



House of Commons
Procedure Committee

Debates on Government e-Petitions

Seventh Report of Session 2010–12

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
to be printed 11 January 2012*

HC 1706
Published on 19 January 2012
by authority of the House of Commons
London: The Stationery Office Limited
£8.50

The Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

Membership during the Session

Rt Hon Greg Knight MP (*Conservative, Yorkshire East*) (Chair)
Karen Bradley (*Conservative, Staffordshire Moorlands*)
Mrs Jenny Chapman (*Labour, Darlington*)
Nic Dakin (*Labour, Scunthorpe*)
Thomas Docherty (*Labour, Dunfermline and West Fife*)
Sir Roger Gale (*Conservative, North Thanet*)
Helen Goodman (*Labour, Bishop Auckland*)
Mr James Gray (*Conservative, North Wiltshire*)
Tom Greatrex (*Lab/Co-op, Rutherglen and Hamilton West*)
John Hemming (*Liberal Democrat, Birmingham Yardley*)
Mr David Nuttall (*Conservative, Bury North*)
Jacob Rees-Mogg (*Conservative, North East Somerset*)

The following Members were also members of the Committee during the Parliament:

Andrew Percy (*Conservative, Brigg and Goole*)
Bridget Phillipson (*Labour, Houghton and Sunderland South*)
Angela Smith (*Labour, Penistone and Stocksbridge*)
Sir Peter Soulsby (*Labour, Leicester South*)
Mike Wood (*Labour, Batley and Spen*)

Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/proccom>.

Committee staff

The current staff of the Committee are Huw Yardley and Anne-Marie Griffiths (Clerks) and Rowena Macdonald and Carolyn Bowes (Committee Assistants).

Contacts

All correspondence should be addressed to the Clerk of the Procedure Committee, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3318; the Committee's email address is proccom@parliament.uk

Contents

| | |
|---|-------------|
| Report | <i>Page</i> |
| Summary | 3 |
| 1 Introduction | 5 |
| Background | 5 |
| Scope of this report | 6 |
| 2 Debates on e-petitions | 7 |
| Backbench time | 7 |
| Use of Westminster Hall | 8 |
| 3 Communication with petitioners | 10 |
| The Government's website | 10 |
| MP involvement | 12 |
| 4 Conclusion | 12 |
| Conclusions and recommendations | 14 |
| | |
| Formal Minutes | 15 |
| Witnesses | 16 |
| List of printed written evidence | 16 |
| List of unprinted evidence | 16 |
| List of Reports from the Committee during the current Parliament | 17 |

Summary

In July 2011, the Leader of the House introduced a website on which members of the public could submit e-petitions to the Government. The Government gave an undertaking that any petition signed by 100,000 people would be eligible for debate in the House of Commons. The system introduced by the Government has proved very popular and has already provided the subjects for a number of lively and illuminating debates.

While the Government's initiative is welcome in principle, there have been some practical problems with its operation which must be addressed. In this short report, we have addressed the two areas where the need for change is most urgent: time for debate and public understanding of the process.

We recommend that a dedicated time slot be created for debates on subjects raised by e-petitions. We propose that an extra sitting in Westminster Hall, between 4.30 and 7.30 pm on a Monday, be ring-fenced for debates on e-petitions. The sitting would take place only if the Backbench Business Committee had scheduled a debate on the subject of an e-petition. This change should be introduced on an experimental basis and its effectiveness reviewed after one year.

Many of the problems experienced by the Backbench Business Committee and by petitioners have arisen from a failure, on the part of the Government, adequately to explain the process to petitioners. We recommend that the information on the Government's website should be made clearer and more accurate. When a petition has been signed by 100,000 people, the lead petitioner should be advised to find an MP who is willing to apply to the Backbench Business Committee for time for debate.

1 Introduction

Background

1. The Coalition Agreement contained an undertaking that the Government would “ensure that any petition that secures 100,000 signatures will be eligible for formal debate in Parliament”.¹ The Government launched its e-petitions website on Friday 29 July 2011. The Leader of the House announced in a press release that he would send to the Backbench Business Committee any petition signed by 100,000 people, and would ask that Committee to consider finding time for a debate on it.²

2. The scheme introduced by the Government has proved very popular with the public. The site now hosts over 10,000 e-petitions, of which six had passed the 100,000 signature threshold by early December 2011. We warmly welcome this level of public interest. However, the popularity of the site has threatened to overwhelm the Backbench Business Committee, which has a limited amount of time for debate at its disposal. We agree with the Chair of the Backbench Business Committee, Natascha Engel, that “a lot of the problems that have arisen were perfectly foreseeable and had there been a debate, and perhaps even a vote, they would have been highlighted.”³ We regret that the Government did not see fit to refer its proposals for its e-petitions system to us or to place its plans formally before the House for debate and decision before the scheme was introduced.

3. It is worth noting at the outset that the petitions hosted on the Government’s website are petitions to Government, and not to Parliament. Petitions that are not matters for the Government are rejected by the site’s moderators. The site is funded by government resources and supported by Directgov and the Government Digital Service. The House of Commons is not involved until the Leader of the House writes to the Backbench Business Committee to invite it to consider scheduling a debate. In spite of this, it has been the House of Commons, and in particular the Backbench Business Committee, which has had to grapple with the practical problems arising from the Government’s scheme.

4. We, and our predecessors, have long been in favour of using new technology to enable the public to communicate with Parliament through the historic right of petitioning. The Procedure Committee first expressed support for the introduction of a parliamentary system of e-petitioning as long ago as 2007, describing it as means by which the public could be “connected more effectively with Parliament”.⁴ The then Committee published two more reports on e-petitions, recommending a system hosted on the parliamentary website which could lead to debates on e-petitions.⁵ The Committee on Reform of the House of Commons (“the Wright committee”) at the end of the last Parliament

¹ HM Government, *The Coalition: our programme for government*, p. 26

² Leader of the House of Commons, News Release LHoc/11/ 02, “Public Petitions Website Could Lead Way To Commons Debates”, 29 July 2011; <http://www.cabinetoffice.gov.uk/sites/default/files/resources/News-Release-29-July-2011-Public-Petitions-website-could-lead-way-to-Commons-Debates.pdf>

³ Q 1

⁴ Procedure Committee, First Report of Session 2006–07, *Public Petitions and Early Day Motions*, HC 513, para 57

⁵ Procedure Committee, First Report of Session 2007–08, *e-Petitions*, HC 136; Procedure Committee, Second Report of Session 2008–09, *e-Petitions: Call for Government Action*, HC 493

recommended that discussions should continue on how to implement the proposals our predecessors made.⁶ The House was not, however, given a chance to debate or decide on the Committee's proposals, and they were never implemented. Like our predecessor Committee, we fully support in principle the establishment of an e-petitions system.

Scope of this report

5. This report proposes procedural changes to address some practical problems experienced by the Backbench Business Committee in scheduling debates on subjects raised by e-petitions with over 100,000 signatures. Those problems, identified to us by the Chair of the Backbench Business Committee, are pressure on the time available to the Backbench Business Committee and a failure, on the part of the Government, to communicate clearly and accurately with petitioners and to manage their expectations of the process effectively.

6. We have not, in this short inquiry, sought to address wider questions about public engagement with Parliament, reform of the House's own procedures for petitions, the treatment of e-petitions other than those submitted on the Government's website, and the role of the Backbench Business Committee. We believe that all of these subjects are worthy of more considered examination by us in the future.

7. In view of the urgency of a review, in the limited time available to us we were able to take evidence only from the Chair of the Backbench Business Committee, Natascha Engel, and the Leader of the House, Sir George Young. We are grateful to them both for assisting us in our inquiry.

⁶ House of Commons Reform Committee, First Report of Session 2008–09, *Rebuilding the House*, para 254

2 Debates on e-petitions

Backbench time

8. The Backbench Business Committee is allotted 35 days per session for the scheduling of backbench business, of which at least 27 must be in the Chamber. It is for the Government to decide when these days are to be taken. Since the Committee's establishment, demand for time has always outstripped supply. The Government did not provide any extra time for debates on the subjects raised by e-petitions, and so the introduction of e-petitions has only increased the pressure on the time available. Natascha Engel said that this pressure was one of the biggest problems the site had caused. She explained:

We are very short on time and there is a very high demand on our time, especially time in the Chamber. That has not been compensated [for]; we have been given no additional time just for e-petitions.⁷

9. The Leader of the House told us in December 2011 that he believed the extra demands placed on backbench time were “manageable”⁸ and noted that only six petitions had passed the threshold since the creation of the site five months earlier. He noted that the Backbench Business Committee itself, in a report published in July 2010 describing its provisional approach to its work, had announced that it would consider requests for debates on e-petitions alongside other requests for time. He added:

I think the Backbench Business Committee will look at EDMs, they will look at the bids that MPs make on Tuesdays and they will look at petitions in the round and then come to a judgment as to what is the priority for debate.⁹

10. We do not entirely accept the arguments advanced by the Leader of the House. We note that his comments were made at a time (December 2011) when there was little Government business for the House to debate and therefore an opportunity for the Government to provide an abundance of backbench time. Demand for time will be less easy to manage when there is more Government legislation before the House. Moreover, it is impossible to predict how many e-petitions could pass the threshold in future. Demand may decrease once the novelty of the site has worn off; on the other hand, petitioners, the media and campaign groups may become more expert at gathering the requisite number of signatures. Natascha Engel noted that one petition had reached the 100,000 signature threshold in less than a week; it seems likely that future campaigns could be just as successful.¹⁰

11. The Backbench Business Committee's report on its provisional approach, to which the Leader of the House referred, was published in July 2010, long before the Government brought forward detailed proposals for the implementation of its commitment to introduce petitions for debate in the House. In a list of items it would consider at its weekly

⁷ Q 1

⁸ Q 11

⁹ Q 11

¹⁰ Q 16

meeting the Committee listed “Petitions published on the Downing Street website—until such time as a system for electronic petitions to the House is implemented”.¹¹ The Downing Street website—as the Leader of the House himself explained¹²—did not have a threshold triggering action.

12. We do not agree with the Leader of the House that time for debate on subjects raised by e-petitions should be taken from the existing allocation of time to the Backbench Business Committee. That time is already heavily oversubscribed; it is not appropriate for a project devised by the Executive, and on which the House has never been asked to take a decision, to eat into time allocated for debates requested by backbenchers on behalf of their constituents. Moreover, we do not consider it appropriate for e-petitions which have reached the eligibility threshold to have to compete with other requests for debate. Instead, we propose that extra time for debate be created and dedicated to debates on subjects raised by e-petitions.

Use of Westminster Hall

13. Time in the Chamber is finite and already under much pressure. A large number of debates in the Chamber on matters raised by e-petitions would risk reducing the time available for scrutiny of policy and legislation, and would thereby reduce the ability of Members to hold the Government to account on behalf of their constituents. We therefore consider that extra time should be made available elsewhere in order to accommodate debates on subjects raised by Government e-petitions with over 100,000 signatures.

14. At present, there is no sitting at any time on a Monday in Westminster Hall. It would be possible for Westminster Hall to sit on this day and for the time to be “ring-fenced” for debates on the subjects raised by e-petitions with over 100,000 signatures. The Backbench Business Committee could determine at its weekly meeting whether or not the subjects of the e-petitions referred to it by the Leader of the House should be debated at this sitting; the Monday sitting would only take place if the Backbench Business Committee had so determined. Three hours seems to us to be an adequate amount of time for debate on the subjects of one or two petitions. Given that many Members travel from their constituencies on a Monday morning, and that many wish to attend ministerial Question Time between 2.30 and 3.30 pm and any subsequent statements or Urgent Questions, we consider that a three hour sitting between 4.30 and 7.30 pm would be appropriate.

15. Debate on an e-petition should arise on a motion “That this House has considered the e-petition from [petitioners] relating to [subject of petition]”. Current practice in Westminster Hall is for debate to take place on a motion for the adjournment of the sitting, which is not votable nor subject to any objection to proceedings being taken in Westminster Hall (as, for example, under paragraph 10 of Standing Order No. 10). We consider that debate on a motion “That this House has considered the e-petition...” should be treated similarly in procedural terms.

¹¹ Backbench Business Committee, First Special Report of Session 2010–11, *Provisional Approach: Session 2010–11*, HC 334, para 4

¹² Q 8

16. We are aware of some suggestions that a debate in Westminster Hall is of less value than a debate in the Chamber; the Chair of the Backbench Business Committee told us that some petitioners were dissatisfied when a debate on a petition took place in Westminster Hall, “because, according to them, Westminster Hall was second rate”.¹³ We disagree with this view. It should be explained clearly to petitioners that an e-petition debated in Westminster Hall requires a Minister to attend Parliament and set out the Government’s policy on an issue and also obliges an Official Opposition Shadow Minister to attend the debate and to set out their response to the petition. It will be introduced by a backbench Member, and it will be open to all members of the House to speak in the debate, just as in the Chamber. We hope that the setting aside of time in Westminster Hall for debates on subjects raised by e-petitions will serve to raise the profile of the second Chamber.

17. It would be for the Backbench Business Committee to determine which petitions should provide the subject for debate, how many subjects were debated at any given sitting and when that debate should take place. We expect that the Backbench Business Committee would not consider scheduling a debate on the subject of an e-petition unless a backbench Member requested such a debate at its weekly meeting. We would expect the Committee to schedule debates on the subjects of all e-petitions referred to it by the Leader of the House and supported by a backbench Member, except in cases where the Committee had grounds for not so doing, such as where a recent debate had already taken place on the same subject or where a debate was already scheduled.

18. None of our proposals is intended to infringe in any way the rights of individual Members to apply to the Backbench Business Committee for backbench time for debate, in Westminster Hall or in the Chamber, on a subject of their choice. As under the present system, the Backbench Business Committee would determine whether or not to schedule such a debate.

19. A Monday sitting in Westminster Hall would not be cost-free. Estimates produced by the House Service suggest that each sitting would cost “at least £2,850”.¹⁴ It is difficult to predict how often a Monday sitting would be necessary and therefore what the cost to the House would be. We therefore believe it would be prudent to introduce this change on a temporary basis and for the costs and benefits to be reviewed after one year of operation.

20. There is a risk that in some cases no Member will wish to debate a particular petition that has over 100,000 signatures. The Backbench Business Committee would not, quite rightly, be minded to schedule a debate in which no Member wished to participate. Those who had signed the petition would no doubt feel badly let down by such an outcome. We hope that recommendations we make in the following chapter will reduce the risk that no Member applies for a debate on the subject matter of an e-petition by ensuring that Members are made aware of e-petitions that have passed the threshold. We do not consider that the risk we have identified should prevent the House from conducting an experiment along the lines we propose.

¹³ Q 16

¹⁴ Ev 8

21. We recommend that the Standing Orders should be changed to allow the Backbench Business Committee to schedule debates on Government e-petitions between 4.30 and 7.30 pm on a Monday in Westminster Hall. The sitting would only take place if the Backbench Business Committee had set down the subjects of e-petitions for debate. The debate would take place on the motion “That this House has considered the e-petition from [petitioners] relating to [subject of petition]”. We recommend that this change should be introduced on an experimental basis for one year and that its effectiveness should be reviewed at the end of that period.

3 Communication with petitioners

22. We very much welcome the potential of the Government’s e-petitions website to enhance public engagement in parliamentary proceedings. We do, however, agree with the Chair of the Backbench Business Committee that that engagement is at present “very one-sided”¹⁵ and, like her, regret that “when people sign an e-petition, they do not as a consequence learn more about how Parliament works”.¹⁶ The wider philosophical question of how the public can and should engage with Parliament is beyond the scope of this narrow inquiry. We nevertheless hope that the modest proposals that follow will help to facilitate a more constructive dialogue between e-petitioners and Parliament.

The Government’s website

23. The Government’s website is the first port of call for potential petitioners and it must, therefore, communicate information about the e-petitions process accurately, clearly and effectively. Our own assessment of the website, as well as the evidence we received from the Chair of the Backbench Business Committee, suggests that there is significant room for improvement.

24. The front page of the Government’s website states that:

e-petitions is an easy way for you to influence government policy in the UK. You can create an e-petition about anything that the government is responsible for and if it gets at least 100,000 signatures, it will be eligible for debate in the House of Commons.¹⁷

We consider that this statement is misleading on two counts. First, we agree with the Chair of the Backbench Business Committee that the claim that e-petitions are an easy way to influence government policy is “deeply misleading”.¹⁸ She told us that:

[The statement on the website] creates a perception, right or wrong, that there is a direct line between signing an e-petition and changing the law, and there is not. We

¹⁵ Q 4

¹⁶ Q 4

¹⁷ <http://epetitions.direct.gov.uk/>, as at 8 December 2011

¹⁸ Q 5

need to be clear about what you can achieve by putting your signature on an e-petition.¹⁹

It is wrong for the Government to raise petitioners' expectations of the e-petitions process to unrealistically high levels. E-petitions may be an easy way to raise awareness of an issue, to receive a response from the Government to a particular concern, or even to have a matter debated in Parliament. They are not, and should not be claimed to be, an easy way to change Government policy or legislation.

25. We recommend that the Government should remove the sentence “e-petitions is an easy way for you to influence government policy in the UK” from its e-petitions website and replace it with a statement that more accurately reflects reality. We propose: “e-petitions are an easy way for you to make sure your concerns are heard by Government and Parliament”.

26. We are also concerned that the statement that a petition with over 100,000 signatures is “eligible for debate in the House of Commons” is unclear and not well-understood by the public. The subject of an e-petition (so long as it does not fall foul of any of the House's own rules) is eligible for debate no matter how many signatures an e-petition has. Members may choose to apply for adjournment debates or for debates in backbench time without the support of an e-petition signed by over 100,000 petitioners. Passing the 100,000 threshold is significant only because it triggers a letter from the Leader of the House to the Backbench Business Committee.

27. We recommend that the Government should modify the sentence “You can create an e-petition about anything that the government is responsible for and if it gets at least 100,000 signatures, it will be eligible for debate in the House of Commons”, which currently appears on its website, by leaving out “it will be eligible for debate in the House of Commons” and instead inserting “the Government will ask the Backbench Business Committee of the House of Commons to consider scheduling a debate on it in the House”.

28. The role of the Backbench Business Committee is not widely understood outside the House of Commons; one newspaper article about e-petitions described it as “obscure”.²⁰ This is hardly surprising, given that the Committee's role is to schedule debates at the request of backbench Members of Parliament. However, if the Committee is to have a role in the e-petitioning process, it is vital that the public understand how the Committee works and what it can and cannot do.

29. References to the Backbench Business Committee on the Government's website are not particularly prominent and can easily be overlooked. The Chair of the Backbench Business Committee told us that her Committee would like “to have a link to the Backbench Business Committee on the website”.²¹ **We recommend that the Government e-petitions site should provide more prominent links to the Backbench Business Committee's website and to the guidance that Committee has prepared for e-petitioners.**

¹⁹ Q 5

²⁰ ‘E-Petition Scheme Descends Into Farce’, Daily Mail, 8 Sept 11, p. 19

²¹ Q 33

MP involvement

30. When our predecessor committee conducted an inquiry into e-petitions during the last Parliament, it recommended that any e-petition should have a “facilitating” Member who would guide the petition (and the petitioners) through the parliamentary process.²² The absence of a similar requirement on the Government’s system seems to us to be the cause of much of the misunderstanding on the part of the public. For example, the first time a petition reached 100,000 signatures, no Member approached the Backbench Business Committee to ask for a debate, and so no time was given; that situation was described in the press as a “farce” and “a shambles”.²³

31. We recognise that the volume of petitions received and accepted by the Government’s site (about 10,000 at the time of writing) may make it impractical for the site to require the early involvement of a Member for every petition. It would, however, be practical for the Government, every time a petition passes the threshold, to communicate to the lead petitioner the need to contact a Member of Parliament if they wish the Backbench Business Committee to consider scheduling a debate. The Leader of the House told us that lead petitioners already receive an e-mail from the relevant Government department when their petition reaches the threshold, so this change should not be difficult or costly to make.²⁴

32. There is at present no mechanism for Members to be alerted when a petition has over 100,000 signatures. It would be helpful to Members if the Backbench Business Committee were to announce, on its website and on the Backbench Business section of the Order Paper, when it had received notifications from the Leader of the House.

33. The Government already sends an email to petitioners when a petition reaches the 100,000 signature mark. We recommend that this e-mail should advise petitioners to seek a facilitating Member for their petition and provide links to the Backbench Business Committee’s website and guidance. We also recommend that the Backbench Business Committee should alert Members when the Leader of the House refers to it a petition that has passed the threshold, by publishing notifications on its website and on the Order Paper.

4 Conclusion

34. The e-petitions website introduced by the Government has the potential to increase and enhance public engagement with parliamentary proceedings; the proposals in this report are intended to help to fulfil that potential. We hope that the House will have an early opportunity to debate and decide on the changes we have recommended.

35. The recommendations we have made in this report are intended as an urgent response to the immediate practical problems experienced by the Backbench Business Committee. More detailed consideration should be given to proposals for more substantial changes in the future. We welcome the willingness of the Leader of the House to engage in discussion

²² Procedure Committee, First Report of Session 2007–08, *e-Petitions*, HC 136, para 58

²³ ‘E-Petition Scheme Descends Into Farce’, Daily Mail, 8 Sept 11, p. 19

²⁴ Q 33

about moving to an entirely parliamentary system of petitioning,²⁵ which we would expect to include both electronic and paper petitions. We intend to examine these wider issues at a later date.

36. The Government has announced that it intends to bring forward proposals for a House Business Committee in the third year of the current Parliament, a commitment which was repeated to us in evidence from the Leader of the House.²⁶ The allocation for time for debate on petitions will then be a matter for that Committee and we expect the matter to be addressed again then, after consultation with our committee, in any proposals that are put before the House.

²⁵ Q 33

²⁶ Q 31

Conclusions and recommendations

Use of Westminster Hall

1. We recommend that the Standing Orders should be changed to allow the Backbench Business Committee to schedule debates on Government e-petitions between 4.30 and 7.30 pm on a Monday in Westminster Hall. The sitting would only take place if the Backbench Business Committee had set down the subjects of e-petitions for debate. The debate would take place on the motion “That this House has considered the e-petition from [petitioners] relating to [subject of petition]”. We recommend that this change should be introduced on an experimental basis for one year and that its effectiveness should be reviewed at the end of that period. (Paragraph 21)

The Government’s website

2. We recommend that the Government should remove the sentence “e-petitions is an easy way for you to influence government policy in the UK” from its e-petitions website and replace it with a statement that more accurately reflects reality. We propose: “e-petitions are an easy way for you to make sure your concerns are heard by Government and Parliament”. (Paragraph 25)
3. We recommend that the Government should modify the sentence “You can create an e-petition about anything that the government is responsible for and if it gets at least 100,000 signatures, it will be eligible for debate in the House of Commons”, which currently appears on its website, by leaving out “it will be eligible for debate in the House of Commons” and instead inserting “the Government will ask the Backbench Business Committee of the House of Commons to consider scheduling a debate on it in the House”. (Paragraph 27)
4. We recommend that the Government e-petitions site should provide more prominent links to the Backbench Business Committee’s website and to the guidance that Committee has prepared for e-petitioners. (Paragraph 29)

MP involvement

5. The Government already sends an email to petitioners when a petition reaches the 100,000 signature mark. We recommend that this e-mail should advise petitioners to seek a facilitating Member for their petition and provide links to the Backbench Business Committee’s website and guidance. We also recommend that the Backbench Business Committee should alert Members when the Leader of the House refers to it a petition that has passed the threshold, by publishing notifications on its website and on the Order Paper. (Paragraph 33)

Formal Minutes

Wednesday 11 January 2012

Members present:

Mr Greg Knight, in the Chair

Karen Bradley
Mrs Jenny Chapman
Nic Dakin
Thomas Docherty
Sir Roger Gale

Mr James Gray
John Hemming
Jacob Rees-Mogg
Mr David Nuttall

Draft Report (*Debates on Government e-Petitions*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 36 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chair 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.

Written evidence was ordered to be reported to the House for printing with the Report.

Written evidence from officials of the Leader of the House was ordered to be reported to the House for publication on the internet.

[Adjourned till Wednesday 18 January at 3.00 pm]

Witnesses

Wednesday 7 December 2011

Page

Natascha Engel MP, Chair, Backbench Business Committee, and **Rt Hon Sir George Young MP**

Ev 1

List of printed written evidence

- | | | |
|---|---|------|
| 1 | David Natzler, Director General, Department of Chamber and Committee Services | Ev 7 |
| 2 | Rt Hon Sir George Young MP, Leader of the House of Commons | Ev 8 |

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Mike Winter, Head of Office, and Ben Sneddon, Assistant Private Secretary, Office of the Leader of the House of Commons

List of Reports from the Committee during the current Parliament

Session 2010–12

| | | |
|-----------------------|---|---------|
| First Report | Ministerial Statements | HC 602 |
| First Special Report | Ministerial Statements: Government Response to the Committee's First Report of Session 2010–11 | HC 1062 |
| Second Report | Improving the effectiveness of parliamentary scrutiny: (a) Select committee amendments (b) Explanatory statements on amendments (c) Written parliamentary questions | HC 800 |
| Second Special Report | Improving the effectiveness of parliamentary scrutiny: (a) Select committee amendments (b) Explanatory statements on amendments (c) Written parliamentary questions: Government Response to the Committee's Second Report of Session 2010–11 | HC 1063 |
| Third Report | Use of hand-held electronic devices in the Chamber and committees | HC 889 |
| Fourth Report | Reasoned opinions on subsidiarity under the Lisbon Treaty | HC 1440 |
| Fifth Report | 2010 elections for positions in the House | HC 1573 |
| Sixth Report | Lay membership of the Committee on Standards and Privileges | HC 1606 |

Oral evidence

Taken before the Procedure Committee on Wednesday 7 December 2011

Members present:

Mr Greg Knight (Chair)

Karen Bradley
Nic Dakin
Mr James Gray

John Hemming
Mr David Nuttall
Jacob Rees-Mogg

Examination of Witnesses

Witnesses: **Natascha Engel MP**, Chair, Backbench Business Committee, and the **Rt Hon Sir George Young MP**, Leader of the House, gave evidence.

Q1 Chair: Thank you both for coming. I remind you at the outset that this is a public session. We have made no decisions yet, but it is quite possible that we may decide to do an urgent interim report to address some of the shortcomings and then later do a more reflective report on what other changes we think should be brought into play. I think what would help us is if we could start with you, Natascha, and if you could tell us what you see as the problems that your Committee is having with the e-petitioning system as it currently operates.

Natascha Engel: It is difficult to know where to start really, but I would welcome e-petitions as an initiative introduced by the Government. The really big problems that we have encountered were a direct consequence of not having consulted widely enough—or, indeed, at all—and certainly of not having debated the whole issue of e-petitions and not having made reference to the report that this Committee produced. There was the report in 2009, but there were also subsequent reports on petitioning. A lot of the problems that have arisen were perfectly foreseeable and had there been a debate, and perhaps even a vote, they would have been highlighted.

One really big problem we have, first of all, is about the Backbench Business Committee as a forum for deciding whether or not an e-petition should be debated. That is an issue primarily about time. We are very short on time and there is a very high demand on our time, especially time in the Chamber. That has not been compensated; we have been given no additional time just for e-petitions.

Q2 Chair: Just to clarify that, we are talking about your having problems with finding time for the e-petitions to be debated, not problems with the Committee having time to discuss the issue of e-petitions.

Natascha Engel: That is right. It is that we were given e-petitions after the establishment of the Backbench Business Committee, when it was allocated a certain amount of time per Session. That has not been expanded as a result of our being given, in addition to our usual work, the scheduling of e-petitions.

In itself, being given more time would not necessarily solve some of the other problems. There is a more philosophical problem around having set the threshold

at 100,000 signatures, which is quite a random number. Now that the threshold has been set, I do not think it can be raised—it could perhaps be removed altogether—but it means that e-petitions are seen in terms of numbers signing rather than on the merit of the issue. That is one of the problems.

At the heart of it all is the fact that this is a piece of direct democracy that is being slotted into a very representative way of doing Parliament. That is something we really need to look at, so I welcome being able to give evidence to your review.

Q3 Chair: I understand your Committee has a practice of considering e-petitions for debate only if they are brought to you by a Member.

Natascha Engel: Yes.

Q4 Chair: Is there not a risk in the current arrangements, where one does not need a facilitating Member of the House as an e-petitioner, that a petition may hit 100,000 names and no one brings it to you?

Natascha Engel: Yes, absolutely. In fact, that is something that came out of your report. That is the point about representative democracy. We as Members represent a certain number of constituents, and we are cutting that link; we are linking directly the signing of an e-petition to Parliament. That in itself is not a bad thing; I just think we need to manage it better.

I would really hate the idea of cutting out the Member altogether, because that is not how we work. As the Backbench Business Committee, we are a forum for backbenchers. We have carved out some independence for Back Benchers, and I do not want that independence to be undermined by our becoming a de facto e-petitions Committee. I would just like to see us manage the process much better, because if it becomes too monstrous we are in danger of throwing the baby out with the bathwater.

As an idea, people having a direct say about what we do here is a really good thing, but we need to do the public engagement bit better. At the moment the engagement is not engagement as I would understand it; it is very one-sided. As I have said before, I think this encourages quite passive-aggressive behaviour. When people sign an e-petition, they do not as a consequence learn more about how Parliament works

and thereby become better at influencing Parliament. I think that is a shame and a missed opportunity.

Q5 Chair: Is there any other issue that you feel it is urgent that we should address?

Natascha Engel: The most urgent thing is the management of the expectations of people who sign e-petitions. That is very urgent. At the moment, the website says, “e-petitions is an easy way for you to influence government policy in the UK.” I think that is deeply misleading. It creates a perception, right or wrong, that there is a direct line between signing an e-petition and changing the law, and there is not. We need to be clear about what you can achieve by putting your signature on an e-petition. We are not doing that at the moment, and that is the most urgent thing, I think.

Q6 Mr Gray: Sir George, leading on from that sentence on the petitions site, which says it is an easy way of influencing Government, do you see e-petitions as being petitions to Parliament or to Government?

Sir George Young: In the way that we have structured it, there is initially a petition to the Government. Once it gets through the threshold, it is then passed over to Parliament.

Q7 Mr Gray: We will come back to that in a moment. It is a petition to Government?

Sir George Young: Initially. It was a coalition Government commitment to establish a website.

Q8 Mr Gray: If that is the case—as it must be, because a substantial amount of Government resource is being used to look at these things—why should it be that you rely on a Back Bencher to adopt it and then on the Backbench Business Committee to find time to debate it? Surely, if it is a Government petition, it should be a Government matter to have it debated.

Sir George Young: The problem with the previous No. 10 website was that it just ended at No. 10; it didn't go anywhere. We saw that as a major deficiency, and we wanted a link with Parliament. That is what we have created. When it goes over the threshold, it goes to Natascha; I welcome what the Chairman of the Backbench Business Committee said at the beginning about welcoming e-petitions. It can only be debated if it is then picked up by a Member of Parliament. I think the difference between that and the scheme you were looking at was that the MP came in right at the beginning. You could not have a petition without the facilitation of a Member of Parliament. With this business model, the MP comes in at the end. If you want a debate, you have to engage the attention of an MP.

I see real difficulties if you go back to the earlier model. At the moment, anybody can put a petition on the website. You go to Directgov and put on your petition. If you have the MP filter right at the beginning, that direct access to the petition website disappears. You have to find your MP. The MP may be a Minister. He may not answer your e-mail, and—

Q9 Mr Gray: Sorry to interrupt, but we will come back to that in a moment. It is a separate issue. The question actually was: if it is a Government petition, why should short Backbench Business Committee time be used for a Government initiative? After all, the Government announced it. It is a Government matter, and the Government crest appears on it. Surely it should be a Government matter rather than a Backbench Business Committee matter, in terms of timing.

Sir George Young: The short answer is that from the outset, we agreed with the view set out in the Backbench Business Committee's first report that they should consider these petitions in the same way as other requests. They would come out of that 35-day allocation.

Q10 Mr Gray: It was their report, so they can change their view if they want to, presumably.

Sir George Young: If I can put this in context, six petitions have gone through the threshold. Four have already been debated, one is scheduled for debate next week and I hope the final one will be debated before too long. In the last month, since 7 November, not one petition has gone through the 100,000 threshold. During that time, the Backbench Business Committee has had quite a lot of allocation of time. Of course I understand where Natascha, the Chair of the Backbench Business Committee, is coming from. If you stand back and look at it, I am not sure that one petition a month going through the threshold is wholly unmanageable, given the amount of time available to the Backbench Business Committee.

Q11 Mr Gray: That is true, but the six that have reached the threshold—we will talk about the threshold separately—are six out of 22,000, as I understand it, that have been received by the Government since the initiative was launched in the summer. Let's imagine that the petitioners become more expert. It may well happen that more achieve the threshold, especially if we decide to recommend changing the threshold. The question is not so much about that.

Also, you are quite right in saying that at the moment, the Government's business is stuck in the House of Lords, and therefore we have tons of time for the Backbench Business Committee, but let's imagine a time when the main Chamber is busy. Surely the purpose of the Backbench Business Committee is to give Back Benchers the opportunity to raise matters of key concern to them. If we are clogging up their time with a Government initiative on petitions, it is back to front, isn't it?

Sir George Young: No. I think the Backbench Business Committee will look at EDMs, they will look at the bids that MPs make on Tuesdays and they will look at petitions in the round and then come to a judgment as to what is the priority for debate. The argument I am putting forward, against that background, is that the extra burden on the in-tray is manageable. As I said, only six have gone through in six months, and only one is approaching the threshold at the moment, which is on CPI/RPI. At the moment,

7 December 2011 Natascha Engel MP and Rt Hon Sir George Young

although I understand the concern, I do not think the situation is quite as alarming as may have been feared.

Q12 Mr Gray: What do you think about an alternative on the question of timing? We are interested in timing, rather than anything else. There is a vacant slot in Westminster Hall on Monday afternoons, so would there not be an argument in favour of saying, "These are Government petitions, the Government want time for debate and the Government want to engage with the public using this mechanism. Let us, therefore, find extra parliamentary time, which is the three-hour or four-hour slot on Monday afternoon in Westminster Hall"? That would give you a sort of automaticity. If you do well with the petitions, and you reckon there will be, let us say, 20 or 30 a year, there will be a slot available and there will be a debate with not a substantive motion but a take note-type motion. You will end up with the public saying, "Well, actually, that is quite good. We have got 20 or 30 debates a year." It would no longer be a decision made by the Backbench Business Committee, who are not really qualified to make that decision; it becomes an automatic thing that the Government are offering.

Sir George Young: That is a very helpful contribution, and to some extent the answer lies with your Committee, in that you are separately looking at the calendar. I suppose you will be looking at whether we open up Westminster Hall in the way you have suggested. I see that question being answered in a different environment.

Q13 Mr Gray: On behalf of the Government, would you be content with that solution and the ministerial time that it would involve?

Sir George Young: At this stage, I want to reserve my position a little bit. I need to talk to colleagues because, as you say, it is an additional burden on Ministers' time, and there may also be an issue of costs to the House. If the proposition is that this is one way to find more time for the Backbench Business Committee, that is an option. There are other options; one could look at some of the Tuesday and Wednesday afternoon debates that already take place in Westminster Hall, but which are not in my gift—I make that absolutely clear.

Q14 Mr Gray: Sorry, I am being very aggressive. As your former special adviser, it is my chance to get my own back—Sir George used to make me go to buy *The Guardian*.

Sir George Young: I mistreated you so badly that there is a thirst for revenge.

Q15 Mr Gray: Sorry for the interruption. This was an initiative that the Government came up with in mid-summer: "Here is a brilliant idea, we want to engage more with the public. Let's have e-petitions, and if you get 100,000, you can have a debate." If you then turn round and say, "Okay, fine. We're actually going to eat into time that already exists." Whether that is Backbench Business Committee time or Tuesday and Wednesday afternoon time in Westminster Hall, you are diminishing something else

that Parliament was previously doing in favour of this new initiative. Surely, being a new initiative, the Government have to find extra time and extra resources to do it.

Sir George Young: I think the premise, if I may say so, is misjudged. This Committee has been looking at petitions and e-petitions for some time, so the accusation that the Government have conjured up a new demand on the House's time that it was not aware of before—I do not think that is the case. What we have done is make progress with an idea that was hatched in this Committee and never came to fruition.

Mr Gray: But the new scheme bears no relationship whatsoever to the report. This Committee produced a report that says you would have two or three afternoons a year, if I remember correctly.

Q16 Chair: Yes. I wonder whether Natascha wants to comment on this exchange. Do you want to come in?

Natascha Engel: I am really grateful. With everything I am saying, and everything that George is saying, we are very familiar with each other's views on this. My one big problem is that introducing e-petitions may have been in the coalition agreement, and I think it is a very good idea, but the Health Bill and the Welfare Reform Bill were also in the coalition agreement and are still being debated and voted on. This was introduced without any consultation, debate or vote. That is the problem. I hope what does not happen as a result of this is that we, as a small group of Members, decide between ourselves what we think should happen. This is very good for informing the House, but it must be debated so that people can look themselves at how they think the system would work better, otherwise we potentially make things worse.

It is absolutely right that only six petitions have reached the threshold, but if we look at the immigration petition, that took less than a week to gain 100,000 signatures, because it was done on the back of a newspaper campaign. When you look at it from that perspective, the threshold could become a problem. It could swamp my Committee. It could do that. It has not so far.

My problem is not so much about the timing; it is about the fact that we are engaging people in completely the wrong way, and we are not managing their expectations. Actually, although I hate to disagree with you, the Babar Ahmad petition was very interesting, because the public demanded a debate in the Chamber—this is the round-robin e-mail that we got 100,000 copies of—because, according to them, Westminster Hall was second rate. That perception is a really dangerous one.

Q17 Mr Gray: Let me suggest to you one thing that might take care of that, namely that if you were to have a Westminster Hall take note-type debate on the issue, it would of course be perfectly possible for a Member of Parliament to tag it and bring it forward in Backbench Business time in the main Chamber if it was an important thing that had to be debated. You could still have 20 or 30 regular debates on regular matters in Westminster Hall, but that would not prevent you doing—

Natascha Engel: That was always the intention. The section from my report—our provisional approach—that George read out was actually all about that. It said that we will look at everything that a backbencher brings us. That was the point. It did not include that we would look at e-petitions quite independently of backbench Members. That has never been the case.

Q18 Jacob Rees-Mogg: Sir George, I want to ask a bit more about the time question. The Backbench Business Committee has a day a fortnight, so 17 days in a sitting year, and you think there will be 12 petitions in a year—one a month—that will need to be debated, which actually only leaves five clear days for the Backbench Business Committee. I just wonder whether that really is enough time for the Backbench Business Committee to do the rest of what it is trying to do and whether the Government might perhaps be tempted to sacrifice—jointly with the Opposition—an odd day or a general debate to give to petitions.

Sir George Young: The amount of time that goes to the Opposition is, I think, set out in Standing Orders, and we have no plans to raid the Opposition's time. We have scheduled a debate on immigration, I think next Monday, which is one of the issues that has gone through the threshold.

More generally, I need to make the point that there is no automaticity between going through the threshold and getting a debate. We could not have been clearer in the coalition agreement and on the website. It does not guarantee you a debate; it makes you eligible for a debate. That has always been the case. There may be circumstances when it goes through the threshold but it has already been debated or comes up as part of the consideration of a Bill or is sub judice, and therefore it does not score.

The point that I was making was that if you stand back and look at what has happened so far, my view is that it does not present the Backbench Business Committee with an unmanageable demand on their time. If you look at some of the debates, I think they have chosen the same subject twice. I think Babar Ahmad has been debated twice. So I am not sure that, as of now, we are making unrealistic demands.

The suggestion that the Government should give up more time runs straight into the problem that people always want more time on Report, and they often want more time for Second Reading. If the Procedure Committee is taking the view that we sit for roughly the right amount of time per year, if you then take more time from the Government, it makes less time for the Government's legislative programme where there are expectations about time available.

Q19 Chair: You wouldn't have that if you set up a Monday afternoon Westminster Hall slot.

Sir George Young: Yes.

Q20 Mr Nuttall: Sir George, if I could take our discussions back to the question of the threshold, where did the figure of 100,000 come from? Why was that figure decided upon by the Government?

Sir George Young: It was an inspired and informed guess, which I think has not turned out to be wildly out of line with what was realistic.

Q21 Mr Nuttall: So you would be happy to leave it at that. You think it is an appropriate level.

Sir George Young: We have no plans to change the threshold. As I said, against the background of what has happened so far, I am not sure that it needs changing, so we have no plans to change it.

Natascha Engel: I have a problem with the threshold altogether, because it becomes a numbers game, rather than us looking at petitions in terms of the merits of the issue that is raised.

Q22 Chair: It shouldn't be, should it? It should be quite easy to explain to the public that, once it gets to 100,000, it then goes to your Committee for consideration. I think you are right that that point has not been made. The other day I heard someone say, "If we get 100,000 names on an e-petition, we can change the law." That is the tabloid view of the rules.

Natascha Engel: There are certain petitions that have a lot more, but that is very rare, because it is only about reaching the 100,000 target. I understand why; the motivation behind it was good. The Government wanted something to happen at a certain point, so that it was not like the No. 10 website, where in theory millions and millions and millions of signatures could be gathered and nothing happened. I understand the motivation, but if we take a big step back and look at what we are trying to achieve by introducing the e-petition system, I think what we want is better public engagement. I do not think what we want is to give the public access to a votable motion on the Floor of the House. I do not think that was ever the idea behind an e-petition. I think it was about making Parliament better able to hear what people outside are saying.

If we look at it from that perspective, we should start by saying, "How can we better do that?" I think by engaging people at the point at which they want to table a petition would be a better way round. Have a unit, have somebody who takes people step by step through how to do it, what it is they are trying to achieve, whether this is the best way of doing it, and then the possible consequences of putting your signature on an e-petition. Possibly it is not to change the law; possibly it is. If it is to advance a campaign, then maybe putting an e-petition to a Select Committee, for example, might be a better way to do it. I would just remove the threshold all together.

There is the Scottish system. You looked at the Scottish Public Petitions Committee, which also makes it very important that e-petitions and paper petitions are gradually growing apart, when what we want to do is bring them back together again and look at the principle of petitioning and what people are trying to achieve. I think we have a lot to learn from the Scottish system, because they do engage people right at the beginning.

Q23 Chair: But if you remove the threshold that would give your Committee a lot more work, wouldn't it?

Natascha Engel: Perhaps it would not be my Committee that looks at it. In Scotland, they have a Public Petitions Committee that specifically looks at petitions and how the Scottish Parliament engages with the public. We have a vast outreach education

7 December 2011 Natascha Engel MP and Rt Hon Sir George Young

service in Parliament. That might be an area we could explore a little bit better.

Sir George Young: I have just thought of a better answer to Mr Rees-Mogg's question about the 35 days. Many of the petitions get a half-day debate, so actually it is 12 into 70 rather than into 35. In Scotland, they have had only 400 petitions in 12 years; it is a totally different system.

Natascha Engel: It is because they do not have a threshold.

Q24 Mr Gray: No, no, that is not true. They told us last week that they have had thousands; they are dealt with by Clerks. Perhaps there were 400 debated in 12 years, but they get tens of thousands a year. The Clerks dish them out and send them off to different places.

Sir George Young: My information is that they have had 400 petitions since 2000.

Mr Gray: I might be wrong.

Q25 Chair: Four hundred debated, is that the figure?

Sir George Young: Four hundred valid.

Q26 Karen Bradley: My point links directly to that. One thing we learned from Scotland is that a petition will come forward and it may be, because it is a very local issue, that a better way to engage with that petitioner is to take them to their local MP and have some form of Adjournment debate as we would call it here, or a Select Committee or something like that. Valid petitions are ones that make a very national point, and they relate only to matters that are dealt with in the devolved Assembly, rather than national matters that are beyond the control of that Parliament. Do you have any thoughts on how we might take some of those principles into our petition system?

Q27 Chair: Can I add that we were told the Scottish Parliament has a rule that you can only petition Parliament when you have exhausted all other avenues of complaint?

Sir George Young: Again, it would put a barrier between the person and the e-petition website if they had to tick a lot of boxes that they had tried everything else first. What we have been trying to do is build a bridge between this place and the public and try and make sure that our agenda here relates to their concerns. There are some issues; it has to be a matter that the Government and Parliament can do something about, so there are all sorts of rules that would knock things out. The logic would be for local authorities to have a petitioning system, so that if it really were a local issue and the local authority were the one with the answer, rather than a devolved Assembly or this place, it should end up in the town hall rather than here.

Q28 Karen Bradley: I am not sure I agree with you, Sir George, about putting up a barrier, because what I thought we wanted to achieve from e-petitions was to engage the public in the way this place works. Actually, the way this place works is that your local MP is your representative on an issue of very local concern. They may be a constituent trying to get a

particular drug, or it may be another matter concerning a constituency. If that is the case, and that is what the petition is about, is it not better at that point to engage with the relevant local Member of Parliament rather than trying to go through a big petitioning system?

Sir George Young: If you are trying to influence Government policy—I disagree with what Natascha said at the beginning—I think the way it is currently constructed has been very effective. If you look at the Hillsborough debate, that forced the Home Secretary to clarify our position on documents we had, or you can look at the debate on fuel, and then the autumn statement. The way we have structured it allows people to express their views on matters that are challenges for the Government, and I think that is working quite well. I am slightly bothered about putting barriers in front of this form of direct democracy we have generated, and making it more difficult for people to add their name to a petition because they have to go through a process before they can do that. I just have doubts about that.

Q29 Chair: Natascha, do you want to comment?

Natascha Engel: I do. I think we have created a bridge between Parliament and public by introducing e-petitions, but what we have also done by passing e-petitions to the Backbench Business Committee is to give the public direct access to votable motions on the Floor of the House. That is very significant and it is a very different way of doing Parliament from the way we do it at the moment. I am not even saying whether I am for or against that; I am just saying that it is a very dramatic change to our way of doing things, without it ever having gone through Parliament. It has never been debated or voted on. It was just introduced on the back of having been written in the coalition agreement. That could be a dangerous avenue to go down—potentially. It may be what we want and if so, let's debate it and vote on it, but I think perhaps it is not necessarily what we want.

The other thing is that I do not think it is a barrier. If we are engaging people, engagement to me is a two-way process. We have e-petitions and we have parliamentarians, and if we are having a dialogue about how things work and how best to achieve things, when constituents come and see us in surgeries, we do not automatically just take on and do exactly what they say. We take them through how the system works and then discuss with them the best way of pursuing or dealing with their issue. It is a dialogue, but this is not a dialogue. Where I would really disagree with George about it being an effective way of engaging the public is that the Government introduce it and then pass it over to the Backbench Business Committee. They introduce it and then pass the problem—the consequences of what they have introduced—to Parliament. That is the really serious issue. George does not get 100,000 angry e-petitioners sending e-mails asking why it was Westminster Hall and not the Chamber.

The reality is that because we are Members of Parliament and politicians, we are very, very sensitive to what the public think about us, especially at the moment. We are very sensitive to it. We on the

Backbench Business Committee prioritise any representations that come to us that have an e-petition attached, because the e-petition is attached. We are not necessarily looking at the merits of a debate; we are looking to see whether it has an e-petition attached, so I think that what you say is not quite right. The Government have introduced it and we are having to deal with it. Either the Government deal with the whole thing—they introduce it and find the time to debate the issues—or they give it all over to Parliament and we decide what to do with it. I do not think that this halfway house, as you said, James, is right. I do not think it can work.

Q30 John Hemming: On the threshold, there are of course people affected by Government decisions who are adults but who do not have a vote, such as the citizens of Jersey. I declare an interest inasmuch as, as a result of a bit of a kerfuffle, I had to table an e-petition that was to be tabled by the residents of Jersey, otherwise it would not have gone through. Do both of you think that there is merit in considering a lower threshold for a place like Jersey where with only 100,000 citizens, to get 100,000 people to sign the e-petition would be quite difficult?

Natascha Engel: Get rid of thresholds, and that would not be a problem at all.

Q31 Mr Gray: On the question of who looks after it—whether it is Government or Parliament; all the debate we had a moment ago—is there not an interesting solution in the coalition agreement, where the Government undertake to create a House business committee? May I ask Sir George when the Government intend to bring forward the House business committee, and whether that committee would not be a very good place to discuss e-petitions?

Sir George Young: Mr Gray, you are quite right. There is a commitment in the coalition agreement to bring forward, in the third year of the Parliament, a House business committee. That is a commitment that we propose to honour, and I have begun to think about how we might do it.

Listening to what the Chairman said at the beginning, I understood him to say that he was thinking of bringing forward a report quite soon, which would obviously have to deal with the situation now—with the Backbench Business Committee and the Leader of the House. When we come to formulate the new regime, we can see where e-petitions fit in. At the moment, I am not enamoured of the idea of the Government being wholly in control of this. We would be subject to all sorts of accusations that we did not find time for awkward e-petitions. I think it is absolutely right that the Backbench Business Committee should decide which of the e-petitions—

Q32 Mr Gray: Certainly you are in control of it, both because you knocked back most of the 22,000 you have had so far—for perfectly good reasons—and because you are not running any extra time. The disappointed petitioners might well ask why they are not being given a debate, and the answer is that the Backbench Business Committee is terribly busy doing other backbench business, or indeed Select Committee

reports; we do not, therefore, have time to do it, so sorry, Mr Petitioner, but we have no time.

Sir George Young: We are back to a point that I made earlier, namely that I do not think that the pressures that have been put on the Backbench Business Committee so far are intolerable. I think it has managed to find the headroom to have these debates. I just make the point again that there is no automaticity in this. We do not say that if you get 100,000 signatures you are guaranteed a debate. We have bent over backwards to say that it is eligible for a debate. There is no automaticity and there should not be.

Mr Gray: No, but there is that question of public expectation. At the moment, the wording of the sentence that we talked about a moment ago gives petitioners the impression that they can do this thing and it will be an “easy way”—the words actually used on the website—to influence Government actions. I think public expectations have been raised very high.

Q33 Chair: Can I ask you both what feedback is given to petitioners either from the website, therefore on behalf of the Government, or from the Backbench Business Committee? If a petition reaches 100,000 signatures, does that automatically generate an e-mail or a communication to the lead petitioner to inform them of that? If the Backbench Business Committee decides to allocate a debate, do you inform the petitioner or do you just inform the MPs who come to your Committee? I am interested to know, if it is all about engaging the public, what interaction there is with the petitioners at each stage of the process.

Natascha Engel: That is a very good question. The website is run by Directgov, which is a Government website. We have no control over what is on that website. We have asked repeatedly to take down “easy way for you to influence government policy in the UK,” and we would like to have a link to the Backbench Business Committee on the website. If the public petitioning system were within Parliament, I think we would do it differently and a bit better. My understanding was that the filter that e-petitioners go through allocates e-petitions to different Departments and those Departments correspond directly with e-petitioners, but after some investigating I do not think that happens. Certainly, we have no link to them. I get a letter from Sir George every time the 100,000 signature threshold is breached to say that it has been breached and would I please consider something for debate. That is all I have. We have no contact with the e-petitioners until they are unhappy and then they e-mail us directly, of course.

Sir George Young: The answer is that once they reach 100,000 they get an initial response from the Government Department concerned.

Natascha Engel: Are you sure about that?

Sir George Young: Yes. An e-mail to petitioners, including an initial Government response, once they hit the threshold. Mr Gray and Natascha just now both mentioned another model which is that either the Government run the whole thing or Parliament runs the whole thing. I would be very happy to engage in a discussion about moving over to Parliament running the whole thing. Now, obviously, having given

7 December 2011 Natascha Engel MP and Rt Hon Sir George Young

commitments in a coalition agreement that certain undertakings would be honoured, we would want to see those safeguarded. We would want to make sure the House had the resources to do it properly, but having listened to the question and the suggestion both from Mr Gray and from the Chair of the Backbench Business Committee, I would be very happy to engage in discussions or negotiations along those lines, which would remove some of the problems, although not all of them, that we have been kicking around over the past hour.

Q34 Karen Bradley: I have a very quick question about the mechanics of checking signatures. When we looked at the website it said that you could table or sign a petition if you were either a UK resident or a British citizen living overseas. It did not seem to be the same definition as for a voter in a general election. The Committee was concerned as to how the Government might check that those signatures were authentic. Could you give us some information about that?

Sir George Young: I may have to write to you on that because I do not have exact information. I expect we are more rigorous than a paper petition, where not a lot of checking takes place. But I would be very happy to write to you, Chairman, with details on the question that Ms Bradley has just asked.

Q35 Chair: Could you write to us sooner rather than later?

Sir George Young: Yes.

Q36 Chair: That would be very helpful.

Natascha Engel: If you are going to do an urgent report—

Q37 Chair: I think some of the issues raised today, as Sir George has rightly identified, go to the very root of how and who you e-petition. I think we would probably want to leave those to a medium-term report, whereas we will seek to urgently address some of the concerns you have raised not only with us today but previously. Without wishing to fetter my colleagues, who have yet to make this decision, I think we are likely to come forward with an urgent fix, if you like, in the short term and a more reflective report in the medium term.

Natascha Engel: Is your idea that we would have a debate in the Commons on your immediate report or would that be something more for the medium term?

Q38 Chair: I would have thought that for the report to be implemented, it would need some parliamentary acknowledgment.

Sir George Young: You can come to the Backbench Business Committee to ask for time.

Natascha Engel: We would give it gladly.

Q39 Chair: To that extent we would be in your hands. We have no executive power. We only have the power to recommend. So I would expect the House to be fully involved in any changes that we recommend.

Natascha Engel: Excellent.

Q40 Chair: Subject to you giving time. Is there anything either of you wish to add?

Sir George Young: I would just like to say that we try to work quite closely with the Chair of the Backbench Business Committee and I understand all the tensions. But I think the two of us are both determined to make the system work and we are sure your report will help us achieve that objective.

Q41 Chair: We hope so and thank you for coming. You have said that you would write to us Sir George, and if we have any further questions we will similarly contact you.

Natascha Engel: The point that James Gray made about a House business committee is important. A House business committee will look at everybody who has a claim on any kind of time. At the moment the gift of time is all in the Government's possession. They allocate time to the Backbench Business Committee. Increasingly with the Liaison Committee, the Backbench Business Committee, and now with e-petitions, there are more and more demands on a limited amount of time. Until we have a House business committee, which looks at time as a whole, we are going to stumble over these problems again and again.

Chair: Thank you. That ends our public session of this Committee.

**Written evidence submitted by David Natzler, Director General,
Department of Chamber and Committee Services (P 199, 2010–12)**

COSTS AND OTHER IMPACTS OF A WEEKLY WESTMINSTER HALL MONDAY AFTERNOON SITTING

1. The main cost impact of the House sitting in Westminster Hall arises from the *printing and publication* costs of the resultant Hansard record of proceedings. A three hour sitting would typically be reflected in 30 pages of Hansard, at a cost of around £1,500.

2. The Hansard teams responsible for producing Westminster Hall transcripts are also responsible for producing select committee transcripts. Their deployment as a priority in Westminster Hall for a three hour sitting would probably require the use of one of the *contracted transcription suppliers* to cover the regular Monday afternoon PAC select committee hearing which would otherwise have been covered in-house. That means an additional attributable cost of around £900 for each such session.

3. There would also be fewer Hansard staff available to work on any Delegated Legislation or European Committee meetings which often meet at 4.30 pm on Mondays. A number of these staff might as a result have

to work beyond 11 pm to finish their work and would then qualify for *late night transport* [very few Hansard committee staff currently require such transport on Monday nights]. It is hard to estimate the additional cost, which will vary dependent on workload, but the best guess is of an average of £150 per night.

4. There are two other possible additional costs where experience will show whether it is necessary to make additional financial provision.

- (a) Many Hansard committee sub-editors work part-time and not on Mondays. To cover the additional sub-editing work it might prove necessary to seek to persuade *one additional sub-editor* to work Mondays. That would have a cost of around £400 a sitting, assuming around 35 Monday Westminster Hall sessions a year.
- (b) If the introduction of Monday afternoon sittings was accompanied by a 10.30 am or 11.30 am start on Tuesday, and if public bill committees therefore started at 9.00 am or 9.30 am, there would be a problem of ensuring that Hansard committee staff were able to take the minimum 11 hour break between shifts. To ensure that staff were available for work on Tuesday morning, it might be necessary at times of three or four public bill committees running at once to use *casual staff to do some of the Monday reporting work*. Hansard estimate that this might happen in about 10 weeks of the year, at a cost each time of around £700.

5. The *clerk* and *doorkeeper[s]* would be provided from within existing staff resources. It would inevitably have some knock-on impact on rotas etc. If the staff concerned were as a direct or indirect result of service at the extra sitting obliged to work longer than “standard” hours there would be some slight cost in additional hours payments or overtime payments.

6. The *broadcasting* of an additional three hours of proceedings of the House would cost in the region of an additional £430, allowing for a director/operator and engineering support. This would be provided under the new contract.

7. There would be largely notional additional costs in utilities: in printing the one page “agenda” for the session etc.

8. The Education Service is planning to use the Grand Committee Room on Monday mornings for talks to school parties. There are no evident costs [or savings] arising from the Monday afternoon session envisaged.

9. Disregarding the possible additional costs described in para 4 above, my best overall estimate is therefore a cost of at least £2,850 per session. Over an assumed 35 sittings a year, that results in an annual cost of around £104,000. The costs would be less the earlier in the afternoon a Monday sitting started and finished, and the later the start of any public bill committees the next day.

November 2011

Written evidence submitted by Rt Hon Sir George Young MP, Leader of the House of Commons (P 207, 2010–12)

I was grateful for the opportunity to set out my view of the e-petition system to the Procedure Committee. The Committee asked that I provide some clarification on some points raised during the oral evidence session. I also thought it might be helpful to provide the Committee with some further thoughts I have had on the issue, in particular, in light of the comments made by the Chair of the Backbench Business Committee on managing public expectation of the process and its outcome.

E-PETITION VERIFICATION

I agreed to write to you in response to Karen Bradley MP’s question on the verification of signatures to e-petitions. When signing or starting an e-petition, the site requires three stages of verification before the request is processed. Firstly, users are required to affirm that they are a UK resident or citizen, as it is the Government’s intention that only those who are otherwise represented in Parliament should be able to trigger a debate. If resident in the UK, the user must enter a valid address and postcode that is checked against a Royal Mail database. Secondly, the user must enter a pair of randomly generated words, designed to block automated systems from fraudulently signing e-petitions. Finally, a valid e-mail address must be entered, generating a confirmation e-mail which contains a link for petitioners to follow to verify their petition or signature. In the case of users signing an e-petition (rather than starting one), the e-mail address is also checked against the list of existing signatures to the e-petition, and will not allow the user to proceed if it has already been used. There is no limit to the number of different e-petitions a single e-mail address can either start or sign.

TIME AND USE OF WESTMINSTER HALL FOR E-PETITIONS

Following the session, I have had chance to reflect on the suggestions of yourself and Mr Gray of dedicated parliamentary time for e-petitions, potentially in Westminster Hall. I am not opposed, in principle, to the proposal of specific time for e-petitions to be considered; there are, however, a number of issues which would need to be considered to ensure successful progress along these lines.

As I said in my evidence to the Committee, I would not support automaticity to e-petitions being debated, whether in the Chamber or in Westminster Hall, and this remains my view. There may be very legitimate reasons for not debating an e-petition, and I believe it is important that the Backbench Business Committee continues to retain ownership of the scheduling of debates on all issues within their control, whether they are generated by e-petitions or otherwise. It also does not appear to me to be desirable that **all** e-petitions can only be debated in Westminster Hall, as there may be good cause for certain e-petitions to be debated in the Chamber, and in some cases to be voted upon.

Related to this, I also strongly support the need for a member to sponsor a debate on an e-petition. The prospect of the automatic scheduling of business which has no Member interest could be extremely damaging to the public perception of Parliament. Continuing to filter debates through the Backbench Business Committee, allows them to consider the level of Member support, as part of the criteria for selecting topics for debate. It is worth noting for example, that although generated by an e-petition, the debate on the Hillsborough Disaster was supported by approximately 100 Members at the relevant session of the Backbench Business Committee.

Further, the establishment of the parallel Chamber in Westminster Hall was envisaged to allow for novel kinds of business or new approaches to existing business, and I can certainly see that e-petitions could fall into this category. It would, in my mind, be difficult to go ahead with this one novel new use of the parallel Chamber ahead of the Committee's final proposals on Sitting Hours, unless it was as part of a trial or pilot. I hope too that the Committee will consider other uses for Westminster Hall as part of their review, and that any pilot would inform this.

The use of additional time in Westminster Hall would also have an extra cost and a burden on House resources. In the context of House's cost savings programme, led by the House of Commons Commission, I hope that the Committee would consult with the Clerk of the House and with the Commission before any permanent addition to sittings in Westminster Hall were made. I would expect the House to have information on the expected additional costs of any new proposal before being asked to come to a decision on it.

Of the potential times available to include an extra sitting of Westminster Hall, it seems that Monday afternoons may appear the most attractive. If this option were to be put forward, I hope that the Committee would consider the impact on the time of Members and of Ministers, particularly those with constituencies a long way from Westminster I expect that the Committee will already be considering this as part of the Sitting Hours inquiry.

Should the Committee recommend the use of a dedicated slot in Westminster Hall, it would seem likely that this would not be a regularly scheduled event, but rather would be called ad hoc by the Backbench Business Committee. Consideration would then need to be taken as to how these debates are scheduled and announced, to ensure interested Members are able to attend and that the public are made aware.

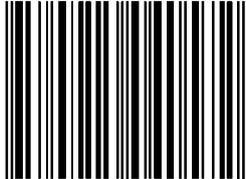
TEXT OF E-PETITIONS SITE

Finally, the Chair of the Backbench Business Committee, in her evidence to the Committee, raised concerns regarding some of the wording of the site. I take the point about managing expectations and agree that some parts of the site text could be improved; we will be updating the site shortly with clearer wording and greater reference to the Backbench Business Committee. My officials are also working with officials within the House to ensure that the Government website and Parliament website offer clear and consistent information on petition, including links to the relevant sites as appropriate.

I hope these further thoughts and actions are helpful to the work of the Committee and I look forward to receiving your report on this issue. I am copying this letter to the Chair of the Backbench Business Committee.

December 2011

ISBN 978-0-215-04057-2



9 780215 040572

