would throw in the pot.

Q219 Chairman: Douglas, would you like to say anything?

Mr Millar: No, thank you.

Q220 Chairman: Perhaps I can start off. You are right to say that Members plough their own furrow and do things differently, on the other hand what is a common factor is that pressures on Members of Parliament have changed in the time since you and I first came into the House, albeit in different capacities, with this huge increase in constituency work and the media focus on that constituency work and, in addition, a change in the nature of the business of the Commons as a whole with the establishment and then the expansion of the work of departmental select committees. Given what I think is a shared view by this Committee that, notwithstanding those pressures, the Chamber ought to be the cockpit of British politics, not having a monopoly but should be the main cockpit of British politics, in your view what do we do to make the Chamber more lively, better attended and, if you like, more relevant to the central role of Parliament?

Mr Jack: That is quite a big question, Chairman, which I was rather hoping might be the conclusion of your report. I will have a go at it. Going back to what I just said, the problem is it is going to be different for different people. Different things will attract different Members to the Chamber. One of the things I would pick up straight away because it has consistently come out in the evidence given to you is topicality. Obviously there is a strong desire for Members to take part in debates that are topical, that are relevant, that are on matters of the day. That is one particular area where if debates in the House could become more topical then that could attract more Members.

Q221 Sir Nicholas Winterton: But how would you achieve that?

Mr Jack: I think one of the themes that have run through the evidence is by shortening debates and perhaps also by giving greater discretion to the Chair with certain procedural changes.

Q222 Chairman: I think we all accept shortening. The next issue which you touch on in your evidence but do not come down on one side or the other is how you make decisions about these topical debates. You could have a 15 minutes slot in PQs but that is only once every four weeks for departments, so eight or nine times a year. Of course, I just say parenthetically, and it is quite an important point that we need to bear in mind as a Committee, that one of the reasons why Prime Minister’s Questions is interesting, apart from the fact it is the main person, is because it is highly topical and on the main issues of the day. Accepting that we move towards more topical debates, who should make those decisions? Should it just be the business managers hearing the voices or should it be the Speaker, should it be a business committee or should it be a combination?

Mr Jack: I would have thought it could be a combination from different sources. Obviously the Speaker already has some powers to influence the topicality of debates in the sense that he can grant urgent questions, for example, or SO.No. 24 debates. There could be ways of balloting perhaps for these topical debates or there could be even greater informality in the introduction of these subjects. I do not know whether Douglas would like to comment on that.

Mr Millar: I would simply say if the Speaker is involved I think there have to be very carefully set down criteria by which the Speaker could operate because the Speaker could not be seen to be favouring one group over another. There is also what happens in some continental parliaments, that parties have time that they can allocate. That is not something that has traditionally happened here except in the context of Opposition Days but it is something which could be done. If you were thinking of a weekly one and a half hour debate on
a topical subject there could be a number of different ways of allocating that slot. We already divide Thursday afternoon debates in Westminster Hall, for example, between select committees and government, so it is not unknown that the same slot can be allocated in a different way.

Q223 Chairman: Just one thing on SO No. 24s. One of the constraints on the Speaker of SO No. 24s is that they disrupt the business the following day. Is there a case for giving the Speaker much greater discretion? If you take the NatWest Three there was not a need for the debate to take place the next day, there was a need for the debate to take place within the next ten days. It would make it much more difficult for business managers to resist if the Speaker was able to say, “There will be a debate in the next week on this at primetime, it is a matter for the business managers to come forward and propose exactly when”. Sometimes they may want to say it is tomorrow because it is really urgent. If that were to happen it would be much less of a nuclear option, would it not?

Mr Jack: I think it would be. It would rather change our understanding of what SO No. 24 is about, which is urgent debates.

Q224 Chairman: You could have an SO No. 24 point two which was an important debate, topical debate.

Mr Jack: I think the other thing is it echoes a little bit the point that Douglas has just made. It is a question of how far Mr Speaker should get involved, as it were, in the business actually regulating the business of the House. He has certain powers under the Standing Orders obviously but they are, as it were, extra to the business of the House rather than directing the business of the House, which this sounds a bit as if it is, if he were to say, “On Wednesday we will have this debate and on Thursday this debate”.

Q225 Sir Nicholas Winterton: Could this be achieved with more recess adjournment style debates where, as we have just before a recess, Members can raise issues that are topical, that are current, maybe to them and their constituency but in some cases nationally or internationally? Would this be a way of proceeding?

Mr Jack: Yes, I think it would, Sir Nicholas. As we all know, those debates are very popularly subscribed to and they provide exactly the opportunity that you suggest.

Q226 Mr Knight: They are popular but they are popular for Members to use for constituency issues.

Mr Jack: Yes.

Q227 Mr Knight: I question whether they would be so popular for national issues. Is not the problem in securing a topical debate on an issue which is also a difficult debate for the Executive the fact that if you involve the usual channels the debate will not take place and, therefore, the only way of securing it is to have a ballot?

Mr Jack: I think on the first point about national matters, yes, I would entirely agree it is the case that the adjournment debates are focused on constituency matters. Perhaps I ought not to venture too much into the second area.

Q228 Mr Knight: Well, let me phrase the question another way then. It is the case, is it not, that we are one of the few parliaments where a backbencher does not have the opportunity to raise an issue on a substantive motion which leads to a vote? We used to have that option.

Mr Jack: Yes, we used to have the opportunity and we do not now, I absolutely accept that.

Q229 Sir Nicholas Winterton: Would you like to see them restored?

Mr Jack: Yes, I would actually; I would like to see them restored. It has been suggested in your evidence that that could perhaps begin in Westminster Hall although that would raise the question of taking business that is not entirely of an unopposed nature in Westminster Hall. That would be a departure from the way that Westminster Hall has been used hitherto.

Mr Millar: It would require a change in the Standing Orders because six Members can block any debate in Westminster Hall.

Q230 Chairman: Six?

Mr Millar: Yes.

Q231 Chairman: At the moment?

Mr Millar: At the moment. That is what Standing Order No.10 says.

Q232 Chairman: To stand up in the Chamber?

Mr Millar: In Westminster Hall, and then proceedings have to come to an abrupt halt. That has never happened because throughout the time of the use of Westminster Hall, all debates have been on a motion for the adjournment.

Q233 Mrs May: Could I just follow up some of these threads. We have come round to the issue of Members being able to ballot for a debate through the issue of topicality but, of course, they are different issues because if you have a Members’ ballot it does not necessarily mean that the subjects the Members will put in for are topical subjects, they may choose a wide variety of subjects. Therefore, I assume that what we should be looking at is a variety of options to cover both greater ability for backbenchers to have a say in the business through having their own business being debated through the ballot but also other measures that would enable topicality to be introduced to a greater extent.

Mr Jack: Yes, I very much agree with that. I think it rather echoes the point that I made in the first place about Members having different views on the priority of time being used in the House because it goes right to the core of this. Some Members may think that raising constituency matters, particular cases and so on, is much more important than having a topical debate.
Mrs May: We just touched on Westminster Hall as well. I have to confess to having been somebody who was a bit sceptical when Westminster Hall was first introduced but now welcome it and think it has worked extremely well. Do you think that it would be of definite benefit to Parliament if Westminster Hall were being used for different types of business from that which it is used at the moment? I think it has been suggested in evidence that it might be used for some Second Reading Debates, even non-contentious Second Reading Debates. There were growls to my left!

Mr Knight: I growl only because perhaps I should remind the Committee that when Westminster Hall was set up the then Leader of the House gave an undertaking to the Official Opposition that it would not be used for government business.

Sir Nicholas Winterton: That is right.

Chairman: I have got no proposals to do so. It has come from the Shadow Leader of the House.

Q234 Mrs May: I was just referring to evidence that has been given to us that we need to explore Westminster Hall.

Mr Jack: Yes, absolutely. I am sure that Westminster Hall could be used in new and different ways, even if not going into government business. I think I would say that the appearance of Westminster Hall has reversed an erosion of private Members’ use of time in the House which had been going on right through the last century almost, so it has to some extent been a very significant development in restoring opportunities for backbench Members. Perhaps I will ask Douglas to come in because he has much more direct experience of Westminster Hall than I do.

Mr Millar: Certainly it has expanded the opportunities for backbenchers to raise subjects, although I understand that there is still quite a significant surplus of applications over the slots that are available. Of course, this is a reflection of the pressures which Members are under to raise issues on behalf of their constituents which perhaps 30 years ago they were not under quite so much pressure to do. Obviously Westminster Hall could be used for a motion on a select committee report, for example; that would not be government business as such. It would be possible to discuss take note motions at the initiative of backbenchers but, as Mr Knight said, the introduction of Westminster Hall was not meant to expand government’s opportunities. Ultimately there has to be political agreement about what Westminster Hall is used for, otherwise ritually six Members will turn up and block the business, as was initially threatened.

Q235 Mark Lazarowicz: On Westminster Hall I was interested in the comment that it tends to be used mainly for Members taking up constituency matters. I have just had a look at the agenda today and, in fact, every single item is anything but a constituency matter. In my experience it tends to be used for general matters more than constituency matters and I think that reflects the use that Members see for it. One of the things which struck me was the way in which the cross-cutting question sessions seem to have disappeared from the Westminster Hall agenda and I find that surprising. I wonder if you can comment, if you are able to do so, as to why that might be the case and, insofar as you can be objective, what is your assessment of how those sessions worked?

Mr Millar: I think the Chairman of Ways and Means was quite encouraged. He chaired each of the cross-cutting sessions that we had and was quite encouraged by the approach that was adopted and the capacity of Members to deal with ministers from different departments on broadly the same subject, but these sessions happened at the initiative of the government. If the government wish more cross-cutting sessions to happen they could arrange it but, of course, that would reflect perhaps the demand of Members to have them as well.

Q236 Mr Burstow: Just two things. One is picking up on some of the evidence that we have received from the Chairman of Ways and Means. He made another suggestion for the use of Westminster Hall which was the idea of half an hour allocated and divvied up between numbers of Members, presumably on a balloting basis. Is that something that from your knowledge is a practice that is currently being adopted by parliaments elsewhere? Are there any others that have caught your eye as being perhaps interesting and worth consideration by the Committee?

Mr Jack: They do not come straight into my mind. There are examples in other parliaments where time is used more informally in the sort of way you are suggesting. I am just trying to think whether—

Mr Millar: I think something of that sort happens in the Lok Sabha, zero hour.

Q237 Chairman: Zero hour is an absolutely extraordinary event.

Mr Jack: That was what I was groping for, zero hour.

Q238 Chairman: People shouting at each other, it is great.

Mr Jack: There are such examples.

Mr Millar: Obviously there are issues on which Members are happy to have their three minute ex parte statement and there are others where it is more important for them to have a response from a minister. If you need that it requires a little bit more notice to ensure that somebody is there to respond.

Q239 Mr Burstow: I am thinking of this point about the variety of means to actually fit the particular purpose at the time. The other thing I wanted to pick up on was this issue of urgent questions and I think you have made some reference to the need perhaps to look at the criteria under which things operate and so on. It seems to me sometimes that one of the constraints with urgent questions is the necessity for keeping in mind the protection of the business that is already on the Order Paper and that must act as a bit of a constraint on the judgments that are being made.
Mr Jack: Yes.

Q240 Mr Burstow: Is there anything that could be done perhaps to lower the threshold so there is more scope for the Speaker to select more urgent questions?

Mr Jack: Well, I think this comes back to what I said at the very beginning and that is extra time, quite frankly. You are quite right in saying that in considering an urgent question one of the things, among the many things, the Speaker has in his mind when he looks at the question is what effect it is going to have on the business of the House. For example, today we had two statements. If he was also going to allow an urgent question the two statements already ate into the time that we would have on important business and that is a problem. Then you come back to the notion of injury time: do you want to add time on at the end of the day and is there an appetite for doing that because I think the House has increasingly got used to very predictable finishing times, for understandable reasons? It is quite a difficult one, I think.

Q241 Sir Nicholas Winterton: What is your view on this point? I think it is critical. You are here to ensure that Parliament works and to advise Members of Parliament. Is it your view that there is too much legislation coming forward to be dealt with within the time available to Parliament? As today, there were two statements and the Speaker was very generous particularly on the first because he felt it was a sensitive issue on which people might wish to go on slightly longer than the normal supplementary. Do you think there should be injury time, ie if there was an hour and a half or a bit more spent on statements today should there be an hour and a half after the so-called time that the House should rise?

Mr Jack: I think that if Members wish for that to happen then it should, yes. There is an imperative on Parliament to deal with urgent matters urgently and that is one of the consequences.

Q242 Sir Nicholas Winterton: You have not really answered my first question, you have avoided it. Do you think there is too much legislation within the time constraints of Parliament, ie that Members of Parliament, and I mean all Members of Parliament, who wish to participate in important legislation are limited in doing so or, in fact, stopped from doing so because of the hours of the House?

Mr Jack: I think there is a lot of legislation and as the previous Clerk of Legislation, of course, I had to read it all so I am very well aware of the burden of legislation.

Q243 Mr Howarth: Uniquely, I would have thought. Mr Jack: In respect of the proportion the Committee has got some figures before it. I was slightly surprised that the breakdown was roughly 40% of the House's time is spent on legislation and 60% on other business. I was rather surprised by that, because I thought that the legislation might be more. I would have to say, yes, I think there is too much legislation and it is pressed through the House too quickly, if that is an honest answer.

Chairman: It is certainly an honest answer.

Sir Nicholas Winterton: Very honest.

Q244 Mr Knight: Can I just go back to debatable, palatable Private Members’ Motions. If we did decide to recommend such a procedure with the debates taking place in Westminster Hall, presumably it would not create too much difficulty if any vote on such a motion was then subjected to the deferred division procedure?

Mr Millar: We routinely vote on Statutory Instruments that have been debated in a Standing Committee so it would be perfectly possible to devise a procedure where a motion came to the point of resolution in Westminster Hall and came to the House for a vote. That vote could either be at the moment of interruption, like potential votes on Statutory Instruments, or it could be referred straight to a vote by an analogous procedure to the deferred division procedure. It is a matter for the Committee to recommend.

Q245 Mrs May: I wanted to pick up something that you put in your evidence on a different topic, if I may, which is this whole question of induction of new Members and the timescale for Parliament sitting after an election. You provided a very helpful chart which shows that actually it has been reducing, by and large it has been reducing, although there have been ups and downs over time. I just wonder if you could expand on your comments here. You seem to support the idea that there should be a slightly longer period between an election and Parliament starting to sit.

Mr Jack: Yes, that is right. As you say, I think it is on the second page of the memorandum that we set out the statistics going back to 1950 about the gap between the date of the General Election and the first meeting of Parliament. It has actually sometimes been remarkably short but, on the whole, it seems to be shortening. The answer is an absolute yes, if this time were kept to a reasonable length it would provide, as I have put in my paper, a window of opportunity for Members to really get on their feet and settle down, particularly on the practical matters of finding accommodation, IT support and all those things, which are the things that press on new Members most when they first arrive.

Q246 Chairman: When I read your evidence here it seemed implicit to me that what you were arguing for was a lengthier first period between the General Election and the date of the first meeting of Parliament.

Mr Jack: Yes, that is right.

Q247 Chairman: Typically doubling the kind of norm of six days to 12, say?

Mr Jack: Yes, that is correct, Chairman.
Q248 Ms Butler: Thank you for your paper. What role, or what increased role, do you think the Clerks can play in terms of the induction period for new Members coming into the House?

Mr Jack: Well, we have already played a role, and I hope you benefited from it when you first came to the House. There are many different and bewildering things that must face a Member on arrival here. I would think that at the very beginning the practical things are the most important, i.e. getting a room, getting a desk, getting a computer. Those really must be the top priority. If you are asking me about procedural advice which Clerks are most competent to give, my own feeling, and this is something we have learnt as we have improved induction, is I suspect that might be better lengthened in time because for a new Member to arrive here and suddenly have the Standing Orders thrown at him or bits of Erskine May would not be very helpful. Learning, for example, about how to table questions or amendments to bills, that sort of thing, probably comes a bit further down the induction. The other thing which I would like to add as an observation is this: I think we do have continuous induction. We have continuous induction in the sense that the procedural offices, the Table Office and Public Bill Office, do exist to help Members and they are there all the time so, as it were, the induction process does go on. I noticed that one or two of your witnesses said that the Clerks were very helpful “when asked” and naturally we have to wait for Members to come in and seek the advice, but it is there and it is on a continuous basis.

Mr Millar: Could I just say something that is a little bit more risky. That is we need to have the support of the whips for this because if we do not get the support of the whips, the whips organise their own induction for their new Members. If that cuts across our induction arrangements then Members may feel they have already heard about what we have to say. We are prepared to assist in whatever kind of induction programme Members want but there needs to be some sort of agreement. I attended an international Conference of Clerks last week in conjunction with the Inter-Parliamentary Union and we had a discussion about the induction and the problems of induction of new Members are very similar the world over. The only thing that this Parliament did not have to face until 1997 was such a large number of new Members. That makes it far easier for Members to rely on their colleagues, who are a little bit more experienced, to learn how to go about things. When you have 243 brand new Members, as I think we had in 1997—

Mr Jack: That is very difficult.

Mr Millar:—the currency of support is not quite so available.

Q249 Mr Howarth: Is the maiden speech, which is kind of the key that unlocks all the other things you can do, still the first hurdle? It is still the case, is it not, that you cannot ask a question until you have made your maiden speech?

Mr Jack: It is a convention, it is not a rule.

Q250 Mr Howarth: Would it not be better if that convention did not exist? It is far easier for a first outing to ask a question than to make a speech and there is more scope for people to ask questions. Inevitably when you get a big turnover there is bound to be a queue of people making maiden speeches.

Mr Jack: What lies behind the convention is the notion that you have come to the House and you are now part of the House and you introduce your face, as it were, making a speech. I do not see any great difficulty.

Mr Millar: Some of the conventions were changed in 1998. Some of them were softened after a report of the Modernisation Committee when clear recommendations were made and there is no reason why that should not be done, although I would say I was keeping a close watch on how many and how quickly Members made their maiden speeches after the last General Election and virtually all of them had done so before the summer recess, which was not a very protracted period after the Election.

Q251 Chairman: There were fewer new Members.

Mr Millar: Indeed, about 120.

Mr Jack: I think Douglas has put his finger on it really. It is the number of new Members who arrive after a General Election.

Q252 Sir Peter Soulsby: Whether it is six or 12 days after a General Election, is it not the case that the complexity and the strangeness of this place is such that there is very little prospect of a new Member taking in very much at all in that initial period? I take your point about the availability of Clerks and others to assist Members after that but do you not think there would be benefit in it being more structured, say six months down the line, with the opportunity for Members to sign up to something at that stage? I do also take your point about the need for it to be better co-ordinated but there is not anything structured six months down the line.

Mr Jack: Absolutely. I hope I was not giving the impression that I was not keen on that. As I said, we have learnt that possibly some of the well-meaning recommendations were made and there is no reason why that should not be done, although I would say we were keeping a close watch on how many and how quickly Members made their maiden speeches after the last General Election and virtually all of them had done so before the summer recess, which was not a very protracted period after the Election.

Mr Millar: Could I just add to that. We did actually do this process before 2005, and I cannot remember whether it was after 1997 or 2001. We did repeat the series of procedural talks on a second occasion and we got very, very little take-up. It may have been that the first round was more effective than we might have anticipated and, therefore, Members had had enough. Obviously we missed the critical moment for the second round in that sense because the talks, however well advertised, were not taken up.

Mr Jack: It is difficult to get the timing right. Certainly I do not want to leave any impression that we would not be anxious to extend induction.

Q253 Chairman: I think the point that Douglas made about co-ordinating with the whips is crucial, and that includes co-ordinating with the whips for the later sessions as well. Either it is the whips who
will get people there or you tell people they will not get their pay cheque or something like that, which is probably a bit de trop.

**Mr Jack:** May I just add one thing. Members will only really become interested in one aspect of procedure or another when they have to use it. There is not really much point in giving a general procedural seminar. A Member wants to know how to put down an amendment to a bill when he or she wants to put down an amendment.

**Mr Millar:** On a select committee, a new Member joining a select committee will get appropriate induction from the Committee Clerk.

Q254 **Chairman:** They will find that much more familiar because if Members have been on a local authority, health authority or even just a business, this kind of committee takes place across the country in all sorts of forums and institutions whereas the Commons Chamber is rather different. Can I just take you back to this issue of topicality? We all want to achieve greater topicality, that is number one. Number two, I think we are all aware that if you just leave it to the usual channels, and here speaks a man of authority, Deputy Chief Whip in the Government, self-evidently if there is going to be huge embarrassment to the government then that will be a factor to be taken into consideration when it comes to the allocation of time, and since this is a public session I will put that way. I think just leaving it to the usual channels ain’t going to work to make the business of the House more topical. The question is what machinery is going to work that could be put in place? There is one suggestion from Sir Nicholas which is for a business committee, which I certainly do not rule out as something which I think is not an alternative to the usual channels but as a complement to their work, especially in respect of non-legislative time, but in the real world there will still be a government majority, for example, there is bound to be.

**Mr Millar:** Indeed.

Q255 **Chairman:** It will still change the dynamics of decision-making.

**Mr Jack:** Yes.

**Chairman:** It is either ballots, which are slightly rough and ready, it is EDMs, which amount to a sort of a ballot, who scrubs around gets the most signatures, and that would mean if you go for the largest number of signatures they would tend to be fairly non-contentious issues, or it is at the Speaker’s discretion. If I can just demystify what I know about the Speaker’s discretion: each of the four Speakers I have served in the House have had their own particular styles, they usually make their own decisions, but it is also true that they do so on advice from the Clerk, the Clerk Assistant and other notables who assemble in the Speaker’s room a couple of hours before the session starts. Although there are not many SO No. 24s received, and still less granted, loads of urgent questions are received. Virtually every day Monday through Thursday there is a UQ, which I see as Leader of the House, and I guess about one in five is granted. There is also the process, as you know, where it may not be granted but a message comes back either via my office or the minister’s directly that it would be good career advice to the minister to make a statement tomorrow. My point here is that the combination of the Clerks and the Speaker are actually being quite active in managing that bit of business to try and make it topical. Since that Rubicon has been crossed, is there any reason why that role could not be extended? Should we not feel reassured that the Speaker and the Clerks have been able to do this quite impartially without anybody ever challenging the integrity of the Chair, so why would they challenge the integrity of the Chair if it came to allocating slots?

**Sir Nicholas Winterton:** What you are suggesting is that it should be made more flexible than currently.

**Chairman:** I am saying with more urgent questions you would have to have injury time. With more flexibility on SO No. 24s you have to have greater flexibility of time, but—query—if you allocated the slots for topicality or, for example, in Parliamentary Questions there is a 15 minute slot for topical questions, the Speaker could say, “I have looked down the list, we have not got time to go to the foreign policy things”, even three days before the topical issue was not on the Order Paper or out of the ballot probably, so he will say, “Oddly, Darfur or Iraq are not going to be subject to questions so I am going to announce” and it will go on the enunciator that morning, “that the topical issue will be Darfur or Iraq or whatever” and he will do the same with each. Would that not work? It is a tiny bit more effort for you guys but you are full of talent.

Q256 **Sir Nicholas Winterton:** Yes!

**Mr Jack:** Yes, I think it could. It would be shifting the gear up on influencing the business.

**Mr Millar:** Could I say though on that point, and I do not think it would be betraying anything, that a lot of the applications for urgent questions come from the opposition parties.

Q257 **Chairman:** Of course.

**Mr Millar:** Therefore, it depends on what kind of slot you are trying to provide. Are you trying to provide one for backbenchers or are you trying to provide a slot which the opposition parties will try to move into?

**Chairman:** Both, I think. I used to generate loads of urgent questions at PMQs, that was part of my dignifying role on the opposition frontbench.

**Mrs May:** Just one observation on this: of course, there is a convention at the moment that if you put in an urgent question and it is refused you do not make that known publicly because it is questioning the Speaker’s discretion. I think if you are going to move into this sort of scenario you have to address that issue as well as to whether it is open and up for grabs and everybody who knows can point the finger or not.

**Chairman:** I agree with that. There has to be some way other than chance, it seems to me, to ensure that what the House is debating is more topical.
Q258 Mr Sanders: Is it written down anywhere what your definition of “topical” is under the current arrangements?

Mr Jack: No, there is no definition.

Q259 Mr Sanders: Should there be to guide Members?

Mr Jack: The only things contained in the Standing Orders do not talk about topicality but “urgency” and we have to judge what urgent means or “matters of importance”. There is no definition of “topicality”.

Q260 Sir Nicholas Winterton: Do you think you should seek to define “topicality” for us because in my view there is a great difference between an urgent question and a topical debate? If the Speaker is to have any say in this clearly he has got to have firm advice as to what topicality is. I know Mark is looking very askance at me but you must have some form of definition of topicality to enable that to work.

Mr Jack: I think I pick the Chairman of Ways and Means’ words: “Trust the Speaker”.

Q261 Sir Nicholas Winterton: We would have to.

Mr Jack: It would be very difficult to devise a formula that defined “topicality” to the satisfaction of 646 Members of the House.

Mr Howarth: I think it is better to rely on the meaning of the word, is it not?

Q262 Mr Sanders: I think the biggest difficulty is, if you like, the gap between what the Member sees as really, really important in their patch and how it is viewed from up here.

Mr Jack: Yes.

Q263 Mr Sanders: It is how you can get satisfaction for both parties in that conflict.

Mr Jack: I did say trust the Speaker and I think the Speaker does take that sort of consideration into account. If he is considering an urgent question which has had some huge effect on the constituency of a Member that will be a factor that he will consider in whether or not to grant the question. It is a factor that already is fed into the existing consideration.

Chairman: I am going to bring this to a close in a moment because it is very familiar territory and we are very grateful to you for your evidence.

Q264 Sir Nicholas Winterton: Could I just ask them to clarify whether they would support injury time. You have answered other questions extremely well in my view and left us in no doubt. Do you think, like today, if there was pressure for the Borders Bill that extra injury time should be allowed at the point of interruption?

Mr Jack: Yes. I think I have already said I would support that. There would be some resource implications in the sense of keeping people here and so on, there would be some cost to this. If the House wants to devote time to important and topical matters then it makes sense for the time lost to be compensated.

Q265 Sir Peter Soulsby: Would you leave that as a matter for the discretion of the Speaker as to whether that injury time is granted because clearly it would not always be necessary?

Mr Jack: Yes.

Q266 Chairman: Can I ask one final set of questions. I have set this in a table which suggests that a whole chunk of time on the floor, more than I thought, is taken up by the frontbenches. It is really very striking: 48% of the time on Government Adjournment Debates is taken up by the frontbench; a third of the time in respect of Government Motions and over half in respect of Opposition Days.

Mr Jack: Yes.

Q267 Chairman: I do remember the time when we were in opposition and we tried to avoid this, slightly better than the previous lot but not brilliantly, when it was almost invariable if you had two half days you would get a couple of nice, big juicy statements so the only time available was for a couple of frontbench speeches and a bit extra. As someone who has been on the frontbench for a very, very long time now, I am struck by the fact that first of all we all like the sound of our own voices—speaking personally, it is true—and, secondly, there is the issue of interventions. The House of Commons works as a debating chamber because of intervention. Debates are fundamentally higher quality than, say, statements or any other form of exchange because people will challenge your argument—not your statement, your argument—at any stage either by standing up or by walking out, by use of their feet.

Mr Jack: Yes.

Chairman: It really does put ministers on the spot. All of us who have been here for any time have seen ministers held below the waterline by a good intervention in a way that no other facility can do. I am wholly opposed to using that but I do think that there needs to be a greater control on how long frontbenchers, people like me, go on. I just wonder if it was a full day debate, if there was an indicative guideline that it was a 20 minute speech and you were told to prepare for a 20 minute speech, then you had the one minute injury time, which could be as many as you wanted, up to a maximum of 35 minutes, say 15 interventions, each intervention, as it were, accruing a minute but if you managed to get two interventions in two minutes you were not subject to 15, as it were, but up to a maximum, I think that would reduce the number of prolix ministers and would not cut down on the forensic nature of the debate, would it not?

Q268 Mr Howarth: Could I just add to that. I would support that. The other thing is Members have got more adept at working out where they are on the speakers’ list on occasions and if they do not think
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they are likely to get called in the wider debate they will use an intervention to get their point across. If there was more time available for backbenchers to take part in those debates it might actually lessen the number of interventions that are made for that purpose rather than to hold ministers below the waterline.

Mr Jack: Two points, Chairman. One is that we recollect this Committee making a recommendation of this sort in the past about frontbench speeches. The other thing is that I do understand what Members are saying but, of course, there is always a balance. Chairman, you mentioned debate and I think debate is very important, and interventions during a minister’s opening speech—

Q269 Chairman: Are crucial.
Mr Jack:—are sometimes crucial. They can set the tone of the whole debate. Like so many of these things, there are these difficult balances.

Q270 Chairman: We had a two day debate in the House and that was an important occasion but people were pretty relaxed about the time. I took about 25 interventions, as I remember, and I think people wanted me to take them. The Speaker would be able to judge this. On the other hand, if it was a six hour debate on a really hot topic then a bit of economy by the minister and 15 interventions you cannot complain about, or 15 minutes of intervention which could be 20 interventions.
Mr Jack: No, I absolutely accept the point. I am sure that Mr Speaker is very concerned with protecting backbench time.

Q271 Sir Nicholas Winterton: What about the use of short speeches? My Committee when I chaired Procedure, now chaired by Mr Knight, looked at this. There are problems in the short speeches. How would you overcome that, because that would enable many more people to speak in a debate and get their view on record, which a lot of people want to do? How could we overcome the problems that I do accept since that recommendation was made do arise in respect of three, four or five minute speeches at the end of a full day or half day debate?
Mr Jack: You mean to have shorter speeches?

Q272 Sir Nicholas Winterton: We have got the Standing Order which allows the Speaker to have, say, 20 people with three minutes each at the end of a full day’s debate but there are problems with that.
Mr Jack: There are problems because, of course, the point at which you introduce that influences the amount of time that you have got to divide up, if you see what I mean, and that has an effect on how people will make their speeches, how they will plan their speeches.
Mr Millar: Some Members leave when the shorter speech rule is invoked so they are not prepared to cut their remarks down from ten or 12 minutes to three. It is a very difficult audience to satisfy and a very difficult calculation to make. I think Sir Alan, in his evidence, exposed some of the issues that are involved.

Q273 Sir Nicholas Winterton: Yes, he did.
Mr Millar: I would support his comment about trusting the Chair really because the Chair is aware of these things, does try to operate the rule sensitively and in the interests of the largest numbers of Members, but with the best will in the world sometimes it is a very difficult thing to achieve. I would also say on the frontbench speeches what is very dispiriting is when for some reason or other a debate is much more truncated than anticipated and ministers, and opposition frontbenchers for that matter, just make the same length of speech that they had originally thought they were going to be able to, even more heavily squeezing the backbenchers. That is slightly awkward for the House, I think.
Mr Jack: Also, just to add another point, the subject matter of the debate is sometimes more suitable to shorter speeches, it depends what the debate is. In some debates it is very, very difficult to say anything meaningful in three minutes; in other debates, it is not.
Chairman: Can I thank you very much indeed both for your memoranda and also your evidence. Thank you both.
Written evidence

Letter from Ann Coffey MP (M5)

Timing of Votes

Programming, when originally proposed by the Modernisation Committee, was supported by Members who believed that this would give some predictability to business and enable them to plan better in response to conflicting demands on their time.

At the moment the votes are predictable on a 2nd Reading, on an opposition day or on any other business which is concluded at the end of the day. For other business on which there can be votes, although timed on the Order Paper, there is unpredictability as statements and urgent questions can change the timing of business. Members will not have this information in advance.

Report Stages mean a running whip. Even when there are “knives” there is often uncertainty about whether there will be a vote. In such circumstances it is difficult to effectively manage time.

To overcome this I would propose that we look at a set time each day when votes will be taken which would be called the “decision time”.

I would propose that Members would go through the Lobby once and record their votes for the main business and any consequential motions.

This would be fairly straightforward for most business, however, it is the report stages of bills that are the most difficult as although many amendments are called not all are voted on. If we are to have a voting time at the end of business then we need to know by the decision time what amendments are to be voted on in order to print the voting paper. There are serious practical difficulties with this, particularly if we use a paper system as we do for deferred divisions. There are also difficulties with 2nd Readings and other straightforward business if Members wish to keep debate, vote and result together although I would point out that deferred voting has not had the dire consequences predicted by some.

Instead of having a paper division the alternative would be to vote electronically in the Lobby.

The advantage of this would be that information about amendments to be called for a vote could be transferred immediately to the terminals in the Lobby and there would not need to be any delays for information to be printed and for the tellers to announce the results.

This would necessitate the separation of Report Stage from 3rd Reading which could take place the next day. This already happens in the Lords.

The Committee did agree in its last Report to look further into e-voting particularly as technology has moved on since the committee last considered the subject.

November 2006

Letter from John Hemming MP (M7)

Strengthening the Role of the Backbencher

The most effective mechanism for making backbenchers more effective would be a parliamentary appeal process to handle when ministers fail to adequately answer questions.

Hopefully it would be possible to ensure that such questions would then be properly answered where giving a proper answer is in the public interest. I have raised this issue at the Procedure Select Committee. (A Committee of which I am a member).

I would be happy to talk to the Committee about this proposal and comparing the situation to that in Local Government where there are enforceable rights to information if that suits. My own attempt to enforce such rights through the courts is currently at the Appeal Permission stage. I am happy to talk about this as well if it is of any help.

November 2006

Letter from Mr Mark Todd MP (M13)

Making Better Use of Non-legislative Time

I previously shared these thoughts with Robin Cook, who was interested in them. They seem to fit into the inquiry on making better use of non-legislative time.
Select committees perform a valuable role in examining aspects of government policy and holding the government to account. Rightly there have been requests for additional parliamentary time to consider the reports of select committees and hear the responses of ministers.

One link in this process is missing. The Select Committees are chosen by Parliament (albeit not in a way that I entirely commend). There should be a framework for an annual debate on the performance of a departmental select committee, perhaps focused on an annual report. At this debate the chair could answer for matters such as the selection of subjects chosen, the quality of reports, allocation of time to them, foreign travel and the balance between their responsibilities (scrutinising estimates, examining agencies, considering policy and delivery). No government response would be required.

Such a debate would make clear the answerability of the committees to Parliament and give non Members an opportunity to comment on their governance.

December 2006

Letter from Rt Hon John Gummer MP (M14)

STRENGTHENING THE ROLE OF THE BACKBENCHEL

I have seen a considerable decline in the ability of the backbencher to influence policy, to hold the Executive to account and to promote change in legislation since I first entered Parliament in 1970. In recent years that has partly been because of the incidence of large majorities on either side. However, it is in my view largely the result of recent changes in the way we conduct our business. Chief amongst these is the introduction of the automatic guillotine and the destruction of the system of Committee work on Bills. There was a time in which, line by line and clause by clause, Bills could be properly scrutinised. This usually meant significant changes, often driven by the input of backbenchers. As a Minister during these periods, I certainly changed my mind on significant issues and in important ways as a result of the debates we had. Civil Servants took the proceedings with considerable concern and recognised that the Committee Stage of a Bill might be a very testing time. As a result of the guillotine procedure, much of this has become mere formality.

It is, in my view, necessary for us to return to the system in which the Government had control of the legislative programme, but with Parliament as a whole having a great deal of control over the timetable. Guillotines drawn up by Government Whips and forced through have made the situation impossible for backbenchers. The shift towards the Executive has been palpable and the quality of the legislation which we produce has diminished in consequence.

There may well be all sorts of innovative ways of increasing the role of the backbencher. Nothing would be better than enabling him or her to use the procedures of the House to insist upon being heard, as was once part of our Constitution. It is an irony that the Modernisation Committee has largely changed the procedures in such a way as to benefit Ministers and Civil Servants and to reduce significantly the role of Members of Parliament.

December 2006

Memorandum from Mr Dai Davies MP (M15)

STRENGTHENING THE ROLE OF THE BACKBENCHEL

Having been elected to Parliament at a by-election in June 2006, and not being a member of a political party the lack of a formal structured induction course I found it very difficult to integrate fully into the workings of the House of Commons. The respective departments such as the Speaker’s Office, Serjeant at Arms, Finance etc give as much time as they can but I feel that there should be a dedicated resource and time set aside from the time before signing in to walk the newly elected Member through the process and responsibility of Parliament.

The information packs available are very comprehensive but I feel personal contact is essential in the initial few weeks. Possibly consider the introduction of a mentoring scheme.

The process of the House can be extremely daunting for the newly elected MP. Some of the procedures in the Chamber in terms of how Members are expected to address each other I believe need to be reviewed especially if we are to encourage new and young people to take an interest in politics.

There should be greater encouragement and opportunity for all Members to be part of a select committee. There should be a greater role for the All Party Parliamentary Groups which would allow new Members to get involved in debate in a more informal atmosphere.

The Chamber is a very imposing environment and a relaxation of traditional formal address would help to speed up the process of debate.
The role of the Speaker should be maintained but perhaps a review of chairing debate should be carried out in terms of the types of contributions made by Members so that the repeating of a point over and over again could be curtailed thus also speeding up the process.

December 2006

Memorandum from Mr Dai Davies MP (M16)

MAKING BETTER USE OF NON-LEGISLATIVE TIME

The role of the main Chamber of the House must be retained in terms of votes, decision making and the establishing of Acts of Parliament.

The ability to register a debate as of right would help new Members to become confident and established.

There is I believe a great deal of merit in holding more debates and discussions outside the Chamber. A more simplified method of registering debate with a guarantee that it will be heard is essential.

The chairing of debates needs to be reviewed because talking for talking sake will not endear us to those outside the House or encourage them to be part of the political process.

A more formal process of lobbying is required where perhaps groups could give evidence to an All Party Group. All Party Parliamentary Groups should have direct input into select committees.

More short debates would be advantageous for backbenchers to raise concerns. A matter of public concern or a topical issue should be given priority for debate but not necessarily in the Chamber.

A structure could also be considered for requested meetings between Government Ministers and backbench Members to make representation as a collective. Consultation and communication outside the heat of the Chamber would help to establish a more informed decision making process.

A review of the roles to be played by Irish, Scots and Welsh Members in English only legislation must take place in the near future. Should there be days set aside for each legislative area. A review will be needed in the near future on the number of Members of Parliament and their respective roles as the powers of the Irish Assembly, Scottish Parliament and Welsh Assembly are increased.

December 2006

Memorandum from Services Information Group (SIG) (M17)

ARRANGEMENTS FOR NEW MEMBERS FOLLOWING THE 2005 GENERAL ELECTION

INTRODUCTION

1. This paper sets out the arrangements that were put in place for new Members, and the briefings and advice which were available to those Members at the start of the 2005 Parliament. It also provides an outline of the lessons learned and the probable consequent changes to the arrangements at the next General Election.

APPROACH ADOPTED

2. The approach adopted by the House Service to welcoming new Members was to invite them to proceed on arrival at Westminster to a single area where all Departments could provide what they considered sufficient and appropriate information in a corporate setting. An attempt was made to co-ordinate House Service and party briefings for new Members. However, only limited co-ordination was achieved.

3. This approach built on the successful format of the 1997 and 2001 post-election arrangements. Its main advance was to bring into one place, for the convenience of new Members, the issuing of passes, the provision of IT equipment and information and a financial registration and advice cell.

INITIAL PROVISION OF INFORMATION FOR NEW MEMBERS

4. On election night Returning Officers gave all Members of Parliament an introductory letter from the Clerk of the House which stated when the House would meet. It also explained the arrangements for access to the parliamentary estate as well as giving a small amount of other essential information. Instructions on how to access more detailed information via a password protected web site (see paragraph 8 below) were provided.
NEW MEMBERS RECEPTION AREA

5. Arrangements were made to meet new Members on arrival and escort them to a reception area that was set up on the first floor of Portcullis House. In the reception area, Members were able to:

(a) Obtain their security passes;
(b) Discuss their salary and allowances or their accommodation needs;
(c) Obtain a laptop, discuss their IT requirements, and following a short briefing, gain access to the Parliamentary Network; and
(d) Meet staff from all the Departments and receive advice and information on the House and its Committees, the House Service and the facilities available to Members.

6. The reception area was open on the Friday after the election and remained open during the first two weeks of the Session. Most of the new Members had visited the reception area by the end of the first week and so Members' staff were invited in the second week. A family room was provided with play equipment for Members who were accompanied by young children.

WRITTEN BRIEFING

7. Members received a welcome pack that included the Members’ Handbook, a guide to pay and allowances, a short guide to procedure, a list of briefings available to new Members and guidance on taking the oath and the courtesies and conventions of the House. The Code of Conduct and other standards material was distributed separately by the Commissioner for Standards. A checklist was included in the welcome pack that was designed to help them identify key things to do or organise in their first few days.

MEMBERS’ HANDBOOK

8. All returned Members were sent a new edition of the Members’ Handbook. For the first time it included colour maps and colour coded pages to indicate content likely to be of interest to new Members. The Members handbook was also placed on the intranet.

NEW MEMBERS’ INTRANET AND INTERNET PAGES

9. A special password-protected website was created for new Members. The website reiterated essential information provided in the welcome pack, Members Handbook and other material, and also provided a list of local hotels. It also contained links to information elsewhere on the parliamentary intranet relating to, for example, pay and allowances.

TEMPORARY OFFICE ACCOMMODATION

10. Temporary office accommodation was made available to Members for the period between arriving at Parliament and being allocated a permanent office. The temporary office accommodation was located in the main building, and provided Members with access to a desk, telephone and computer.

ORAL BRIEFINGS

11. A concerted effort was made to coordinate briefings and information available to new Members. A programme of the briefings which were arranged for Members was placed in each welcome pack. In addition, copies of the programme were also made available in the Whips’ offices; in the lower Table Office and in the main Vote Office. Procedural briefings were also advertised in the all-party whip, and e-mails were sent to all new Members in advance of each briefing.

12. The briefings available to Members were:

(a) Procedure and the business of the House and its Committees;
(b) Standards in the House, the Code of Conduct and Outside interests;
(c) Security and risk management;
(d) Health and Safety; and
(e) Employment Responsibilities of Members of Parliament.

13. The content of the individual briefings was left to the relevant department, who also produced individual briefing packs. (A list of paper briefings given to Members is attached as an Annex). The briefings on employment responsibilities and on standards and privileges were organised on a party basis and were well attended. The other briefings, including the procedural briefings, were not offered on a party basis but were open to all new Members. They were less well attended.

14. Attendance at the procedural briefings was as follows:
15. A small number of new Members attended more than one of the briefings and a small number asked if they could bring their staff. The events had been intended to be a Members only forum but with attendance so low staff were allowed to take part. In one case where only a member of staff turned up a one-to-one briefing was given.

**Evaluation**

**SIG Evaluation**

16. SIG conducted an evaluation of post-election services and reported to the Board of Management in October 2005. A questionnaire was sent to all 123 new Members, 60% of whom responded. Individual House departments also examined how well the arrangements had worked from their own perspective. New Members seem to have been happy with the arrangements. Of those who responded at least 84% were satisfied with the reception facilities and 88% said they felt the information packs were useful. Almost everyone found the letter from the Clerk a useful innovation. Some new Members felt overwhelmed by all of the information. Some felt coordination with the Whips could have been better. There were complaints about delays in the provision of laptops and other IT equipment, and the biggest complaint from new Members was about the time taken to allocate accommodation. The arrangements were thought overall, to have worked well. (For a more detailed note of findings, see the First Report from the Administration Committee, HC 777 of Session 2005–06, Ev18-21.)

**Administration Committee**

17. The Administration Committee, which replaced most of the Domestic Committees at the start of this Parliament, published a Report on Post-election services in December 2005 (Post-election Services, First Report from the Administration Committee, Session 2005–06, HC 777). This focused mainly on accommodation and related facilities such as computers, and on services for former Members. The Committee recommended that the House Administration “should investigate ways of making the information of most use and interest to new Members easily available to be digested in Members’ own time”. The Commission’s reply accepted these points, and the Services Information Group are considering how to implement those recommendations as it plans for the aftermath of the next general election.

**Hansard Society**

18. On 5 December 2006, the Hansard Society published its report, *A Year in the Life: from member of public to Member of Parliament*, conveying the results of monitoring a group of 21 newly elected Members of Parliament, and including a chapter on “the early days”. Earlier this year SIG held a useful informal meeting with the author of the report, Gemma Rosenblatt. In addition to raising the general issue of accommodation, several Members are recorded in the report as emphasising that they would have welcomed more information on parliamentary procedure and process. The report also highlighted the wide variation in the level of new Members’ previous knowledge and experience of the Commons, and the priority they all give to constituency concerns.

**Lessons for the Future**

19. It is envisaged that the same basic elements of the package will be provided again but with a number of refinements. We are currently considering the following:

(a) an initial welcome pack which will focus on the core tasks that a new Member will need to undertake in the first few weeks at Westminster;

(b) a better strategy for the provision of information which avoids overloading Members;

(c) greater liaison between the House Authorities and the Whips over the content and timing of briefings; and

(d) the establishment of a help-desk for Members, located in the e-library in Portcullis House.
20. The information provision strategy will provide newly joined Members with material which is very tightly focused on information essential for effective performance in the first few weeks at Westminster. Links and references will be available which will allow a new Member to delve further into a subject should they want to. These links will be on paper with directions to the parliamentary intranet and probably on DVD or CD which could also provide the more detailed information. This is in line with the recommendation of the Administration Committee in its Report on Post-election services. SIG has considered producing an interactive DVD which would provide information in a more varied and more interesting format. However, given the cost of this approach, the very limited distribution and likely use of any DVD, this idea has not been taken further.

21. With the agreement of the Chief Whips of the three main parties we have also made contact with Jeff Janas, Director of Committee Operations, Committee on House Administration, who is responsible for the induction programmes for U.S. Congressmen in Washington. There may be lessons to be learned from the American experience.

January 2007

Annex

INFORMATION PROVIDED TO MEMBERS AFTER THE 2005 ELECTION

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<td>Briefings</td>
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**Memorandum from Sir Patrick Cormack MP (M31)**

**Making Use of Non-Legislative Time**

The first and best use of non-legislative time is to increase it by decreasing the amount of time available for legislation. We pass far too many laws.

Another way of increasing the amount of time available for Members to debate issues would be to restore the balloted Motions. These gave Members the opportunity to vote on substantive motions.

If over 300 Members of the House sign a Motion time should be allowed for it to be debated within the week, even if that means having an evening sitting on a Wednesday.

One Adjournment Debate each week—in the Chamber—should be of an hour and a half’s duration, and on a topical subject selected by Mr Speaker on the basis of submissions from backbenchers, made to him by 12 noon on a Monday. The extended Adjournment Debate should take place on a Wednesday or Thursday.

*January 2007*

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**Memorandum from Sir Patrick Cormack MP (M32)**

**Strengthening the Role of the Backbencher**

The balance of the backbencher’s life has been tilted too far towards the constituency role, and away from Westminster duties. Whilst I understand the pressures of constituency work (and my own case load has increased 10 fold in my time here)—I often recall the words of Duncan Sandys when he was criticised for not being present in his (London) constituency more often: “I am the Member of Parliament for Streatham in Westminster, not the Member for Westminster in Streatham”.

I welcomed the Jopling proposals but post-Jopling changes to the parliamentary timetable mean that some constituents now expect the Member to be in his constituency on Thursdays. I have been able to resist these demands but many Members with tiny majorities have not felt able to do so, and the consequence for parliament has been a very negative one.

This is by way of background to some proposals that I would like the Committee to consider.

1. I agree very strongly that there should be an induction to parliament. This should take place between the election and the State Opening, even if that means delaying the latter by a day or two. Parties should make it plain that they consider the induction course the equivalent of Three Line business. Experienced Members and officials of the House should explain the procedures in detail, and how best to take advantage of the opportunities offered by the parliamentary timetable.
2. As the next election is possibly more than three years ahead a series of seminars should be arranged later this year. Clearly these cannot be regarded as Three Line business, two years after an election, but Members should be encouraged to attend, possibly on some of the Fridays set aside for Private Members’ business so that attendance at the seminars would not get in the way of other commitments.

3. The Modernisation Committee should look very carefully at the parliamentary timetable. No Member should be expected to be in two places at once. Westminster Hall should not be in session at the same time as the Chamber and Select Committees should be encouraged to do everything possible to avoid clashing with prime Chamber time. There may be something to be said for the House itself not sitting after Question Time on Monday and for Select Committees sitting after that. It follows from this that Thursday would become an important parliamentary day. An alternative would be to devote Thursday afternoons to Select Committees or to ask all Select Committees to sit on Tuesday mornings. It also follows that no Member should be allowed to serve on more than one Select Committee.

4. In order to encourage attendance in the Chamber consultations should be held with Mr Speaker to see whether he would be willing to make it plain that he would only contemplate calling Members to speak in debate if they undertook to be present, not merely for the opening and closing speeches, but for most of the debate itself.

5. The general public, however unwittingly, are sometimes deceived into thinking that All Party Groups and Early Day Motions are more important than they are. It is far too easy to set up the former and to put down the latter. I would urge that the Modernisation Committee, in conjunction with the Procedure Committee, look carefully at the rules governing both All Party Groups and EDMs.

6. Another issue that should be looked at is the Parliamentary Question. This is a currency that has been grossly devalued by the vast number of questions put down, often by Research Assistants. The cost is great and the light generated limited.

January 2007

Memorandum from Mr Angus Sinclair, Speaker’s Secretary (M33)

STATISTICS HELD BY THE SPEAKER’S OFFICE—QUESTIONS, DEBATES ETC

Following a request from Mr Gordon Clarke, Clerk to the Select Committee on Modernisation of the House of Commons, please find below the methodology used by the Speaker’s Office to record backbench Members’ contributions to debates etc.

So far as debates are concerned, we record all contributions with the following exceptions:

— speeches in debates held in Westminster Hall;
— speeches in end of day adjournment debates;
— speeches on Private Members’ Bills or Private Business;
— speeches in Committee of the House;
— speeches on the Report Stage of a Bill or on consideration of Lords Amendments or Reason; and
— speeches of less than three minutes.

We also record occasions when a Member has applied to speak and has been unsuccessful; and we make a note of speeches that last more than 25 minutes.

If a Member was a Shadow Front-bench spokesperson but later moved to the back-benches, our records distinguish between the number of times they have spoken from the Front-bench and from the back-benches.

All information is made available to Mr Speaker prior to the start of the debates in the Chamber.

So far as Ministerial Statements, Urgent Questions and Business Questions are concerned, names of those called and not called are noted on each occasion; as is the length of the individual Front-bench contributions and the number of backbench Members called, along with the total length of backbench contributions. At Business Questions, the Chair will also be aware of which Members were not called on a previous occasion.

For Departmental Oral Questions, records are kept detailing the number of Questions on the Order Paper which were reached and also the number of supplementary questions which were asked.

Records are kept of the number of times Members have been called at Prime Minister’s Questions and these figures are available to the Speaker at assist him in deciding whom to call.
I have also been asked whether I could make available any statistics on the number of times backbencher Members are called during debates. Our records for the 2005–06 Session indicate that on average Government backbenchers were called 3.15 times and spoke for an average of 38.5 minutes in total, while Opposition (all parties) backbenchers were called 5.26 times and spoke for an average of just over 66.5 minutes in total.¹

The number of contributions by Government backbenchers ranged from nil (40 Members who did not seek to be called) to 13 (one Member) and by Opposition backbenchers from nil (11 Members who did not seek to be called) to 27 (one Member [Liberal Democrat Spokesperson]).

March 2007

Annex

Session 2005–06

MEMBERS CALLED TO SPEAK IN DEBATE

The following are not recorded:

— contributions from a Government Minister/Secretary of State;
— debates when the House is in Committee or Report Stage of a Bill;
— debates on Select Committee reports;
— Adjournment debates ("matters to be considered before the forthcoming Adjournment" are included); and
— consideration of a Lords Reason or Reasons.

OVERALL

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<td>Average total time taken, per Member</td>
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¹ Backbench Members exclude all Government Ministers and Whips, the Official Opposition Shadow Cabinet, the Leader and Chief Whip of the Liberal Democrat Party.
² Total number of hours in debate taken by backbench Members of Parliament.
³ For these purposes, backbench means no Government Minister (including Whips) and no Shadow Spokesmen from Her Majesty's Official Opposition. The Leader of the Liberal Democrats (LD) and the Chief Whip of the LD are also excluded.
⁴ Taking footnote 3 above into consideration, this figure also excludes contributions of less than three minutes.
⁵ Owing to the time for debate running out.
POINTS TO NOTE

1. The difference between the Overall Total Numbers of hours in Debate and the sum of the Government Total Number of hours in Debate plus the Opposition Total Number of hours in Debate (15 hours, 28 minutes) are the contributions of less than three minutes made by Members.

2. As mentioned in footnote 34 above, with the exception of the Leader and the Chief Whip of the LD, all LD “Frontbench” speeches have been included.

Memorandum from Professor Dawn Oliver, University College London (M36)

THE ROLE OF THE BACKBENCHER

An important, indeed perhaps the most basic, aspect of the role of the backbencher is to give consent to legislation, and to government generally, on behalf of constituents. Another aspect is to maintain public confidence in the parliamentary system itself. These break down into a number of categories of function.

1. The representative function

The classic statement of the role of MPs—and particularly backbenchers—is set out in Edmund Burke’s Speech to the Electors of Bristol, 3 November 1774. To quote:

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament.

Clearly acting as a voice for interests in his or her constituency and seeking to resolve grievances on behalf of either individual constituents or groups of constituents are important aspects of the role of MPs. Actually, they can be performed by others, eg ombudsmen, but MPs choose to take responsibility for them. In any system such roles have to be performed by someone somewhere. Perhaps MPs’ commitment to this role is due to the absence of a clear idea of other roles, which ought not to be eclipsed by the constituency role.

2. Promoting the public good—how important is it? Does it exist?

Burke’s assumptions that there are such things as “the interest of the whole” and “the general good” are fundamental to our parliamentary system. It is of course true that there are conflicts of interest between groups, classes etc in the population, but the assumption is that the interests of some might have to give way to those of others in the name of the general good. This approach is challenged by Marxist theory which assumes that those in power—capitalists—will promote their interests, and that there is too much conflict of interest in society for there to be such a thing as the public interest. Be that as it may, I can see no other way in which government or Parliament can claim legitimacy in the UK. As the history of Northern Ireland shows, legitimacy cannot flow from the blunt assertion that a majority in Parliament or in the population (and the two are not the same) in itself justifies subordinating the interests of the rest to those of that majority.

A claim—and a substantiated one—that policies or laws that have negative impacts on certain classes or groups are justified on the basis that they will promote the interest of the whole and/or the general good will, in the British culture and tradition, be accepted as legitimating even policies that some object to. Providing that the claim is substantiated—for instance after debate and inquiry in Parliament—this legitimating function is a vital role of backbenchers (and of front benchers, but the conditions under which they operate can subvert their judgment in practice). This must involve participation by backbenchers in the process of identification of the interest of the whole and/or the general good, to which not only they but the government are dedicated. This cannot but involve the ability to exercise a substantial degree of independent conscientious judgment on the part of each MP. And without it the very legitimacy of the system is at risk. On the face of it this must involve backbenchers being ready to articulate their own views, and their own reservations in favour of or against the policies of their parties or of government.

MPs have to exercise this role in a system of what might be called a “web” of pressures, some of them in tension with others. For instance, they have to be concerned about whether they will retain their seats in the next election—both for the sake of their constituents who are judges in part of their performance as advocates and voices for interests in the constituency, and for the sake of their own livelihoods (though selflessness is one of the Seven Principles of Public Life, and selfish interest ought not to dominate). They are concerned for the future of their own parties, both because they may consider their own party to be best suited to promote the general good, and because they aspire to hold ministerial office in it. Burke’s principle would not allow for MPs to permit their own interests to prevail over their judgment of the public interest.
How does this fit with the other pressures to which MPs are subject and their other roles? First, the constituency role. Essentially this is an advocacy role, and a vital one. The MP should convey to Parliament and to government the concerns of their constituents. This is part of the traditional role of MPs in seeking redress of grievance before the grant of supply to the Government by Parliament, and a role that has developed in importance since the second half of the 20th century.

What about the role of backbench MPs in maintaining the position of their parties—especially when their party is in government? Again, backbenchers have to maintain a balance between (i) exercising their own judgements, particularly on issues on which they have little expertise; (ii) nursing their constituencies; (iii) accepting the judgments of their parties as to what is in the public interest or general good, even taking the view that whatever their parties decide, it is in the general interest that their party should be in government. But blind compliance with the party whip will not necessarily endear MPs to the public or enhance the status of parliament. Nor will it be compatible with their basic constitutional role.

3. Some legal principles

It may be helpful here to summarise some of the principles that the courts have applied, in relation to the public good/general interest and how elected representatives—whether MPs, ministers or local government members, or parties—should conduct themselves.

— MPs and ministers must exercise their powers in the general interest, on their own responsibility and it is unlawful for them to allow themselves to be mandated by their party: Bromley v GLC (1982); AEU v Osborne (1910). But they may “take into account” their party’s manifesto as relevant in a decision: Secretary of State for Education v Tameside Metropolitan Borough Council (1977).

— Councillors should act in the general interest, but they are entitled to take the view that would be in the general interest for their party to remain in power. R v Waltham Forrest LBC, ex parte Baxter (1988). [This is a dubious decision in my view and Porter v Magill (2002) below seems to suggest the opposite.]

— Councillors should have directly in mind when making decisions that they are supposed to be acting in the interest of their area as a whole, and they are not entitled to indulge their own moral values without linking them to that interest: Fewings v Somerset CC (1995).

— Councillors are not entitled to use their powers so as to promote the interest of their party in being reelected. That is not a purpose for which powers were granted to them and it is unlawful for statutory powers to be exercised in that way: Porter v Magill (2002).

At this point it is worth noting that similar principles have been enunciated in Committee of Privileges Reports and House of Commons resolutions over the years (Case of W J Brown, 1948; National Union of Mineworkers, 1974). And the Seven Principles of Public Life reflect the same approach.

4. Now to some specific issues

Questions

Is the role of the backbencher diminished if ministers refuse to answer questions? It depends on the role of the MP. Do all MPs have the same role? If an MP’s role is supposed to include eliciting information and justifications from ministers, yes of course it is diminished. If the role of a government backbencher is to support the government, then no. My own view is that the role should be the same for all backbenchers, and ministers should answer questions. But the House of Commons will not enforce that.

A problem is that if ministers refuse to answer questions it will become increasingly important for other bodies, eg the Parliamentary ombudsman (note the pensions problem), public inquiries (Scott, Hutton and Butler all succeeded in extracting information from departments which the Commons could not possibly have extracted or dealt with because of the volume and complexity) and the courts (which recently upheld the findings of fact of the ombudsman on pensions), to perform these functions. In fact it is obvious that MPs lack the time and forensic skills to perform this function in complex matters.

Whips and partisanship

Does the partisan role of MPs get in the way? What if whips do not allow them to speak?

It seems that the partisan role gets less in the way when the Commons’ committees are collaborating with the Lords’ committees. And partisanship is less in select committees than in standing committees or on the floor of the House. Perhaps the floor of the House/Chamber is a less important aspect of the role than it once was. Perhaps it has become mere theatre. Perhaps Standing Committee work is also mere theatre, though lacking an audience.
If whips prevent a Member from speaking they are in effect adopting the view that it is in the public interest that the party stands together willy nilly, or that the public interest should be subordinated to party interests, or it is in the public interest that the government gets its way or the opposition must give a (possibly misleading) impression of unity and that that itself is in the public interest.

What about redress of grievance?

Redress of grievance can be largely handed to the Ombudsman—the MP filter could be removed and that would free up MPs time for other matters eg committee work at Westminster, and most importantly scrutiny of bills and draft bills, which is badly done in the Commons.

How much does parliamentary scrutiny of bills matter?

Does scrutiny of legislation matter? Yes, it is absolutely vital that legislation be carefully and clearly drafted, that it fits with the existing law, that it does not override important constitutional principles and human rights without Parliament realising that it is doing so and doing so deliberately. These are not party political issues, they are to do with respect for and workability of the legal system, respect for constitutional values, international obligations, human rights and so on, which ought to be above party.

If the House of Lords becomes fully elected it will no longer be possible for the Commons to rely on that House to complement the work of the Commons in the legislative process and to scrutinise bills etc as well as it does now. An elected second Chamber would not contain sufficient numbers of people with expertise and experience to do the non-political aspects of scrutiny. They would be working in a different and more party political atmosphere and set of working conditions, which will not be conducive to the scrutiny against objective standards. The whip system will be stronger. It is beyond the capacity of the Commons to do the scrutiny job as thoroughly and in the way the second Chamber does for lots of reasons—constituency commitments, lack of time, party political pressure undermining the exercise of independent judgment, lack of legal expertise, weak forensic skills etc.

This is not an argument against an elected Second Chamber. It is an argument for establishing a separate independent body to scrutinise bills and draft bills and other legislation (EU, SIs etc) for their legal drafting and workability, compliance with international obligations, human rights and constitutional principles, leaving it to the two Houses to engage in purely party political or ideological argument. There are models from overseas that could be examined.

What if MPs drift away from the Chamber?

This would be evidence that it was not clear to them that their contributions in the Chamber were a good use of their time or—adopting a public choice approach—evidence that it does not do good to any of their own interests, eg in their careers, nursing their constituencies etc, for the reasons implied above. Does that matter?

Does it matter if the Chamber is now only theatre? Perhaps not, if MPs are doing the other aspects of their work.

But if the view is taken that this does matter, wishful thinking will not solve it. There have to be incentives for MPs to take part in what happens in the Chamber and/or the present disincentives need to be removed. April 2007

Letter from Rt Hon Alan Williams MP, Chairman of the Liaison Committee (M46)

INQUIRY INTO STRENGTHENING THE ROLE OF THE BACKBENCHER AND MAKING BETTER USE OF NON-LEGISLATIVE TIME

The Liaison Committee this morning discussed two issues which are relevant to the Modernisation Committee’s current inquiry.

The Committee supported the proposal made by a previous Liaison Committee that there should be the opportunity for a weekly ‘committee half-hour’ on the floor of the House, making it possible for Members, including a Minister and the Chairman or another member of the relevant Committee, to make brief comments on a Select Committee report. The proposal is for brief comments rather than a debate, and would not pre-empt detailed consideration of a report and the Government’s reply to it.

The Committee also took the view that Committees should have the option of having their reports debated in the Chamber on substantive motions put forward by the Committee concerned. In many cases
Committees might not want to proceed in this way, but the option would be available if the Committee considered it worthwhile.

I enclose relevant extracts from three reports of the Liaison Committee in 1999–2000. The Liaison Committee would like the Modernisation Committee to consider these proposals as part of its current inquiry.

May 2007

Memorandum from Rt Hon Jack Straw MP, Leader of the House of Commons (M47)

PROGRAMMING

Programming has become much less prescriptive and is used to ensure full debate:

— The number of knives in committee has dramatically reduced, from 69% in 2001–02 to 3% in the last session (none in this session).
— The number of Standing Committees finishing early has greatly increased—9% in 2001–02 to 48.5% in 2005–06 and 69% in this session.
— The number of groups not reached in Report Stage debates has decreased—average of 3 groups per bill 2003–04, 2 per bill in 200506 and 1 this session.

Government works hard to make Programming consensual and Opposition to Programming has decreased:

— The number of divisions on Programme Motions at Second Reading has decreased from 100% in 2001–02 to 40% in 2005–06 to 35% in this session.
— The number of divisions on PSC resolutions at Committee has decreased—44% in 2001–02, to 8% in 2005–06 (28% in this due to new procedures for oral evidence sessions).

Welfare Reform

I thank the Minister and the Labour Whip for the amount of time that they have proposed for discussion of the Bill. We are happy to accept it. In the current climate, 16 sittings seems a generous allocation. It reflects the seriousness with which Ministers and the Government take the subject (David Ruffley)

Statistics and Registration Service

There is no controversy about the programming. I think there was amicable understanding that the Government are proceeding in a perfectly correct way; no knives are being imposed. I am sure that we will be able to conduct our business speedily and amicably. (Vincent Cable)

Local Government

The conduct of the proceedings, and the way in which both Ministers have dealt with the matters before us have been entirely conducive to an extremely favourable atmosphere in the Committee. We have worked hard, got things on the record and said what we wanted to say, and have done so in the very best of good humour. (Alistair Burt)

Tribunals, Courts and Enforcement Bill

We have plenty of time to debate the issues and I am very grateful to the usual channels for ensuring that time to debate the issues has been made available. I do not think that anyone can complain that we have not had that time. (Henry Bellingham)

May 2007

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