



House of Commons
Political and Constitutional
Reform Committee

**Revisiting *Rebuilding
the House*: the impact
of the Wright reforms**

Third Report of Session 2013–14

*Volume I: Report, together with formal
minutes and oral evidence*

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The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Philip Aylett, (Clerk on the Wright reforms inquiry) Joanna Dodd (Clerk), Adele Brown (Senior Committee Specialist), Emma Fitzsimons (Legal Specialist), Tony Catinella (Senior Committee Assistant), Jim Lawford, (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Political and Constitutional Reform Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6287; the Committee's email address is pcrc@parliament.uk.

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Summary

We welcome the progress that has been made by the House since the Wright Report of 2009.

There have been clear advances in the effectiveness of Commons select committees, though some issues remain, and they must be addressed if the momentum for reform is to be maintained. There is a case for more representation for minority parties on select committees. It is also unacceptable that appointments to public bill committees and ad hoc committees on draft bills are not even approved by the House, and often ignore the claims of Members with specialised knowledge. As a minimum the House should be asked to endorse, and where it so wishes amend, the proposed membership of public bill committees.

Pre-legislative scrutiny must in future be an integral and mandatory part of the process of consideration for every public bill. The only exceptions should be cases in which there is an accepted and pressing need for immediate legislation.

The Backbench Business Committee has been a success and we welcome the good working relationships which it has established with the business managers, the Liaison Committee and other bodies.

The number of days allotted for backbench, Opposition and Private Members' business should be regularised, and made proportional to the length of a session. The Backbench Business Committee should have more say over the scheduling of backbench business.

Despite all the recent advances, it was clear from our evidence that the Commons is as far away as ever from implementing the basic Wright principle that all time should be regarded as "the House's time". The present procedure for setting the agenda for most of the House's business — that which is not decided by the Backbench Business Committee — is inadequate, remaining in clear violation of the principles set out in the Wright report. The need for reform is obvious and urgent.

We conclude that a consultative House Business Committee is an immediate practical option for the House. This would enable the Government to redeem its Coalition Agreement pledge to move forward on this aspect of the Wright Reforms, while still ensuring that its programme is considered in a proper and timely way.

The operation of the House's petitions procedure, especially the e-petitions system, is failing to meet public expectations. There is too much confusion between the roles of Government and Parliament. This may already be leading to a growth in public cynicism, which in the long term can only damage Parliament.

We believe that there must be a clear separation between petitions intended to prompt action by Government and petitions aimed at Parliament. The Parliamentary petitions system must in future belong unequivocally to Parliament. This means that all e-petitions for consideration by Parliament must be hosted on the Parliamentary website. We also believe that numbers thresholds should not be used to determine whether a petition should

be debated.

There is still a case for the establishment of a petitions committee, as considered by the Wright Committee. We recommend that the House should be invited to agree to a Resolution on public petitions which would outline the principal features of a new system, and which would invite the Clerk of the House to work up a detailed and costed proposition which could then be put to the House for its endorsement.

We see this inquiry as simply the beginning of a process which should bring much-needed further advances towards the reformed House envisaged by Wright. We have already set out our recommendations for early progress towards the establishment of a House Business Committee. But if, as seems likely, there is still unfinished business from the Wright Committee by the date of the next General Election, we hope that all parties will agree that a new committee should be elected to see through the implementation of all remaining Wright reforms. Alternatively, we hope that our successor committee in the next Parliament will take this forward.

1 Introduction

Background and history of the Wright Committee

1. The Select Committee on Reform of the House of Commons, which came to be known popularly as the Wright Committee after its Chair, Dr (now Professor) Tony Wright, was appointed by the House of Commons on 20 July 2009. It was asked to consider and report on four specified matters:

- the appointment of members and chairmen of select committees;
- the appointment of the Chairman and Deputy Chairmen of Ways and Means;
- scheduling business in the House, and
- enabling the public to initiate debates and proceedings in the House and closely connected matters.

2. The Wright Committee reported to the House on 4 November 2009.¹ It produced 50 recommendations and conclusions on three main subjects:

- control of the Parliamentary agenda, on which it called for the establishment of two new committees, a Backbench Business Committee and a House Business Committee;
- Select Committees, on which it recommended elections for chairs and members, and
- public initiation of proceedings.

3. The Report said that, “at a time when the House of Commons is going through a crisis of confidence not experienced in our lifetimes ... largely, but not exclusively, because of the revelations about Members’ expenses ... both structural and cultural change” were required. The House voted on 22 February and 4 March 2010 to approve and in some cases give effect to many of the recommendations made in the Committee’s Report, and in March 2010 the Committee published a second Report on the implementation of its recommendations.² This set out the Standing Orders framework necessary for the implementation of a key recommendation: the establishment of a Backbench Business Committee to start work as soon as practicable after the start of the new Parliament which would be elected later that year.

1 Select Committee on Reform of the House of Commons, First Report of Session 2008-09, *Rebuilding the House*, HC 1117

2 Select Committee on Reform of the House of Commons, First Report of Session 2009-10, *Rebuilding the House, Implementation*, HC 372

4. The Backbench Business Committee was established in June 2010, just after the General Election of that year, and key changes recommended by Wright to select committees, notably the election of chairs and members, were implemented at around the same time.

5. The questions we asked in this inquiry were:

- To what extent have the Wright reforms succeeded in making the House of Commons matter more, increasing its vitality, and rebalancing its relationship with the Executive?
 - Which reforms have been most significant in this context?
- To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings?
 - Which reforms have been most significant in this context?
- Which reforms proposed by the Select Committee on Reform of the House of Commons have not yet been implemented?
 - What is the reason for delay in implementation?
 - What impact would these reforms be likely to have on how the House of Commons functions and is perceived by the public?

Our inquiry

6. We held five sessions of oral evidence, hearing from 17 witnesses, and we received 30 written submissions. We are grateful to all those who have given evidence.

7. Our inquiry has not been the only examination of the House's progress on these issues since Wright reported. As we note throughout this report, several other Committees have considered issues relevant to the Wright Committee's proposals; our own evidence, and our own conclusions, have tended to concentrate on select committees, the Backbench Business Committee and the proposal for a House Business Committee. We also took substantial evidence on public engagement, and particularly on petitions.

2 Select Committees

8. The Wright Committee recommended a number of changes to the way the membership of select committees was decided, including most notably “an initial system of election by the whole House of Chairs of departmental and similar select committees, and thereafter the election by secret ballot of members of those committees by each political party, according to their level of representation in the House, and using transparent and democratic means.”³

9. Dr Meg Russell considered that the elections for the Backbench Business Committee and other select committees at the start of the current Parliament, the first of their kind, had helped to create “a kind of vibrancy and sense of an outbreak of democracy happening in the Commons.”⁴ More recent progress on select committees was reviewed by the Liaison Committee of chairs of select committees, which in November 2012 reported on their effectiveness, resources and powers.⁵ Among other things, the Liaison Committee concluded that select committees had been successful in influencing Government. That Committee also made a number of recommendations for enhancing the resources made available to committees and for improving the effectiveness with which those resources were used. The Report also made a number of recommendations aimed at clarifying the constitutional relationship between Government and select committees, particularly in relation to the so-called ‘Osmotherly’ rules which guide departments in their dealings with select committees. The Liaison Committee recommended that the Government should “engage with us in a review of the relationship between Government and select committees with the aim of producing joint guidelines for departments and committees, which recognise ministerial accountability, the proper role of the Civil Service and the legitimate wish of Parliament for more effective accountability.”⁶ The Liaison Committee also called for more substantive motions in debates in Westminster Hall on select committee reports.⁷

10. The Government responded by saying that it was currently looking at the principles governing accountability following publication of the Civil Service Reform Plan including a review of the Osmotherly rules, and that it was keen to work with the Liaison Committee as the Government carried out the review. However, the Government rejected the Committee’s recommendation for more substantive debates on select committee reports, stating that the House of Commons Chamber, not Westminster Hall, was “the proper place for debates on contentious issues”.⁸

3 HC (2008-09) 1117, para 80

4 Q 4

5 Liaison Committee, Second Report of Session 2012-13, *Select committee effectiveness, resources and powers*, HC 697

6 *Ibid* para 115

7 *Ibid* para 48

8 Liaison Committee, Third Report Of 2012-13, *Select committee effectiveness, resources and powers: responses to the Committee’s Second Report of Session 2012-13*, HC 912

11. In our inquiry, we took evidence on some but not all of these issues. There was broad agreement among our witnesses that the changes to select committees recommended by Wright have had a very positive impact. The Shadow Leader of the House, Angela Eagle MP, told us that “Select Committees are playing an increasingly prominent role and this is to be welcomed.”⁹ Dr Meg Russell, Deputy Director of the Constitution Unit at University College London, said: “The select committee reforms ... involved all members of the 2010 parliament—old and new—in taking key decisions about the running of their institution, which must be good for morale, transparency, and democracy.”¹⁰

12. Many witnesses considered that the introduction of election for committee members and chairs had been particularly important in reinforcing their credibility and authority; Professor Wright told us that “I think some huge gains have come out of the changes to the Select Committee system—the authority, legitimacy”¹¹ and that: “There are key Committees that are being led in a different way now because of the fact of election.”¹² Rt Hon Sir Alan Beith MP, Chair of the Liaison Committee, told us that “the key aspect of the Wright proposals that has strengthened the position of Select Committees has been the election of Chairs by the House as a whole and the election of members of the Committees within their parties.” This, he said, had had “indirect as well as direct effects on the self-confidence of Committees.”¹³

13. There is also clear evidence that these more self-confident select committees have increased their media impact in recent years, and especially since the changes implemented as a result of Wright. Professor Patrick Dunleavy, Co-Director of Democratic Audit, revealed the results of research into press coverage. He told us that there had been “a substantial growth in the overall [press] mentions of Commons committees across the five years. Setting 2008 levels at 100, then total mentions and one average indicator (the mean) both increased to 330 by 2012, while a further average (the median) grew to 274.”¹⁴ The research suggested that “much of the total increase in mentions has taken place in four exceptionally prominent committees”: Culture, Media and Sport, Home Affairs, Public Accounts and Treasury. However the trend was broad-based, with press coverage of a further seven committees increasing significantly.

14. We heard evidence that select committees’ higher public profile and apparently growing confidence have had an effect on the everyday work of committee chairs. Louise Ellman MP, Chair of the Transport Committee, told us:

aside from the public-facing aspects of my work as committee chair I undertake a wide variety of meetings and engagements on transport issues which are not in the public domain. These include speeches at conferences and participation in seminars.

9 Ev w10

10 Ev w16

11 Q 78

12 Ibid

13 Q 194

14 Ev w31

Outreach work of this sort has increased significantly since 2010, reflecting the increased standing of the select committee.¹⁵

Sir Alan Beith agreed that the burden on chairs was increasing as their credibility grew: this effect had “added to the demands and expectations on Chairs to represent their committees in the media and by meeting stakeholders and attending events.”¹⁶

More robust investigations

15. There are many approaches to select committee work, and the evidence we heard suggested that committees have performed well on a number of fronts. The importance of robustness and forensic rigour in investigation of departmental or government failings or scandal was underlined by Professor Wright, who told us that there had been “frustration” among Members when he was in the House before 2010 that “Parliament could not set up its own commission of inquiry. We had to bleat all the time about ‘Why isn’t the Government setting up an inquiry?’”¹⁷ Our evidence suggests that there is now a greater willingness on the part of some select committees to undertake such forensic inquiries. According to Professor Dunleavy, some select committees were taking on “very major investigative tasks that in the past might have been wholly contracted out by the Executive to a judge or inquiry or whatever”.¹⁸ He observed that Parliament had been prominent since the Wright Committee reforms “in areas like pressgate, the media scandal in the conduct of the banks and the way in which the taxpayer ended up with a huge liability, and in home affairs after the London riots”.¹⁹ We heard evidence that the series of investigations by the Public Accounts Committee into tax avoidance by major corporations and by the Culture, Media and Sport Committee into the behaviour of the media showed a determination to persist with areas of inquiry, if necessary over many months.

16. However, there is also a role for more reflective inquiries with a longer-term focus, for instance in examining the formulation and implementation of policy proposals in some detail. The Liaison Committee report of November 2012 concluded that committees “should be proactive and forward-looking—and devote less effort to raking over the coals of past events unless there are lessons to be learnt and changes to be recommended.”²⁰ Andrew Tyrie MP, Chair of the Treasury Committee and of the Parliamentary Commission on Banking Standards, emphasised these broader aspects of the role of committees, saying that he saw select committees as “increasing the effectiveness of Parliament in its core tasks. They are requiring the Government to explain its proposals and justify its actions in unprecedented detail.”²¹ Mr Tyrie said that select committees

15 Ev w24

16 Ev w22

17 Q 75

18 Q 112

19 Ibid

20 HC (2012-13) 697, para 70

21 Ev w24

“are also the only realistic means by which Parliament can hope to hold the wider ‘quango state’ to account.”²²

Better links between the Chamber and Committees

17. The Wright Report called for select committees to be given “greater access to the agenda” of the Chamber.²³ There has been progress on this front since 2010. Sir Alan Beith welcomed the initiative of the Backbench Business Committee in providing more outlets for the work of select committees. He told us:

The creation of more time, and different opportunities for select committees to bring issues to the floor of the House, such as launching of reports and inquiries or debate on substantive motions relating to select committee work, has given committees more exposure and connected their work more closely with the wider House.²⁴

18. Committees sometimes propose votable motions in the Chamber. Clive Betts MP, Chair of the Communities and Local Government Committee, recognising that “it would not be possible necessarily to put forward all the recommendations of Select Committee reports—there can be quite a lot of them—for voting en bloc”, suggested that this could happen more often, with committees identifying “two or three key recommendations.” Mr Betts said that “If the Government do not address those in their response then those are the ones that we pick out for debate and maybe a vote.”²⁵ We note that the Wright report itself contained just such a draft Resolution as its Annex, although it was sadly never put to the House.²⁶

19. However the idea of statements by chairs on the publication of select committee reports is taking time to find its feet. Sir Alan Beith told us of his attempts to improve the procedure, and in particular to remove the element of “artificiality” involved in the current procedure in which the chair simply makes a speech and accepts interventions from other members. He observed that the concept of chair’s statements “is a little bit slow getting off the ground; not many Committee Chairs have used it, partly because of some of the inflexibility in the arrangements.” Nevertheless he called it “a good opportunity—sometimes more appropriate than a long debate—to get a statement noticed.”²⁷

20. One way to strengthen the links between select committees and the Chamber would be to encourage more Chamber statements by committee chairs on the publication of committee reports, and we welcome the discussions currently taking place between the Backbench Business Committee and the Liaison Committee, aimed at improving the procedure for such statements.

22 Ibid

23 HC (2008-09) 1117, para 191

24 Ev w22

25 Q 191

26 HC (2008-09) 1117 Annex : draft Resolution

27 Q 200

Continuing challenges

21. But there is no room for complacency about the achievements of select committees. For instance we heard suggestions that the introduction of elections had made little real difference to the diversity of committee membership. David T C Davies MP, Chair of the Welsh Affairs Committee, while welcoming the introduction of the system for electing select committee members in party groups, said that it had not done anything to promote the election of “Members who are prepared to challenge the mainstream view and raise issues that do not have widespread support across all the main parties, for example in relation to climate change or international development.”²⁸

22. Despite recent advances, it was also clear from our evidence that select committees continue to face practical challenges which can limit their effectiveness. Mr Betts described the growing difficulties of finding sufficient members for committees:

As you go longer into a Parliament, you find that new Members who have come in and been on Select Committees then get given positions, so they come off, and bright people who have had positions and have lost them do not want to go on a Select Committee, so your constituency of possible Select Committee members starts to diminish.

Instead of organising contested elections for committee places, Whips increasingly spend their time “trying to find somebody who might be willing to go on a Committee where there is a vacancy.”²⁹

23. Even when committees have their full complement, quorums can be difficult to maintain, according to Andrew Miller MP, Chair of the Science and Technology Committee. Mr Miller said that the recent change in sitting times for example had “caused select committees to be put under even more pressure to find the time for quorate meetings during the compressed week ... I am constantly losing people to sit on Statutory Instruments [Committees] or who have other legitimate important engagements or who want to speak on some event on the floor of the House.”³⁰

24. There have been clear advances in the effectiveness of Commons committees since 2010, but some issues remain and they must be addressed if the momentum for reform is to be maintained. There is no room for complacency about the success of select committees.

25. For example, the demands on Members are now such that select committees sometimes find it hard to fill vacancies so that they can maintain their numbers and consequently their effectiveness. This could jeopardise the progress made by the committee system in recent years.

28 Ev w23

29 Q 174

30 Ev w22

The size of committees and minority party representation

26. We were presented with a particular dilemma about committee size. Sir Alan Beith told us that there had been strong support among the Chairs of Committees for the original Wright recommendations for smaller select committees.³¹ However at the beginning of the current Parliament the House had faced real problems, “particularly ... with the incorporation of minority party members, because that led the larger parties to say, ‘Oh well, if there is a Scottish Nationalist member, we will have to have another two members.’ The other side would say, ‘In that case, we will have to have another three members.’” There had for instance at that time been suggestions of an increase in the size of the Treasury Committee to up to 16, 17 or 18 members “to preserve a precise party balance that, frankly, is not relevant to how Select Committees operate.”³²

27. Pete Wishart MP of the SNP described the Wright reforms as

an absolute disaster for the minority parties. What we have effectively got now with the Wright reforms is two constituencies: the Government and the Labour Opposition. There is no place for us at all practically in any of the structures of the new Committee procedures in the House of Commons ... We represent a huge constituency throughout the rest of the country and our voice is not heard in the Committees of the House.³³

Mr Wishart argued that one of two options needed to be taken to put things right. “There is no elegant way to do this, other than to increase the size of the Select Committees or to give us one of the places that are available on them and to upset the political balance.”³⁴ The Wright Report explicitly recommended that “Members in individual cases can be added to specific committees to accommodate the legitimate demands of the smaller parties”.³⁵ Wright also suggested, slightly against his general principles, that “the Speaker be empowered to nominate one member to a particular committee so that minority parties or viewpoints can be fairly represented; and also that larger parties should remain free to “donate” one of the places to which they are entitled to a smaller party.”³⁶ We also note that there are in fact two DUP Members, and one each from the Alliance Party and the SDLP on the Northern Ireland Affairs Committee, one SNP member on the Scottish Affairs Committee and one on the Treasury Committee, one Plaid Cymru member on the Welsh Affairs Committee, one on the Justice Committee and one on the Science and Technology Committee, one DUP Member on the Defence and Arms Export Control Committees, one SDLP Member on the Environment Food and Rural Affairs Committee, and one Green Party Member on the Environmental Audit Committee.

31 Q 207. The Wright Report recommendations were contained in HC (2008-09) 1117 para 55

32 Q 207. See also Procedure Committee, Fifth Report of Session 2010-12, *2010 elections for positions in the House*, HC 1573, paras 70 - 72

33 Q 167

34 Q 181

35 HC (2008-09) 1117 para 55

36 *Ibid* para 91

28. *We believe that there is a case for some more representation for minority parties on select committees. This would involve either making committees larger or partly suspending the rules on party balance on select committees. In the spirit of the Wright Report, we prefer some loosening of the party balance rules to the unwieldy alternative of larger committees.*

29. *We believe that a process could be put in place to fill vacancies on select committees with minority party Members. We therefore recommend that the House should consider again the Wright Committee proposal that the Speaker should be given the power to nominate a Member to a select committee so that minority parties or viewpoints can be fairly represented. This would also help to maintain the effectiveness of committees where vacancies have been left unfilled for considerable periods of time. An amendment to Standing Order No. 121 would be required.*

Committees and legislation

30. Several of our witnesses supported a greater role for select committees in pre-legislative scrutiny. The Shadow Leader of the House welcomed the Liaison Committee's recent suggestion that the relevant Commons select committee should have first choice as to whether they do pre-legislative scrutiny, rather than it being a decision of the Government (on whether to ask a select committee or refer it to a joint committee).³⁷ Ms Eagle also raised the question of whether the House, rather than the Government, should decide whether pre-legislative scrutiny should be undertaken at all.

31. It is clear that some select committees are taking on a more active role in relation to legislation as it passes through the House. For example Andrew Tyrie MP outlined the “novel steps” taken by the Treasury Committee in scrutiny of the Financial Services Bill, which he described as “the biggest shake-up of financial regulation for more than a decade” as it went through Parliament in 2012: “First, the Committee tabled its own amendment at Report stage in the Commons. This produced a Government concession on the floor of the House.” The Committee then published a Report containing its views on what was still needed to improve the Bill, to coincide with the introduction of the Bill in the Lords. Mr Tyrie continued, “The Committee’s proposals formed the basis for much of the debate in the Lords and a series of Government amendments to the Bill gave effect to some of our most important recommendations. The Bill was improved as a result.”³⁸

32. The situation in respect of public bill committees, which are specifically charged with legislative scrutiny, has changed very little since the Wright Committee observed in 2009 that “the arrangements for appointment of Members to public bill committees are markedly less transparent and democratic than those for select committees”, and concluded that “a review would be desirable of the means of selection of public bill committee members, so that it was subject to a similar level of accountability to that long applied to select committee membership”.³⁹

37 Ev w11

38 Ev w25

39 HC (2008-09) 1117 para 60.

33. Three years into the Parliament, as Dr Russell noted, “the membership of legislation committees in the Commons remains untouched.”⁴⁰ The case was made to us that elections could provide an opportunity for those whose views differed from those of the majority of their party to serve on legislative committees. Dr Russell said that “While the legitimacy of the select committees has been enhanced by the more transparent and democratic means of their selection, the PBCs lag far behind ... This feeds suspicions that 'awkward' members are kept off the committees, and raises questions about their legitimacy.”⁴¹ A similar situation affects the membership of delegated legislation committees, according to Dr Sarah Wollaston MP, who called for “the principle of improved scrutiny” to be extended to such committees, with members being “invited to state where they have a particular interest so that they can comment on proposals more effectively.”⁴² While the Commons membership of joint committees on draft bills is at least the subject of a motion in the House, the arrangements for these committees are still not as democratic in form as those for most House of Commons select committees. Among reforms of Public Bill Committees advocated by the Hansard Society was a proposal for election of Public Bill Committee members, with the exception of those places reserved for the representatives of the Government and Opposition.⁴³ Similar recommendations were made by the Constitution Unit at University College London in June 2013.⁴⁴ The Procedure Committee began an inquiry into the constitution and membership of public bill committees in June 2013.

34. Sir Alan Beith criticised the situation in respect of legislative and pre-legislative committees as an example of “the old ‘usual channels’ mentality” at work, observing that in addition “departmentally-related select committees are still too often bypassed in deciding on nominees for ad hoc committees to examine draft bills.”⁴⁵ Sir Alan concluded: “There is some way to go before Wright is fully accepted in spirit as well as in letter.”⁴⁶

35. *We believe that pre-legislative scrutiny must in future be an integral and mandatory part of the process of consideration for every public bill. The only exceptions should be cases in which there is an accepted and pressing need for immediate legislation. This principle should be reflected in an amended or new Standing Order which should contain words similar to these: “No public bill shall be presented unless a) a draft of the bill has received pre-legislative scrutiny by a committee of the House or a joint committee of both Houses, or b) it has been certified by the Speaker as a bill that requires immediate scrutiny and pre-legislative scrutiny would be inexpedient.”*

40 Ev w18

41 Ibid

42 Ev w1

43 Political and Constitutional Reform Committee, First Report of Session 2013-14, *Ensuring standards in the quality of legislation*, HC 85-II, Ev w18

44 The Constitution Unit, *Fitting the Bill: Bringing Commons Legislation Committees into Line with Best Practice*, June 2013, page 58

45 Standing Order No.86 (2) states that “In nominating [Members to general committees including public bill committees] the Committee of Selection shall have regard to the qualifications of those Members nominated and to the composition of the House”

46 Ev w22

36. It is unacceptable that appointments to public bill committees and ad hoc committees on draft bills are not even approved by the House, and often ignore the claims of Members with specialised knowledge. As a minimum the House should be asked to endorse, and where it so wishes amend, the proposed membership of public bill committees. An amendment would be required to Standing Order No. 86. Ideally the membership should be elected for such committees on the same basis as for select committees. We welcome some of the ideas recently put forward by the Hansard Society, and await with interest the results of the Procedure Committee's current inquiry into public bill committees.

37. Similar considerations apply to the Commons membership of joint committees on draft bills; we see no reason why elections should not be held for membership of these committees.

3 The Backbench Business Committee

38. Wright envisaged the role of the Backbench Business Committee, elected “by secret ballot of the House as a whole”, as being to meet weekly to

consider the competing claims for time made by select committees and backbenchers in groups or as individuals for the protected [backbench] days and/or time-slots available in the two weeks ahead, and then to come to a firm view on the backbench business in the week immediately ahead.⁴⁷

The Committee was established in June 2010.

39. The Backbench Business Committee has recently been the subject of a thorough review by the Procedure Committee, which concluded that it had been widely welcomed as a “successful and effective innovation” but suggested some “generally modest” changes intended to “improve and refine the framework within which the Committee operates”.⁴⁸ A resolution containing suggested changes is before the House.

40. The Backbench Business Committee was also regarded by many witnesses in our inquiry as having been a success. Outside commentators, frontbenchers and backbenchers welcomed the opportunities provided by the Committee for Members to raise important subjects. The Shadow Leader of the House, Angela Eagle MP, described the Backbench Business Committee as “a key avenue for Members wanting to give voice to public concern.”⁴⁹ Graham Brady MP, Chairman of the 1922 Committee of Conservative backbenchers, said: “The Backbench Business Committee has led to some very important changes. Critically, there are debates that have been held that the Government would not have wished to hold, and that has opened up the process and has opened it up to public opinion far more.”⁵⁰

41. The Chair of the Backbench Business Committee, Natascha Engel MP, suggested that there had been a lasting change in the House’s culture as a result of the Committee’s establishment, believing that “we work now as Back Benchers, rather than as individual political parties ... The first time that I heard a cross-party group on this side of the table calling each other ‘hon. Friend’ I thought I would fall off my chair, but it is now quite common practice.”⁵¹ Ms Engel also considered that “In terms of public engagement and the rebalancing of the relationship with the Executive, the fact that Back Benchers can now table votable motions on the Floor of the House has given them a bit more muscle.” She welcomed the fact that “Government cannot now choose, in a compact with the other Front Bench, that Europe will not be debated on the Floor of the House.”⁵² David Howarth of the University of Cambridge, a former Member of this House and of the Wright Committee, welcomed the fact that the Backbench Business Committee had

47 HC (2008-09) 1117, para 180

48 Procedure Committee, Second Report of Session 2012-13, *Review of the Backbench Business Committee*, HC168

49 Ev w11

50 Q 194

51 Q 214

52 Q 197

recovered for the House at least the possibility of changing Standing Orders through a Motion in Backbench Business Committee time.⁵³

42. Underlying these achievements are said to be the good working relationships which, according to some of our witnesses, have developed between the Backbench Business Committee and others with a role in determining the agenda of the House. Ms Engel welcomed the close work between her Committee and the Liaison Committee in considering which select committee reports should be chosen for debate on the Floor of the House.⁵⁴ She also identified an improvement in the attitude of the Government business managers towards the Backbench Committee, with the Committee growing in influence. She said that, when the new Committee was first established, the Leader of the House might say, when pressed to arrange a debate on a controversial topic, “Go to the Backbench Business Committee.” Ms Engel said: “That is not so true any more. In fact, the negotiation that takes place on time includes what is Government business and what is backbench business.”⁵⁵

43. Ms Engel gave an example of how the business managers can help the Backbench Business Committee to plan its part of the agenda, telling us:

There are days when the usual channels see quite far ahead that there are debates that are less likely to run the full course, so we do have a very good relationship now. It depends on having a debate that can go down to as little as half an hour.⁵⁶

44. Responsiveness to the interests of Members was also regarded as important by Ms Engel; she saw the benefits of the Backbench Committee being elected at the beginning of each Session rather than each Parliament.

It would probably be easier if it were for the Parliament, but it is quite important, since we are a Committee that is supposed to represent Back Benchers, that Back Benchers have a regular opportunity to replace us if they want to. That is important and it is much more for the benefit of Back Benchers than it is for the benefit of the Executive.⁵⁷

45. The Backbench Business Committee has been a success and we welcome the good working relationships which it has established with the business managers, the Liaison Committee and other bodies.

Backbench Business Committee – some unfinished business

46. While the Backbench Business Committee now has considerable scope to allocate business within the number of days it is given by the business managers, its writ still does not run very far. For example, the Government recently rejected a proposal from the Procedure Committee that the allocation of 35 days per session (27 of them in the

53 Q 231

54 Q 200

55 Q 222

56 Q 222

57 Q 202

Chamber) to the Backbench Business Committee should be increased proportionately in sessions of longer than one year. Although this is not a problem that is likely to recur often, Dr Russell suggested that this demonstrated that “the Government clearly still sees itself as the arbiter of how time—including backbench time—is allocated in parliament. This reflects a flawed, but deeply ingrained, logic.”⁵⁸

47. Dr Russell described as “inappropriate” the fact that the decision on when the backbench days are given remains with the front bench.

Those over-arching decisions not about what to do with Government time, but about when non-Government time takes place, remain in the hands of Government, and I think perhaps that is the next bit of encroachment that might be sensibly made—to either put those things more firmly in Standing Orders or to have some other forum in which those decisions are made about Opposition business, Private Members’ Bills, timetabling of Backbench business and when other Government slots are compared to when these other slots occur.⁵⁹

More generally, there is still confusion about what is appropriate for Backbench Business Committee time and what is not; as Dr Russell told us: “the delineation between government and backbench business (and indeed between government and Parliament) has not yet become fully settled and agreed between both sides.”⁶⁰

48. Bernard Jenkin MP, Chair of the Public Administration Committee, did not agree that the Backbench Committee had created harmony in its dealings with other parts of the House. He told us that “There is clearly now a dysfunctional relationship between the Leader of the House ... and what the Backbench Business Committee is intended to provide for, from its very limited allocation of time.”⁶¹ While the Backbench Committee felt the need to respond to demand, from the public as well as from Members, Mr Jenkin said that the Government had “made it clear that the [Backbench Business Committee] should be using its time to provide for regular debates” on subjects like Defence, the EU the Civil Service; the Police and other such matters. Mr Jenkin observed that “Few of these debates ever now take place. There has not been a debate about the Civil Service during this parliament ... There is no objective way to justify this.”⁶²

49. Dr Russell noted that the Wright Committee recommended greater certainty over the timing of Opposition Days, but that these proposals had not been acted upon. She urged the House to go further and ensure that the timing of backbench business, Opposition Days and Private Members’ Bills, all of them subject to similar mechanisms in Standing Order No. 14, should be “both regularised and made explicitly proportional to the length of the session, where this exceeds one year.”⁶³ Dr Russell criticised the Government’s “blunt” rejection of the recent Procedure Committee proposal on what she described as

58 Ev w16

59 Q 37

60 Ev w17

61 Ev w20

62 Ev w20

63 Ev w18

“proportionality” on backbench business. She did not accept the Government’s justification for their rejection, that such a change would be “inconsistent” with the arrangements for Opposition Days and Private Members’ Bills. Her comment was that “the best way of avoiding such inconsistency would surely be to introduce proportionality and more fixed timing for all of these forms of non-government business. At present, too much discretion lies at the hands of the whips.”⁶⁴

50. Another aspect of timing was raised by Angela Eagle MP, Shadow Leader of the House, who expressed concern at the impact on the Parliamentary week of the Government’s regular scheduling of backbench business on a Thursday. Ms Eagle was concerned at the effect on attendance at backbench debates on days when whipping was light, and thought it “impossible not to draw the conclusion that the Government prefers the House to be quiet on Thursdays. There is a case for looking at this again.” She recalled that the Wright report had recommended Wednesday if a fixed day were considered for backbench business.⁶⁵

51. The number of days allotted for backbench, Opposition and Private Members’ business should be regularised, and made proportional to the length of a session. The Backbench Business Committee should have more say over the scheduling of backbench business, meaning both the determination of the day of the week and of the length of the slot on that day. This change would require an amendment to Standing Order No. 14.

52. Several witnesses were critical of the Government’s actions of 2012 when it tabled motions to change the way in which Backbench Business Committee members were elected. While the original 2010 elections were on a whole-House basis, in 2012 they became internal political party elections, like those for other select committees. The Government also changed the method of election of the Chair of the Committee to provide that no Member could stand as a candidate for Chair of the Committee “if that Member’s party is represented in Her Majesty’s Government.” Ms Engel noted that the Government had in this case acted on its own, at a time when the Procedure Committee was reviewing the workings of the Backbench Business Committee. She said that the change was not subject to consultation with anyone on the Backbench Business Committee, and commented: “Those were quite dramatic changes and my only objection was that the motions were tabled by the Government in consultation with no one while a review was going on of how the Backbench Committee worked. It seemed very odd at the time.”⁶⁶

53. Peter Facey of Unlock Democracy saw a broader implication of the episode, describing it as

another example of how the culture has not changed, and how the Executive basically still thinks it is its job to reorganise things in Parliament for its convenience, and not necessarily Parliament doing it. Any move whereby, in effect, it moves away

64 Ibid

65 Ev w11

66 Q 205

from the principle of it being elected by the whole House—it is a Backbench Committee—and into the party caucuses undermines the reform.⁶⁷

54. David Howarth said that there was a case for reconsideration of the current restriction on using backbench time for legislative business, “at least with regard to matters that themselves might be characterised as debates that both front benches might want to suppress, for example some prayers against negative Statutory Instruments.”⁶⁸ He said that one purpose of the restrictions on backbench time was to protect it from incursion by the government, but that “where there is currently in practice very little chance of the government using its own time for a matter, the restrictive rules function not as protectors of backbench time but as limitations on it.”⁶⁹ The Chair of the Committee, Natascha Engel, was however wary of giving it any role in proposing legislation. She told us: “The Backbench Business Committee has established an independent role for backbenchers to schedule backbench time. Its strength lies in the fact that it cannot instigate legislation, but gives voice to the House.”⁷⁰

Minority parties and the Backbench Business Committee

55. A representative of the minority parties can take a place on the Backbench Business Committee, but only as an observer; the representative has no vote. Elfyn Llwyd MP, of Plaid Cymru, told us that the Backbench Business Committee, while “a positive innovation”, had “failed to find a way of representing adequately the views of minority parties ... Surely, it is fundamentally wrong that 31 Members of Parliament have been effectively disenfranchised.”⁷¹ Pete Wishart of the SNP echoed Mr Llwyd’s criticism, calling for full membership of the Backbench Business Committee for a representative of the minority parties.⁷² Natascha Engel agreed, saying:

We really feel the lack of the minority parties on the Backbench Business Committee. I think we should find a way to accommodate one Member from the minority parties. They can decide for themselves who should serve on the Committee—as a full voting member, not as an observer, as the Government have allowed them.⁷³

56. ***A representative of the minority parties should have full membership of the Backbench Business Committee. An amendment would be required to Standing Order No. 152J.***

67 Q 126

68 Ev w14

69 Ibid

70 Ev w7

71 Ev w36

72 Q 193

73 Q 216

4 Managing the rest of the House's time

57. The achievements of the Backbench Business Committee are real but, in terms of the whole work of the House, inevitably limited in time and scope. The Wright Report set out a number of principles which, it believed, should guide the House in allocating time to all its various activities. The Wright Committee was in no doubt that these principles went well beyond housekeeping and were of fundamental constitutional significance. Its Report set them out with pragmatism as well as clarity.⁷⁴

- (a) We should seek to enhance the House of Commons' control over its own agenda, timetable and procedures, in consultation with Government and Opposition, whilst doing nothing to reduce or compromise such powers where they already exist;*
- (b) We should seek to enhance the collective power of the Chamber as a whole, and to promote non-adversarial ways of working, without impeding the ability of the parties to debate key issues of their choosing; and to give individual Members greater opportunities;*
- (c) We should seek to enhance the transparency of the House's decision making to Members and to the public, and to increase the ability of the public to influence and understand parliamentary proceedings;*
- (d) We should recognise that the Government is entitled to a guarantee of having its own business, and in particular Ministerial legislation, considered at a time of its own choosing, and concluded by a set date;*
- (e) We should recognise that time in the Chamber, Westminster Hall and committees is necessarily limited, and therefore should work broadly within the existing framework of sitting days and sitting hours;*
- (f) Changes should be devised with sensitivity to real-world political constraints, and in a way which maximises the likelihood of achieving majority support in the House.*

74 HC (2008-09) 1117 paras 22 to 35

58. Wright also made an important distinction between “Ownership of the time of the House” and “responsibility for sponsoring or promoting the business before the House”. Thus, the Wright Committee said “There is a strong case for regarding all time as the House’s time. It is not the Government that seeks a debate but the House: what the Government needs are the decisions which enable it to carry out its programme.”⁷⁵

59. David Howarth has observed that: “The degree of control exercised by the British Government over the House of Commons is exceptionally high by international standards”. On the days it controls, he has commented, “the Government sets the agenda of the House by fiat. There is no vote to confirm the agenda. The Government merely announces forthcoming business in response to a weekly question from the Opposition.”⁷⁶

60. The Chair of the Backbench Business Committee, Natascha Engel, described in some detail the powers still exercised by the Government over “a significant majority of Parliamentary time. Even Opposition days, Backbench days and Private Members’ Bills days, are in the gift of the Government.” Ms Engel continued: “The Executive controls not just the scheduling of all ministerial business (on what days business is to be taken) but also the timetabling – the decisions about how long each separate part should be, from second reading, to remaining stages and third reading. These are generally negotiated with the official Opposition, but are then imposed on the House. Programme Motions are very rarely defeated.”⁷⁷

61. Ms Engel pointed out that there were exceptions to this control, in addition to the quarter of Commons time now allocated by the Backbench Business Committee; for example: Opposition parties have 20 days per session on which they can table votable motions on the subjects of their choice. The Liaison Committee largely controls Thursday sittings in Westminster Hall for the debate of Select Committee reports.⁷⁸ Yet it is clear that this still leaves the Government in control of the vast majority of the time of the House.

62. It is true that the Government has expanded the opportunities for Members to scrutinise legislation. Rt Hon Andrew Lansley MP, Leader of the House, acknowledged the concerns at the time of the Wright Report about a lack of scrutiny during Report stage of Bills. But the situation had, he argued, improved since 2010: “As it happens, the number of multi-day report stages, two-day report stages, has been 14 in the first two sessions [of this Parliament].” He had just announced that not only was the Marriage (Same Sex Couples) Bill going to have two days for Report stage, but so would the Energy Bill. Mr Lansley said that not all Bills would routinely be scheduled for a Report stage of two days, “but it has certainly been a substantial increase as compared to preceding sessions.”⁷⁹ We note however that there was only one day for Report stage of the recent

75 HC (2008-09) 1117, para 129

76 David Howarth, “The House of Commons Backbench Business Committee” *Public Law*, July 2011, p 490

77 Ev w5

78 Ibid

79 Q 279

Children and Families Bill, leading to complaints from backbenchers of severely constrained debate on a number of their new clauses and amendments.

63. Some others also saw virtues in the current system. Angela Eagle MP told us:

while the existing system has its frustrations we do not feel that it is without merit. The usual channels should not be regarded as somehow frustrating the will of Parliament. There are more opportunities now for Members to initiate debates. We recognise the frustration but because of the impact it would have on how the House works Members should think carefully of the impact of the change [to a House Business Committee] before proceeding.⁸⁰

64. The case for such control by Government rests partly on the argument that governments are formed as a reflection of the popular vote of the electorate, but David Howarth raised questions over the legitimacy of that when there is no majority in the House: “That control, written into Standing Order No. 14, is held by the government as the government ... [Standing Order No. 14] gives a minority government just as much control over parliamentary time as a majority government.”⁸¹

65. Despite all the recent advances, it was clear from our evidence that the Commons is as far away as ever from implementing the basic Wright principle that all time should be regarded as “the House’s time”.

66. The present procedure for setting the agenda for most of the House’s business is inadequate, remaining in clear violation of the principles set out in the Wright Report. The Business Statement consists of a series of questions usually restricted to one hour, based on a schedule which has only just been presented to the House. This is no longer an acceptable way for a modern legislature to arrive at its agenda. The need for reform is obvious and urgent.

67. The question is how to move forward. Wright examined two main proposals for reform of what has been described as “Government time”: a House Business Committee and a votable agenda.

A House Business Committee

68. The Wright Committee proposed the establishment of a House Business Committee which would assemble a draft agenda to be put to the House. It would comprise “representatives of all parts of the House with a direct interest: backbenchers, Government and Opposition”. It would be chaired by the Chairman of Ways and Means, the Deputy Speaker.⁸²

69. In considering this proposal, we bore in mind the need to avoid anything which would undermine the advances already made since Wright reported. There were strong divergences about what the post-Wright progress implied for further reform of the

80 Ev w11

81 Ev w14

82 HC (2008-09) 1117 para 200

process for setting the House's agenda. A number of witnesses said that there was a risk that a House Business Committee would undermine the progress already achieved by the Backbench Business Committee. For others, the success of the Backbench Business Committee inspired confidence that a House Business Committee was a realistic and feasible further reform.

70. There were special concerns among the latter group over the need for better planning of legislative scrutiny, especially at Report stage of Bills. Whips may not always see the quality of legislation as their top priority. Professor Wright told us of an alarming remark he heard privately during the course of his inquiry: "A senior former Opposition Chief Whip said to us, absolutely with heart, that when he had been Chief Whip, he had never been able to decide whether it was his job to make legislation better or worse." Professor Wright commented, "No wonder we finish up with poor legislation, because we do it in a poor way, and we could do it in a quite different way."⁸³ He described "the driving grievance" that informed the Wright Committee's thinking in 2009 - the unsatisfactory nature of the Report stage, "which is the one moment when every Member potentially has a chance to make input to legislation."⁸⁴ Sir Richard Mottram, of the Better Government Initiative, a highly experienced former Permanent Secretary, hoped for "less legislation, better thought through."⁸⁵

House Business Committee – function and purpose

71. Some of those who expressed caution were especially concerned at the apparent lack of clarity about what a House Business Committee would be there to do. Ms Engel replied emphatically when asked whether she was in favour of a House Business Committee: "Well, tell me what the powers are, what the membership is and what its purpose is, and then I can tell you whether I support it."⁸⁶

72. Professor Wright was among those who cautioned against a House Business Committee that tried to second-guess the business managers and to claim to open up the whole process of agenda-setting. His Committee, he told us, was

much influenced by the evidence that said if you go around the world and look at these things called house business committees, they may be called house business committees but effectively they are run by the Whips. Just having something and calling it a House Business Committee does not do it.⁸⁷

73. Dr Russell warned that some models of a House Business Committee could in fact turn out to be worse than useless, diminishing the impact and independence of the Backbench Business Committee:

it is absolutely imperative that if a House Business Committee is created it is not created in a way that in any way undermines the existing role of the Backbench

83 Q 85

84 Q 73

85 Q 146

86 Q 194

87 Q 88

Business Committee. ... There is a danger of encroachment on its territory with the establishment of a House Business Committee, which you have to be wary of.⁸⁸

Rt Hon Andrew Lansley MP, Leader of the House, also suggested that a House Business Committee might undermine the authority of the Backbench Business Committee, drawing a parallel with the Scottish Parliament, where on a recent visit he had found that the Parliamentary Bureau, “their equivalent of the House Business Committee ... literally rubber stamps what has been decided beforehand, but not just Government business; it actually controls the backbench business”.⁸⁹ Michael Meacher MP urged us to avoid anything that that would “pre-empt, incorporate or supersede in any way the current operation of the Backbench Business Committee.”⁹⁰

74. Professor Wright made clear what he felt to be the essentially pragmatic purpose of the House Business Committee: he accepted that “if a Government ... want to prevail, they will be able to prevail ... The task [of the House Business Committee] is to make it more difficult for them to prevail, I think, and to assert the rights of the House.”⁹¹ The balance of our evidence was strongly in favour of a House Business Committee of this sort, whose function was to act as a forum in which backbenchers can be consulted on the House’s agenda, perhaps to scrutinise the agenda; no witness advocated a decisive role for the Committee in producing the agenda to be presented to the House. Charles Walker MP, Chair of the Procedure Committee, believed that

A properly convened House Business Committee would be cooperative and consensual, fully supporting the need of the Executive to transact its legislative programme ... Of course, elements hostile to the creation of a Business Committee will suck their teeth and manufacture reasons not to progress. Such theatre in support of the status quo should be resisted.⁹²

75. Graham Brady MP, Chair of the 1922 Committee of backbench Conservatives, said that the experience of this Parliament showed that

The changes that we have made have worked pretty well and we have not seen grossly irresponsible behaviour from Members of Parliament sitting on the Committees that now have additional responsibility. I suspect that a properly constituted House Business Committee, with Government time properly protected, would similarly come to entirely responsible, intelligent, common-sense judgments about the allocation of time.⁹³

76. Dr Russell said that it could be argued that

A House Business Committee already exists inside Government. It meets weekly. I used to attend its meetings when I was a special adviser to the Leader of the House.

88 Q 13

89 Q 287

90 Ev w27

91 Q 67

92 Ev w35

93 Q 220

In those days it used to meet in his room in a building that no longer belongs to the Leader of House, where the Leader of the House sat opposite the Chief Whip.⁹⁴

She suggested that this manifestation of the ‘usual channels’ at work could be made more transparent with the publication on the Parliamentary website of the names of those who are currently consulted on business.⁹⁵

77. David Natzler, Clerk Assistant and formerly the Clerk to the Wright Committee, summarised the realities: “it seems unlikely that those who control the majority in the House will ... want to set up a Committee that will override their control of the agenda.”⁹⁶ Taking account of these realities, Mr Natzler sketched out some of the ways in which a consultative House Business Committee might work:

a draft agenda is exposed to [the Committee] by those who draw up the agenda, is explained, and may occasionally be adjusted in the light of representations. Then it comes back again next week, if it is a weekly meeting, as the actual agenda for the next week comes nearer.⁹⁷

78. Graham Brady MP considered that the House Business Committee could suggest good uses for time freed up by, for instance by the withdrawal of major legislation such as the House of Lords Reform Bill:

It is odd that the outcome of that is that the Session ends earlier, rather than the business time which is freed up being made available to Parliament. I think a House Business Committee might have come to a different conclusion, recognising there was some time available and some demand for ways in which it might be used.⁹⁸

79. Moving further away from the original Wright model, Natascha Engel and Meg Russell both saw possible value in the idea that a House Business Committee could be a scrutiny committee of backbenchers to whom the Leader of the House is answerable, on the select committee model.⁹⁹

House Business Committee – composition

80. The importance of establishing the right balance of membership for a House Business Committee was stressed by a number of witnesses. We were warned in particular that creating a House Business Committee which included members of the Backbench Business Committee, along the lines proposed by Wright,¹⁰⁰ would carry some risks. David Natzler gave us a hypothetical example of what could happen if the Chair of the Backbench Business Committee were an ex-officio member of the House Business Committee. Mr Natzler said that

94 Q 15

95 Q 28

96 Q 78

97 Ibid

98 Q 220

99 Ev w6, Ev w18

100 HC (2008-09) para 200

the Backbench Business Committee should not be contaminated by picking up the things the House Business Committee cannot solve—let us say, desires for a debate on press regulation. They all gang up and say to the Chair of the Backbench Business Committee, who is sitting there, ‘Well, why don’t you? You have next Thursday. Give us that day,’ whereas her Committee has already maybe decided on something quite different.¹⁰¹

81. The former Wright Committee member David Howarth told us that if a House Business Committee was not empowered to vote on the weekly motion “strict proportionality across the House [would not] be necessary in its composition, so that, for example, minority parties can be represented without increasing the number of members beyond the practical.”¹⁰² As Professor Wright put it to us “the spirit of what we said was that numbers is not the issue, because it is not going to be a voting Committee. If you think it is going to be that, then you are going to get nowhere.”¹⁰³

82. Professor Wright also said that, because a House Business Committee would not be “a voting Committee”, he did not have

a settled view on the route by which such people would be there. It may be that you could just choose election through the parties in the way that we have done with the Select Committees, or you could ask who at the moment represents backbenchers ... I mean through the parties, whether there are role-holders there.¹⁰⁴

Prospects for progress?

83. The balance of the evidence we received was that a House Business Committee with a limited role, its work clearly distinguished from that of the Backbench Committee, could be set up and could do useful work. A pledge to establish a House Business Committee in the third year of this Parliament is contained in the Coalition Agreement. However, the prospects of early progress look slim. The Leader of the House told us that he had identified

a number of tests which any such committee needs to meet in order to be able to operate effectively and add value to our existing arrangements. For example, any committee needs to be able to guarantee to provide Government control of its legislative programme; respect the remit of the Backbench Business Committee; take into account the views of all parts of the House without becoming unwieldy in size; co-ordinate business with the House of Lords; and retain the flexibility to change the business at short notice in response to fast-moving events.¹⁰⁵

Mr Lansley told us that after consulting colleagues across the House:

101 Q 91

102 Ev w15

103 Q 97

104 Ibid

105 Ev w2

Such is the diversity of views on the composition and role of a House Business Committee, I do not at the moment see the possibility of establishing the level of consensus necessary for a proposal to have a realistic chance of success. I wanted to tell you upfront that I do not have any proposals to give you today—ones that would meet the tests that I believe are required to be met before a House Business Committee can be established. Equally, I am afraid I cannot say that I am able to proceed with the establishment of a House Business Committee by the third year of this Parliament, as has been our intention.¹⁰⁶

84. Mr Lansley suggested that some of those Members advocating a House Business Committee were

clearly proceeding from the assumption that the constitution was other than it is—that the House was capable of having a life completely separate from the Executive and the Executive would not seek to exercise its majority in the House. Of course that is not the case, never has been the case, and I see no prospect of it being the case.¹⁰⁷

85. Angela Eagle, Shadow Leader of the House, told us that there has been a “deafening silence” from the Government about the House Business Committee.¹⁰⁸ However, Ms Eagle expressed her own doubts about the feasibility, and indeed the purpose, of a House Business Committee, telling us: “If there was a Government majority on it, which frankly would be consistent with the Government getting its business, I am not sure how in extremis the House Business Committee would make too much difference.”¹⁰⁹ Ms Eagle also raised questions about the procedure for deciding on composition: “Is the Leader of the House co-opted? Is there a Leader of the House? These are all pretty big issues. I suspect it is a bit like a ball of string; if you see something and you pull it, lots of other things unravel.”¹¹⁰

86. It is disappointing that the Government has failed to honour a clear pledge, contained in the Coalition Agreement, to establish a House Business Committee by the third year of the Parliament. The reasons given for this failure are unconvincing—and there is clear evidence that the “usual channels culture” continues to infect both the front benches.

87. We believe the Wright Committee’s particular proposal for a House Business Committee sharing its membership with the Backbench Business Committee could undermine the authority of that Committee. Professor Wright himself accepts that there could be various approaches to the introduction of the House Business Committee, but the spirit of the Wright proposals must be preserved.

88. We accept that there may not be agreement on a House Business Committee at present, but the lessons drawn by the Leader, apparently from the single example of

106 Q 276

107 Ibid

108 Q 257

109 Q 100

110 Q 266

the Scottish Parliament—an example known to the Wright Committee and explicitly rejected as an option by that Committee—should not be used to close off discussion.

89. The House should not give up its search for a House Business Committee that would enable it to implement Wright’s key principles. We set out below the arguments for and against a range of possible models for a House Business Committee.

A. The Status Quo – The Usual Channels ¹¹¹

PROS:

- Fits in with real-world political constraints (Principle 1 (f)) and Government getting its business considered at time of own choosing (Principle 1 (d))
- Backbench Business Committee will continue to have its own (relatively) unchallenged scope

CONS:

- Not in line with principle of enhancing House’s control of its agenda, as set out in Principle 1 (a)
- Does not enhance collective power of House as a whole (Principle 1 (b))
- Does not enhance transparency (so against Principle 1 (c))

B. More transparency about the business managers’ meeting

No formal existence and no House decision needed or sought; no outside Chair; in essence the scheduled weekly meeting of the Government’s Business Managers, inviting Backbench Business Committee Chair but no others; no House or other secretariat. Could be made more transparent with the names published.

PROS

- As in A, with
- Some extra transparency from publication of names

CONS

- As in A, but also
- Could work against Wright principles, reducing effectiveness of Backbench Business Committee by encouraging apparent collusion—could put Backbench

¹¹¹ References to Principles in all these models are to the Wright Committee Principles as quoted in the box after paragraph 57 above.

Business Committee Chair under pressure

- **Could hamper further reform. The Government could claim that they had implemented the Wright recommendation, but in fact a minimalist “committee” would not enshrine major Wright principles**

C. Informal Bureau

Not a formal select committee so no House decision required, but its composition announced by Leader; usual channels secretariat but no House secretariat; a grouping chaired by the Leader, numerically dominated by whips [of both sides], invited Backbench Business Committee and/or other backbench membership from party nomination or election [for example Chairs of 1922/PLP or their nominees]; similar minor party representation; consultative rather than decisive, early exposition of business to slightly wider circle and opportunity to challenge; possibly some public record taken.

PROS

- **Would improve transparency (Principle 1 (c))**
- **Recognises real-world constraints include minor party element and realistic attitude to consultation rather than decision (Principle 1 (f))**

CONS

- **Not in line with ‘enhance control’ principle set out in Wright Principle 1 (a) (could work against it by reducing effectiveness of Backbench Business Committee—as above)**
- **Would do nothing to help enhance collective power of the House (Principle 1(b))**

D. A Consultative House Business Committee

Formal select committee meeting in private, with published summary Minutes: membership established by House with representatives of all sides of House and not dominated by Whips, but separate from Backbench Business Committee; chaired by the Chairman of Ways and Means; purely consultative—Leader determines agenda actually announced to House; some House secretariat and access to forward plans to enable Committee to give timely consideration to Government’s proposals.

PROS

- Could enhance House's control (Principle 1 (a)) and collective power (Principle 1 (b)), possibly over Government business
- Would improve transparency modestly (Principle 1 (c))
- Recognizes real world constraints (Principle 1 (f) and Principle 1 (d)) because consultative only. Would provide opportunity for appropriate backbench influence
- Properly constituted and with the right remit, would avoid risk of undermining Backbench Business Committee

CONS

- Transparency limited by private nature of proceedings
- Possible risk of politicisation of role of Chairman of Ways and Means

E. A House Business Committee that scrutinises the agenda

Practical difference between this and option D might be small. A scrutiny committee would have to report very quickly but if so it would comment on the agenda produced by Leader. The committee would not be empowered to comment on Backbench Business Committee choices and would probably meet in public.

PROS

- Other advantages of option D

CONS

- If reports were produced in normal style of scrutiny select committees, there would be a risk that the committee would divide on party lines

F. A select committee which itself proposes an agenda for the House

Party managers plus Backbench Business Committee Chair and/or others elected by House or in party group; chaired by the Chairman of Ways and Means, responsible in absence of consensus for draft agenda to be put to House; mixed secretariat; access to forward plans.

PROS

- As D and E

CONS

- As the Committee would propose the agenda for the House, the Whips would have a direct interest in, and might try to influence, the identity and actions of the backbench members
- Backbench Business Committee Chair could come under pressure to alter the scheduling decisions already taken by Backbench Business Committee; there would be a risk that Backbench Business Committee would become very much the junior partner, losing independence
- The role of the Chairman of Ways and Means could be politicised, especially if consensus proved hard to achieve on key parts of the agenda

A Proposal for a House Business Committee

90. We believe that it would be theoretically possible for any of the models considered above to form the basis of a House Business Committee; each of them has virtues as well as disadvantages.

91. However, we recognise that there is not at present the political will, on the front benches at least, to take forward many of the options.

92. *We believe nevertheless that a consultative House Business Committee, along lines similar to Option D above, is an immediate practical option for the House. This would enable the Government to redeem its Coalition Agreement pledge to move forward on this aspect of the Wright Reforms, while still ensuring that its programme is considered in a proper and timely way. Our proposal would also meet all the tests which the Leader of the House set for an effective House Business Committee*

House Business Committee - Function and procedure

93. *The House Business Committee should be established as a select committee of the House.*

94. *The House Business Committee should provide a forum in which the House's business managers consult, in a timely fashion, representatives of opposition parties and backbenchers about all business except that controlled by the Backbench Business Committee.*

95. *We recognise that Ministers will continue to be decisive in drawing up the agenda for non-Backbench Business Committee business which is discussed at Business Questions each week.*

96. *The remit of the House Business Committee should be clearly separated from that of the Backbench Business Committee.*

97. *The Leader of the House should continue, as now, to be responsible for drawing up and presenting the Business Statement to the House on Thursday. The Leader would be at liberty to reject any suggestions or counter-proposals made at the meeting of the House Business Committee, but would be open to more informed questioning on his or her decisions at Business Questions.*

98. *The House Business Committee should publish summary minutes, but proceedings should be in private. It should have a joint secretariat, with elements from both the “usual channels” and the House service.*

House Business Committee – Composition

99. *The House Business Committee should have backbench representation which reflects the composition of the House, including minority parties.*

100. *There are strong arguments for election of House Business Committee backbench members on a whole-House or party group basis, but we do not believe that election is the only way for backbench representation to be decided. The chairs of the existing party backbench committees could instead be co-opted.*

101. *A suggested list of members of the House Business Committee, including co-opted party backbench representatives, is set out in Annex A as part of the draft Standing Order.*

102. *The Chair of the House Business Committee should be the Chairman of Ways and Means.*

103. *No member of the Backbench Business Committee should simultaneously also be a member of the House Business Committee.*

104. *The consultative nature of the House Business Committee will allow and encourage flexibility and responsiveness to urgent developments.*

105. *We believe that there must be a continuing conversation about the House Business Committee which recognises that Parliament and Government each have a strong interest in effective scrutiny. To initiate this process of engagement, we will seek time from the Backbench Business Committee for a debate in the autumn on the response to our report, with a particular emphasis on the House Business Committee. Recognising that there will inevitably be questions raised about how the House Business Committee would work, we see no reason why the Leader should not invite the chairs of backbench party committees to join a business managers’ meeting on an informal trial basis. This would enable any issues to be addressed, so that the proposed new Standing Order for the establishment of the Committee can be refined if necessary.*

106. *A proposed Standing Order relating to the establishment and operation of a House Business Committee is at Annex A.*

A votable agenda ?

107. David Howarth said that the House Business Committee should be seen not as “a reform in its own right. It is a means for delivering a reform. That reform is that the House should democratically control its own agenda.” Mr Howarth told us that this implied that, apart from backbench time, the agenda of the House should become ‘votable’, that is “the agenda should be controlled by a majority in the House and not by Ministers.”¹¹² A debate on a votable agenda would take the place of the Business Statement on Thursdays. Mr Howarth said a votable agenda would be intended to ensure that the Government “cannot ignore strong feelings on its own backbenches, especially when those feelings are shared by the opposition.” It would be expected that negotiations would take place, as now, within the usual channels. “That, however, is negotiation exclusively between the front benches. A votable agenda would require the front benches to recognise the interests of backbenchers and to bring them into the discussion.”

108. Dr Meg Russell also urged us to give serious consideration to the idea of a votable agenda, whether a House Business Committee were established or not. She argued that the arrangement functioned well in the Scottish and German parliaments, “and is not as revolutionary as it sounds.”¹¹³ If the usual channels, Leader of the House or House Business Committee proposed future business that was reasonable, this might normally, she believed, be accepted without a division. But if there was “widespread unhappiness about the agenda” it could be challenged by means of a vote. She considered that a votable agenda would be a stronger sanction than accountability to a House Business Committee.¹¹⁴

109. Michael Meacher MP also supported the idea of a votable agenda, judging that it could begin to redress the current deficiencies of time allocation. “Of course the Government would still command a majority within the House, but it would have to listen much more carefully to the strongly held views of Members.”¹¹⁵ Support for such an agenda also came from Graham Brady MP.¹¹⁶

110. The Wright Committee saw a votable agenda as potentially useful to governments, “as the ability of Ministers to deploy a whipped majority” would provide “a necessary insurance policy for them.”¹¹⁷ However it was put to us that coalition politics might bring with them an increased risk that a votable agenda would be highly divisive.¹¹⁸ It is indeed possible to imagine a situation for instance in which the Opposition might routinely use the opportunity of an agenda vote to promote division within and between coalition parties. Heavy whipping might be used on all sides, diminishing the chances of agreement. This would not help to create an environment in which the House could

112 Ev w14

113 Ev w18

114 Ibid.

115 Ev w26

116 Q 223

117 HC (2008-09) 1117 para 171

118 Q 88

come to its own concerted view. Whipped votes might also be used by governments to overturn the decisions of the Backbench Business Committee.

111. The Business Statement as it stands is not an adequate forum for discussion of the House's agenda. It fails to provide a proper opportunity for Members to consider their future business, let alone for the House to endorse, and therefore genuinely control, its own agenda. We acknowledge the argument that, in certain circumstances, the House might welcome the opportunity to amend or vote down an agenda presented to it by the Leader of the House. However, we believe that a House Business Committee, constituted and operating effectively on the lines we propose, would remove the need for such a vote.

5 Involving the public

112. The Wright Committee recommended that: “The primary focus of the House's overall agenda for engagement with the public must now be shifted beyond the giving of information towards actively assisting the achievement of a greater degree of public participation.”¹¹⁹ Wright in particular advocated “Opening up the process of legislation and giving a real opportunity to the public to influence the content of draft laws.”¹²⁰ Innovations in legislation included a recent pilot of Public Reading stages of draft bills. But we noted above that there is still a sense that pre-legislative scrutiny, which can give the public a chance of this sort of engagement, needs to be developed much further.¹²¹

113. The House has begun in the years since 2009 to switch the focus in the direction sought by Wright. The formation of the Speaker's Advisory Council on Public Engagement (SACPE) was announced shortly after the publication of Wright, in November 2009. Its aim is to provide the Speaker with informal, independent advice from an external perspective on “how the House of Commons is perceived by the public and what should be done to restore the trust required between Parliament and the people it represents.” In May 2011 SACPE set out its thinking about these issues in a letter to the Speaker.¹²² Among its suggestions were that: “Experiments in greater public participation could be run, allowing direct public questions to be put to committees and providing for public recorded comment on some areas of parliamentary business as it is being developed.”

114. Select Committees have, to a certain extent, taken up this challenge and that posed earlier by Wright. They have raised the profile of their reports and thereby increased public involvement and interest. We noted above that media coverage of many select committees has also been increasing in recent years.¹²³ The 2013 Audit of Political Engagement suggested that recognition of Parliament as “holding Government to account” had increased in one year from 38% of those polled to 47%.¹²⁴ This is impressive at a time when most other measures of public satisfaction with politics and politicians seem to be at a low ebb. Natascha Engel MP saw an important connection between the work of the Backbench Business Committee and greater engagement with the issues that matter to the public. She said that Backbench Committee debates on subjects such as the European referendum or wild animals in circuses or Hillsborough had encouraged “a lot of public engagement.”¹²⁵

115. But procedural change can only take Parliament so far. The House needs the right kind of resources if it is to promote and sustain engagement, especially when select committees are seeking to widen their sources of evidence, and digital media are

119 HC (2008-09) 1117 para 232

120 *Ibid*, para 276

121 Para 30

122 Speaker's Advisory Council on Public Engagement, *Note to Mr Speaker*, May 2011

123 Para 13

124 Hansard Society, *Audit of Political Engagement 10*, p. 57

125 Q 197

particularly important. Some committees have found it productive to work on digital communication with third party hosts with established communities, as in the Education Committee's successful partnership with the website Student Room. In November 2012, the Liaison Committee concluded that

Effective communication is essential in order to get the evidence we need. ... To access new audiences, we need to exploit new media as well as traditional mainstream news. Social media may have a role here, as well as in increasing our direct impact amongst more 'niche' stakeholder groups.¹²⁶

The Liaison Committee noted that select committees, particularly through individual Members, were making increasing use of social media to engage interest in their work.

116. Nevertheless there was a sense among some of our witnesses that, overall, achievement was limited. Unlock Democracy told us that while the reforms had improved the work of Parliament they had “done little” to improve public engagement.¹²⁷ The Liaison Committee said for instance that where committees had used the Parliament website to hold e-forums, success had been “varied”.¹²⁸ Sir Richard Mottram of the Better Government Initiative described the Parliament website as “old-fashioned”.¹²⁹ Professor Patrick Dunleavy, Co-Director of Democratic Audit, warned that the House needed to make itself more sharply aware of the increasing importance of electronic communication in reaching out to the public. He criticised the Parliament website as “dreadfully set up and run. It is very hard indeed for me, and I have a PhD in political science, to find the right Committee hearing.”¹³⁰ He said that universities and Government departments, the latter prompted by the new Government Digital Service, were raising their game on communicating with the public, and Parliament needed to follow suit, abandoning its reliance on communicating with the public by means of large amounts of paper.¹³¹ Alexandra Runswick of Unlock Democracy told us that, while there was a lot that Select Committees could gain from using social media more,

it is not simply a case of publishing a press release link. For social media to work and to be effective, there has to be engagement, so it has to be resourced. There has to be somebody who can reply to the tweets or to the Facebook page. If you are going to engage with people it does have to be a dialogue.¹³²

Peter Facey of Unlock Democracy emphasised the importance of individual Members in using social media:

the thing about social media is you need a voice; it is not just an institution. In most cases, if you look at what people follow, they follow individuals who have a particular

126 HC (2012-13) 697 para 86

127 Ev w27

128 HC (2012-13) 697, para 86

129 Q 117

130 Q 116

131 Q 118

132 Ibid

view or voice that is communicated. In lots of ways, the best way of using social media—I hate to say it—is for you as parliamentarians to use it.¹³³

117. Even at the best of times and with the best of resources, there may be limitations on what can be achieved in improving the public perception of the House. A degree of scepticism might perhaps be expected in the attitude of the public to Parliament. Sir Alan Beith introduced a distinctive note of realism, warning that “The notion of public confidence in Parliament is not one you can rest heavily upon.” It was his view that

all Parliaments will always incur a great deal of public unpopularity, public dislike and public cynicism ... only when law and order is collapsing and democracy is denied do people start to see the merits of a Parliament ... looking for a good opinion poll rating for Parliament is not really how we should view this issue.¹³⁴

118. *The House needs to make much better use of electronic and especially social media.*

Petitions

119. The Wright Committee made some cautious recommendations about petitions, proposing that the Procedure Committee should have a new responsibility for scrutiny of the petitions process for an experimental period from January 2010 to the end of the Parliament—in effect a matter of four months.¹³⁵ This was not implemented. The Wright Committee was also concerned that too great an emphasis on e-petitions should not distract attention from the equally valid “standard” paper petitions.¹³⁶ Petitions are now listed on the Order Paper and their title read by the Clerk, investing them with a degree of formality as sought.¹³⁷

120. Most of the Committee's proposals on petitions were however overtaken by the unexpected Coalition Agreement commitment to a 100,000 signature threshold for possible debate following an e-petition, and the establishment of a website in the summer of 2011. Our evidence made clear that many people have made use of the opportunity to sign e-petitions. As Ms Engel put it, “The public now ... has an indirect power to influence Parliamentary time with the introduction of e-petitions.”¹³⁸ Catherine Bochel of the University of Lincoln told us that, to judge from the number of e-petitions submitted, “it is clearly a popular development with the public.”¹³⁹ Once an e-petition reaches 100,000 signatures, if a Member makes representations in its favour to the Backbench Business Committee, up to three hours in Westminster Hall might be allocated to it, or it might even be debated on the floor of the House on a votable motion, although there is no

133 Q 119

134 Q 196

135 HC (2008-09) 1117, paras 260-63

136 *Ibid*, para 259

137 *Ibid*, paras 266-67

138 Ev w5

139 Ev w8

guarantee of either.¹⁴⁰ The Committee only considers an e-petition for a debate if an MP comes to make a case for the subject to be debated.

121. However, a number of witnesses told us that, despite its apparent popularity, experience of the e-petitions system could increase—and perhaps already had increased—public disillusionment with the House. Ms Engel, Chair of the Backbench Business Committee, acknowledged that the number of people who have signed e-petitions is “absolutely phenomenal.” But she did not think that this translated into positive, active engagement with Parliament. Ms Engel said that the House had raised expectations that if an e-petition reached 100,000 signatures, not only would there be a debate, but there would be a vote and a change in the law—the instant that the 100,000th signature goes on to the e-petition. She said: “That obviously is not true and is not something that we can deliver, but that is what the public perception is. I think that has been quite damaging”.¹⁴¹ Similar views were expressed to us by Elfyn Llwyd MP, Westminster Leader of Plaid Cymru.¹⁴²

122. Unlock Democracy told us that it had a particular concern about the focus on e-petitions. While a large number of people use the internet, “there are many, particularly from already-disadvantaged groups who do not, and therefore an e-petitions system is inadequate in giving many citizens a greater voice in parliamentary proceedings.”¹⁴³ Unlock Democracy argued that e-petitions do not actually promote engagement with parliament,

as there is no discussion or deliberation between signatories and Parliament. Politics is all too often seen as something that is remote, incomprehensible and only conducted in Westminster. This mechanism does nothing to change this perception.¹⁴⁴

The organisation also told us that it was disappointed at the failure to consider introducing “agenda initiative”, a procedure which would enshrine a right of a group of voters, meeting predetermined requirements, to initiate a process for the revision of a law or the introduction of a new law. Mr Facey of Unlock Democracy summarised his thoughts on public engagement by warning us that “Bad participation is always worse than no participation.”¹⁴⁵

123. Ms Bochel gave us more detail about the problem, commenting that the statements on the e-petitions website

have been and are misleading, and serve to raise expectations among the public that e-petitions are an easy way for them to influence government. The initial statement

140 In April 2013 the Procedure Committee said that a pilot of holding debates on e-petitions on Mondays in Westminster Hall had been a success. Procedure Committee - Sixth Report of Session 2012-13, *Debates on government e-Petitions in Westminster Hall*, HC 1094 para 7

141 Q 197

142 Ev w36

143 Ev w28

144 Ibid

145 Q 135

on the website said ‘e-petitions is an easy way for you to influence government policy in the UK’; the current statement says ‘e-petitions are an easy personal way for you to influence government and parliament in the UK’. In practice, for the vast majority of petitioners this means that they are able to express their views to government, but there is little or no opportunity for real participation.¹⁴⁶

97.7% of petitions have fewer than 1,000 signatures and therefore the vast majority of petitions receive no response at all.¹⁴⁷ Peter Facey of Unlock Democracy said the problem with the system was that it “was not clear, you are building up false expectations in people who are already cynical about you. You are not delivering on their expectations because you never intended to deliver on their expectations. They feel let down and even more cynical about the system.”¹⁴⁸ Ms Angela Eagle was concerned at possible manipulation of the e-petitions system by external pressure groups, not least media organisations. She noted that: “In deciding whether to apply to the Backbench Business Committee, members can reflect upon whether an issue is genuinely a concern of constituents.”¹⁴⁹

124. There is also a constitutional question mark over the current practice. Ms Bochel criticised the e-petitions system as ‘hybrid’ and a source of confusion about the roles of Government and Parliament: “petitions are submitted to Government but are then passed to the Backbench Business Committee once they reach the 100,000 signature threshold, because the system does not belong to the House of Commons.” She called for the ownership of the system to be transferred to the House.¹⁵⁰

125. It was however clear from our evidence that many important issues which became the subject of e-petitions would never get 100,000 signatures, or even 10,000. Dealing with these issues properly was seen by several as a key to a more responsive system, and there are a number of examples of good practice close at hand. Mr Facey urged us to examine the system employed at the European Parliament where “As long as you get three people, it goes into the system. The more signatures you get, the more consideration you are likely to get, but it goes in.”¹⁵¹

126. Alexandra Runswick of Unlock Democracy told us that petitions should be about “being able to raise issues in different ways.” She gave the example of an issue that was successfully dealt with by the Scottish Petitions Committee, stemming from a petition around the treatment of pernicious anaemia. This technical subject was investigated by the Petitions Committee and the Committee was able to move it forward. Broadly speaking, Ms Runswick believed that the Scottish Petitions Committee had been “a very successful model of how that can work.”¹⁵² Ms Bochel told us of the issue of the environmental impact of plastic bags, which was the subject of a petition to the National

146 Ev w8

147 Ibid

148 Q 135

149 Ev w11

150 Ev w9

151 Q 131

152 Q 137

Assembly for Wales. The petitioners gave evidence to the Petitions Committee, which referred it to the Sustainability Committee. That Committee carried out an inquiry, which resulted in a recommendation to the Welsh Assembly Government that they introduce a levy on single use plastic carry bags. In November 2011 a 5p charge on plastic bags was introduced in Wales.¹⁵³

127. Ms Bochel suggested that at Westminster a Petitions Committee, with staff to support its work, would be able to look at petitions as they came in. She said that there were many “flexible options” that could be introduced; for example such petitions could be tagged to an existing debate, or could be relevant to consideration of a Private Member’s Bill. If an MP had a specific interest in that area, she said, the MP could be made aware of it. Ms Bochel concluded that there could be “a whole range of different options”.¹⁵⁴ She suggested that where petitions were submitted to the wrong place, or concerned a local issue, arrangements could be made to signpost petitioners to the most appropriate body.¹⁵⁵

128. The Leader of the House went some way to accepting criticism of the system when he told the House in June 2013 that “it is clear that the public expect to be able to petition their Parliament and seek action from their Government. I want to work with the Procedure Committee, the Backbench Business Committee and interested Members from across the House to develop the current system into something that more fully meets that expectation.”¹⁵⁶

129. Mr Lansley continued. “It may be possible ... that there is a role for a Select Committee or Committees in examining petitions, taking evidence on petitions, seeking information from Government, and even recommending debates in Parliament. However, I envisage that it would remain for the Backbench Business Committee to consider and schedule debates.”¹⁵⁷

130. The operation of the House’s petitions procedure, especially the e-petitions system, is clearly failing to meet public expectations. There is too much confusion between the roles of Government and Parliament. This may already be leading to a growth in public cynicism, which in the long term can only damage Parliament. Too little weight is also given to the needs of the many people who do not have access to the internet but still wish to engage with the House.

131. We note the Leader of the House’s comment that the expectation of most petitioners is that their petition to Parliament, if it is supported by large numbers of people, will result in action by the Government, or at least that it will receive a response from Government. We also note the Leader’s stated intention to work with the House to produce a system that is clearer in its operation, and meets more effectively the expectations of the public.

153 Q 61

154 Q 53

155 Q 55

156 HC Debates 27 June 2013 col 461

157 *Ibid.*, col. 462

132. *We believe that there must be a clear separation between petitions intended to prompt action by Government and petitions aimed at Parliament. The Parliamentary petitions system must in future belong unequivocally to Parliament. This means that all e-petitions for consideration by Parliament must be hosted on the Parliamentary website. We also believe that numbers thresholds should not be used to determine whether a petition should be debated.*

133. *There is still a case for the establishment of a petitions committee, as considered by the Wright Committee. We note with interest the Leader's recent comments about the issue. A nuanced approach to petitions on the Scottish model, with, for example, routing of certain petitions to local government and other bodies, could also help to increase public satisfaction with petitions, though it would require considerable extra resources.*

134. *We recommend that the House should be invited to agree to a Resolution on public petitions which would outline the principal features of a new system, and which would invite the Clerk of the House to work up a detailed and costed proposition which could then be put to the House for its endorsement.*

6 Conclusion

Progress made

135. Our evidence makes it clear that important changes have followed from Wright. Although other factors, such as the influx of new Members in 2010, may have improved the environment for reform, the Report has itself been directly influential, with new arrangements for select committees improving the balance between executive and legislature, and the Backbench Business Committee giving backbenchers control over a significant part of the House's agenda.

136. But Parliament still has some distance to go on the path to reform. It is clear from our evidence that important elements of the Wright agenda are still unimplemented. The evidence we received about the House Business Committee demonstrates that the House is still very far from controlling its own agenda in the way envisaged by Wright. We believe that it would be possible to establish a House Business Committee without delay, and look forward to a positive response to that recommendation. Public initiation of proceedings is another example of incomplete reform, with expectations of e-petitions far outstripping reality.

137. However, following the model of the Wright Committee itself, we are determined, if necessary, to continue to press for implementation of our recommendations on this and other matters. **We see this inquiry as simply the beginning of a process which should bring much-needed further advances towards the reformed House envisaged by Wright. We have already set out our recommendations for early progress towards the establishment of a House Business Committee. But if, as seems likely, there is still unfinished business from the Wright Committee by the date of the next General Election, all parties should agree that a new committee should be elected to see through the implementation of all remaining Wright reforms. Alternatively, we hope that our successor committee in the next Parliament will take this forward.**

Annex A

House Business Committee: A draft Standing Order

(1) There shall be a select committee called the House Business Committee, to consider on at least a weekly basis the draft calendar of business to be taken in the House, except

- (a) that falling to be determined by the Backbench Business Committee,
- (b) the substance of opposition business
- (c) Private Members' business
- (d) business set down at the direction of, or given precedence by, the Speaker.

(2) The committee shall consist of the Members for the time being holding the following offices or positions –

- (a) The Leader of the House
- (b) The shadow Leader of the House
- (c) The Government Chief Whip
- (d) The Opposition Chief Whip
- (e) The Chief Whip of the third largest party represented in the House
- (f) The Chair of the backbench members organisations of each of the three largest parties represented in the House
- (g) A representative of members of other parties and no party, identified as set out in para (5) below;

and the Chairman of Ways and Means shall be the Chair of the Committee.

- (3) The quorum of the committee shall be five.
- (4) Those Members identified in sub-paragraphs (a) to (f) above may nominate alternate Members for the purposes of any meeting of the committee.
- (5) The leader of the largest party not otherwise represented on the committee, having consulted Members of smaller parties and no party, shall nominate a Member to represent such Members: the Member so nominated may nominate an alternate Member for the purposes of any meeting of the committee.
- (6) The committee shall have power to sit notwithstanding any adjournment of the House and to report from time to time.
- (7) The committee shall have power to invite Government officials and any others whom it considers can help its deliberations to attend all or part of any of its meetings.

- (8) No Member of the House not nominated to the committee may attend its meetings unless invited by the committee to do so.
- (9) No motion may be made in the committee without the agreement of the Chair: and where such a motion is permitted to be made, no recorded vote may be taken.
- (10) The Chair of the committee shall make an immediate written summary report of its deliberations to the House.

Conclusions and recommendations

Select Committees

1. One way to strengthen the links between select committees and the Chamber would be to encourage more Chamber statements by committee chairs on the publication of committee reports, and we welcome the discussions currently taking place between the Backbench Business Committee and the Liaison Committee, aimed at improving the procedure for such statements. (Paragraph 20)
2. There have been clear advances in the effectiveness of Commons committees since 2010, but some issues remain and they must be addressed if the momentum for reform is to be maintained. There is no room for complacency about the success of select committees. (Paragraph 24)
3. For example, the demands on Members are now such that select committees sometimes find it hard to fill vacancies so that they can maintain their numbers and consequently their effectiveness. This could jeopardise the progress made by the committee system in recent years. (Paragraph 25)
4. We believe that there is a case for some more representation for minority parties on select committees. This would involve either making committees larger or partly suspending the rules on party balance on select committees. In the spirit of the Wright Report, we prefer some loosening of the party balance rules to the unwieldy alternative of larger committees. (Paragraph 28)
5. We believe that a process could be put in place to fill vacancies on select committees with minority party Members. We therefore recommend that the House should consider again the Wright Committee proposal that the Speaker should be given the power to nominate a Member to a select committee so that minority parties or viewpoints can be fairly represented. This would also help to maintain the effectiveness of committees where vacancies have been left unfilled for considerable periods of time. An amendment to Standing Order No. 121 would be required. (Paragraph 29)
6. We believe that pre-legislative scrutiny must in future be an integral and mandatory part of the process of consideration for every public bill. The only exceptions should be cases in which there is an accepted and pressing need for immediate legislation. This principle should be reflected in an amended or new Standing Order which should contain words similar to these: “No public bill shall be presented unless a) a draft of the bill has received pre-legislative scrutiny by a committee of the House or a joint committee of both Houses, or b) it has been certified by the Speaker as a bill that requires immediate scrutiny and pre-legislative scrutiny would be inexpedient.” (Paragraph 35)
7. It is unacceptable that appointments to public bill committees and ad hoc committees on draft bills are not even approved by the House, and often ignore the claims of Members with specialised knowledge. As a minimum the House should be asked to endorse, and where it so wishes amend, the proposed membership of public

bill committees. An amendment would be required to Standing Order No. 86. Ideally the membership should be elected for such committees on the same basis as for select committees. We welcome some of the ideas recently put forward by the Hansard Society, and await with interest the results of the Procedure Committee's current inquiry into public bill committees. (Paragraph 36)

8. Similar considerations apply to the Commons membership of joint committees on draft bills; we see no reason why elections should not be held for membership of these committees. (Paragraph 37)

The Backbench Business Committee

9. The Backbench Business Committee has been a success and we welcome the good working relationships which it has established with the business managers, the Liaison Committee and other bodies. (Paragraph 45)
10. The number of days allotted for backbench, Opposition and Private Members' business should be regularised, and made proportional to the length of a session. The Backbench Business Committee should have more say over the scheduling of backbench business, meaning both the determination of the day of the week and of the length of the slot on that day. This change would require an amendment to Standing Order No. 14. (Paragraph 51)
11. A representative of the minority parties should have full membership of the Backbench Business Committee. An amendment would be required to Standing Order No. 152]. (Paragraph 56)

Managing the rest of the House's time

12. Despite all the recent advances, it was clear from our evidence that the Commons is as far away as ever from implementing the basic Wright principle that all time should be regarded as "the House's time". (Paragraph 65)
13. The present procedure for setting the agenda for most of the House's business is inadequate, remaining in clear violation of the principles set out in the Wright Report. The Business Statement consists of a series of questions usually restricted to one hour, based on a schedule which has only just been presented to the House. This is no longer an acceptable way for a modern legislature to arrive at its agenda. The need for reform is obvious and urgent. (Paragraph 66)
14. It is disappointing that the Government has failed to honour a clear pledge, contained in the Coalition Agreement, to establish a House Business Committee by the third year of the Parliament. The reasons given for this failure are unconvincing—and there is clear evidence that the "usual channels culture" continues to infect both the front benches. (Paragraph 86)
15. We believe the Wright Committee's particular proposal for a House Business Committee sharing its membership with the Backbench Business Committee could undermine the authority of that Committee. Professor Wright himself accepts that there could be various approaches to the introduction of the House Business

Committee, but the spirit of the Wright proposals must be preserved. (Paragraph 87)

16. We accept that there may not be agreement on a House Business Committee at present, but the lessons drawn by the Leader, apparently from the single example of the Scottish Parliament—an example known to the Wright Committee and explicitly rejected as an option by that Committee—should not be used to close off discussion. (Paragraph 88)
17. The House should not give up its search for a House Business Committee that would enable it to implement Wright’s key principles. We set out below the arguments for and against a range of possible models for a House Business Committee. (Paragraph 89)
18. A Proposal for a House Business Committee We believe that it would be theoretically possible for any of the models considered above to form the basis of a House Business Committee; each of them has virtues as well as disadvantages. (Paragraph 90)
19. However, we recognise that there is not at present the political will, on the front benches at least, to take forward many of the options. (Paragraph 91)
20. We believe nevertheless that a consultative House Business Committee, along lines similar to Option D above, is an immediate practical option for the House. This would enable the Government to redeem its Coalition Agreement pledge to move forward on this aspect of the Wright Reforms, while still ensuring that its programme is considered in a proper and timely way. Our proposal would also meet all the tests which the Leader of the House set for an effective House Business Committee (Paragraph 92)
21. The House Business Committee should be established as a select committee of the House. (Paragraph 93)
22. The House Business Committee should provide a forum in which the House’s business managers consult, in a timely fashion, representatives of opposition parties and backbenchers about all business except that controlled by the Backbench Business Committee. (Paragraph 94)
23. We recognise that Ministers will continue to be decisive in drawing up the agenda for non-Backbench Business Committee business which is discussed at Business Questions each week. (Paragraph 95)
24. The remit of the House Business Committee should be clearly separated from that of the Backbench Business Committee. (Paragraph 96)
25. The Leader of the House should continue, as now, to be responsible for drawing up and presenting the Business Statement to the House on Thursday. The Leader would be at liberty to reject any suggestions or counter-proposals made at the meeting of the House Business Committee, but would be open to more informed questioning on his or her decisions at Business Questions. (Paragraph 97)

26. The House Business Committee should publish summary minutes, but proceedings should be in private. It should have a joint secretariat, with elements from both the “usual channels” and the House service. (Paragraph 98)
27. The House Business Committee should have backbench representation which reflects the composition of the House, including minority parties. (Paragraph 99)
28. There are strong arguments for election of House Business Committee backbench members on a whole-House or party group basis, but we do not believe that election is the only way for backbench representation to be decided. The chairs of the existing party backbench committees could instead be co-opted. (Paragraph 100)
29. A suggested list of members of the House Business Committee, including co-opted party backbench representatives, is set out in Annex A as part of the draft Standing Order. (Paragraph 101)
30. The Chair of the House Business Committee should be the Chairman of Ways and Means.
31. No member of the Backbench Business Committee should simultaneously also be a member of the House Business Committee. (Paragraph 103)
32. The consultative nature of the House Business Committee will allow and encourage flexibility and responsiveness to urgent developments. (Paragraph 104)
33. We believe that there must be a continuing conversation about the House Business Committee which recognises that Parliament and Government each have a strong interest in effective scrutiny. To initiate this process of engagement, we will seek time from the Backbench Business Committee for a debate in the autumn on the response to our report, with a particular emphasis on the House Business Committee. Recognising that there will inevitably be questions raised about how the House Business Committee would work, we see no reason why the Leader should not invite the chairs of backbench party committees to join a business managers’ meeting on an informal trial basis. This would enable any issues to be addressed, so that the proposed new Standing Order for the establishment of the Committee can be refined if necessary. (Paragraph 105)
34. A proposed Standing Order relating to the establishment and operation of a House Business Committee is at Annex A. (Paragraph 106)
35. The Business Statement as it stands is not an adequate forum for discussion of the House’s agenda. It fails to provide a proper opportunity for Members to consider their future business, let alone for the House to endorse, and therefore genuinely control, its own agenda. We acknowledge the argument that, in certain circumstances, the House might welcome the opportunity to amend or vote down an agenda presented to it by the Leader of the House. However, we believe that a House Business Committee, constituted and operating effectively on the lines we propose, would remove the need for such a vote. (Paragraph 111)

Involving the Public

36. The House needs to make much better use of electronic and especially social media. (Paragraph 118)
37. The operation of the House's petitions procedure, especially the e-petitions system, is clearly failing to meet public expectations. There is too much confusion between the roles of Government and Parliament. This may already be leading to a growth in public cynicism, which in the long term can only damage Parliament. Too little weight is also given to the needs of the many people who do not have access to the internet but still wish to engage with the House. (Paragraph 130)
38. We note the Leader of the House's comment that the expectation of most petitioners is that their petition to Parliament, if it is supported by large numbers of people, will result in action by the Government, or at least that it will receive a response from Government. We also note the Leader's stated intention to work with the House to produce a system that is clearer in its operation, and meets more effectively the expectations of the public. (Paragraph 131)
39. We believe that there must be a clear separation between petitions intended to prompt action by Government and petitions aimed at Parliament. The Parliamentary petitions system must in future belong unequivocally to Parliament. This means that all e-petitions for consideration by Parliament must be hosted on the Parliamentary website. We also believe that numbers thresholds should not be used to determine whether a petition should be debated. (Paragraph 132)
40. There is still a case for the establishment of a petitions committee, as considered by the Wright Committee. We note with interest the Leader's recent comments about the issue. A nuanced approach to petitions on the Scottish model, with, for example, routing of certain petitions to local government and other bodies, could also help to increase public satisfaction with petitions, though it would require considerable extra resources. (Paragraph 133)
41. We recommend that the House should be invited to agree to a Resolution on public petitions which would outline the principal features of a new system, and which would invite the Clerk of the House to work up a detailed and costed proposition which could then be put to the House for its endorsement. (Paragraph 134)

Conclusion

42. We see this inquiry as simply the beginning of a process which should bring much-needed further advances towards the reformed House envisaged by Wright. We have already set out our recommendations for early progress towards the establishment of a House Business Committee. But if, as seems likely, there is still unfinished business from the Wright Committee by the date of the next General Election, all parties should agree that a new committee should be elected to see through the implementation of all remaining Wright reforms. Alternatively, we hope that our successor committee in the next Parliament will take this forward. (Paragraph 137)

Formal Minutes

Tuesday 9 July 2013

Members present:

Mr Graham Allen, in the Chair

Mr Christopher Chope
Mr Andrew Turner

Stephen Williams

Draft Report (*Revisiting Rebuilding the House: the impact of the Wright reforms*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 137 read and agreed to.

Annex and Summary agreed to.

Resolved, That the Report be the Third 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.

[Adjourned till Thursday 18 July at 9.45 am.]

Witnesses

Thursday 14 March 2013

Page

Dr Meg Russell, Deputy Director, Constitution Unit, University College London

Ev 1

Catherine Bochel, Principal Lecturer in Policy Studies, University of Lincoln

Ev 12

Thursday 21 March 2013

Professor Tony Wright, Professor of Government and Public Policy, University College London and **David Natzler**, Clerk Assistant and Director General, Department of Chamber and Committee Services, House of Commons

Ev 17

Thursday 18 April 2013

Sir Richard Mottram GCB, Chair and **Roger Dawe CB**, Better Government Initiative, and **Peter Facey**, Director and **Alexandra Runswick**, Deputy Director, Unlock Democracy, and **Professor Patrick Dunleavy**, Co-Director, Democratic Audit

Ev 31

Thursday 9 May 2013

Mr Clive Betts MP and **Peter Wishart MP**

Ev 46

Rt Hon Sir Alan Beith MP, **Natascha Engel MP** and **Graham Brady MP**

Ev 51

David Howarth, University of Cambridge

Ev 59

Thursday 16 May 2013

Ms Angela Eagle MP, Shadow Leader of the House of Commons

Ev 64

Rt Hon Mr Andrew Lansley CBE MP, Leader of the House of Commons

Ev 69

List of written evidence

(published in Volume II on the Committee's website www.parliament.uk/pcrc)

1	Dr Sarah Wollaston MP	Ev w1
2	John Hemming MP	Ev w1
3	Rt Hon Mr Andrew Lansley CBE MP, Leader of the House of Commons	Ev w2: w38
4	The Better Government Initiative (BGI)	Ev w2
5	Barry Winetrobe	Ev w3
6	Natascha Engel MP, Chair of the Backbench Business Committee	Ev w4
7	Catherine Bochel	Ev w8
8	Ms Angela Eagle MP, Shadow Leader of the House of Commons	Ev w10
9	Professor Hugh Bochel and Dr Andrew Defty	Ev w12
10	David Howarth (MP for Cambridge 2005—2010)	Ev w14
11	Dr Meg Russell	Ev w16
12	Mr Laurence Robertson MP, Chair of the Northern Ireland Affairs Committee	Ev w19
13	Mr Graham Brady MP	Ev w19
14	Mr Bernard Jenkin MP, Chair of the Public Administration Committee	Ev w20
15	Chris Mullin (MP for Sunderland South 1987—2010)	Ev w21
16	Andrew Miller MP, Chair of the Science and Technology Committee	Ev w22
17	Rt Hon Sir Alan Beith MP, Chair of the Justice Committee & Liaison Committee	Ev w22
18	David T. C. Davies MP, Chair of the Welsh Affairs Committee	Ev w23
19	Mr Clive Betts MP, Chair of the Communities & Local Government Committee	Ev w23
20	Rt Hon Mr James Arbuthnot MP, Chair of the Defence Committee	Ev w23
21	Mrs Louise Ellman MP, Chair of the Transport Committee	Ev w24
22	Mr Andrew Tyrie MP, Chair of the Treasury Committee	Ev w24
23	Rt Hon Mr Michael Meacher MP	Ev w26
24	Unlock Democracy	Ev w27
25	Nick Palmer (MP for Broxtowe 1997—2010)	Ev w30
26	Professor Patrick Dunleavy, Co-Director of Democratic Audit	Ev w31
27	Mr Charles Walker MP	Ev w34
28	Rt Hon Keith Vaz MP, Chair of the Home Affairs Committee	Ev w35
29	Rt Hon Mr Elfyn Llwyd MP	Ev w35
30	Miss Anne McIntosh MP, Chair of the Environment, Food and Rural Affairs Committee	Ev w38

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436 (Cm 7951)
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437 (Cm 7997)
Fourth Report	Lessons from the process of Government formation after the 2010 General Election	HC 528 (HC 866)
Fifth Report	Voting by convicted prisoners: Summary of evidence	HC 776
Sixth Report	Constitutional implications of the Cabinet Manual	HC 734 (Cm 8213)
Seventh Report	Seminar on the House of Lords: Outcomes	HC 961
Eighth Report	Parliament's role in conflict decisions	HC 923 (HC 1477)
Ninth Report	Parliament's role in conflict decisions: Government Response to the Committee's Eighth Report of Session 2010-12	HC 1477 (HC 1673)
Tenth Report	Individual Electoral Registration and Electoral Administration	HC 1463 (Cm 8177)
Eleventh Report	Rules of Royal Succession	HC 1615 (HC 586)
Twelfth Report	Parliament's role in conflict decisions—further Government Response: Government Response to the Committee's Ninth Report of Session 2010-12	HC 1673
Thirteenth Report	Political party finance	HC 1763

Session 2012–13

First Report	Recall of MPs	HC 373 (HC 646)
Second Report	Introducing a statutory register of lobbyists	HC 153
Third Report	Prospects for codifying the relationship between central and local government	HC 656(Cm 8623)
Fourth Report	Do we need a constitutional convention for the UK?	HC 371

Session 2013-14

First Report	Ensuring standards in the quality of legislation	HC 85
Second Report	The impact and effectiveness of ministerial reshuffles	HC 255

Oral evidence

Taken before the Political and Constitutional Reform Committee on Thursday 14 March 2013

Members present:

Mrs Eleanor Laing (Chair)

Mr Christopher Chope
Paul Flynn
Sheila Gilmore

Fabian Hamilton
Mr Andrew Turner
Stephen Williams

Examination of Witness

Witness: **Dr Meg Russell**, Deputy Director, Constitution Unit, University College London, gave evidence.

Q1 Chair: Good morning, Dr Russell. Thank you very much indeed for coming to see us again.

Dr Russell: Hello. Thank you for inviting me.

Q2 Chair: As you know, we have been looking at the implementation and consequences of implementation of the Wright reforms, and of course you were involved in helping to put those reforms together. We are delighted that you are able to be here this morning to help us consider the consequences. I have some general questions for you to start with, but would you like to address the Committee? Would you like to say something about your own observations of what has happened over the last couple of years?

Dr Russell: I submitted some written evidence to you rather late, for which my apologies.

Chair: We are very grateful for your written evidence. Thank you.

Dr Russell: If Members have had a chance to look at that written evidence, it should serve as an introduction. I explain who I am, and I give some views on what has happened so far, but more importantly on the forward agenda. So, unless people feel that they have not had a chance to look at that and want me to explain, then that is probably an introduction.

Q3 Chair: For the benefit of observers who are not members of the Committee, would you care to give us the main points of your observations?

Dr Russell: Yes. I started by saying who I am. I am an academic who works at University College London at the Constitution Unit, with a particular research interest in Parliament. I wrote a report that was published in 2007 looking at how the House of Commons might get better control of its own agenda and procedures. That was informed by two years that I spent working as a special adviser to Robin Cook when he was Leader of the House of Commons. That report recommended the establishment of a Backbench Business Committee and, also, that there should be changes to the ways that Select Committee Members were chosen. That report helped to spark the establishment of the Wright Committee. It was mentioned by Tony Wright in his letter to the Prime Minister suggesting that a committee should be set up, and he was urging some of these reforms—particularly the establishment of a Backbench

Business Committee—on Gordon Brown. That committee was set up and I became its specialist adviser. Some of the key recommendations made by the Wright Committee were very close to the recommendations I originally made in 2007.

I have to confess that, since then, I have not researched in any detail how the reforms have played out. As I say in my written evidence, there are two reasons for that. The first is that I think, as one of the architects of the reforms, I do not have a sufficient degree of objectivity to look at how successful they have been. I think that is probably better for other people to do, because I want the reforms to succeed and that might colour any judgments I make. Also I think it is very difficult to assess the effectiveness of reforms like these. There has been an awful lot going on in the last couple of years; a change of Government and, crucially, a shift from single-party Government to coalition Government. There is an awful lot that has changed the environment. It is hard, then, to pin down which changes are a result of particular reforms, but I think broadly they have been welcomed. I was very pleased to see the Procedure Committee being very flattering about the Backbench Business Committee and what it did in its first two years. I think the Backbench Business Committee itself has concluded that it has been a success.

The big questions that it might be interesting to get into discussion about here are: what happens next? Particularly the House Business Committee, which was something that in my original 2007 report I was quite sceptical could be made to work in the way that some Members hoped it would. That was one of the reasons why I proposed a Backbench Business Committee in the first place. The Wright Committee went along with the analysis that there were important things that could be achieved through the establishment of a Backbench Business Committee, which might not be achieved if you went for a broader ranging committee that also tried to schedule Government business.

Q4 Chair: Thank you very much. Although you have modestly said that, from your point of view, you do not want to make a judgment on the success or otherwise, would you say in your observation of Parliament over the last two years that the reforms

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that so far have come into play have increased the vitality of the House of Commons?

Dr Russell: As I say, there have been a lot of changes all going on at the same time. Another one that inevitably came with the change of Government was the arrival of a lot of new Members. As you know, the Wright Committee was established in a time that I think could reasonably be described as a crisis after the MPs' expenses crisis, or scandal or whatever you choose to call it. It was a very bleak time for Parliament, so the mood was very depressed at that time. The new Parliament arrived, bringing a new Government and a whole lot of new Members, partly as a result of people leaving because of that crisis. So the mood would have changed fundamentally anyway, post-2010. The fact that some of the first things that Members had to do—particularly the great number of new Members arriving in 2010—was engage in elections to choose their Backbench Business Committee, choose its Chair, choose their Select Committees, created a kind of vibrancy and sense of an outbreak of democracy happening in the Commons, which I think was quite a useful early bit of socialisation for those new Members.

Q5 Chair: Rather more than just socialisation, do you think it has had an actual effect on rebalancing the relationship between Parliament and the Executive?

Dr Russell: I can be very boringly academic on some of these questions. How does one measure the balance of power between Parliament and the Executive? These are very difficult questions to answer with certainty and reliability, but I think that the Wright Committee reforms created a much stronger sense for Members of the Commons that they had a degree of ownership of their own institution, that they had a significant role in deciding how their institution would be run and by whom it would be run. The Backbench Business Committee was entirely new, and taking over control of that business was a significant shift of power primarily from the Government Whips to Members. The same was true of the selection of Select Committee Members and Chairs, where in the past Whips would have been controlling those decisions. It was important that the Chamber had to endorse those decisions and, as we know, in 2002—over Gwyneth Dunwoody and Donald Anderson—there was a shock when the Chamber refused to endorse those decisions. It wasn't that Members were totally powerless in the selection of Select Committee Members and Chairs, but they have really taken control of that away from the Whips rather than just endorsing the Whips' decisions, and I think that is very important.

Q6 Chair: Absolutely. Sorry, I should have said when you came in—and I beg the pardon of the Committee for not having done so—that the Chairman, Graham Allen, sends his apologies for not being able to be here today and he has asked me to stand in as Chairman this morning.

That prefaces my saying that Select Committees certainly feel that they have more authority because, first of all, the Chairman is elected by Members and then the members of Committees are elected. Having competition to become a member of a Select

Committee has, I would suggest—and I seek your opinion—increased the authority and standing of Select Committees. Would that appear to be the case?

Dr Russell: Yes, I think that is the case. However, I think you also begin to make one of my points for me; that if you want to know how well the reforms are working, probably the people that you should ask are the people who are engaged in this work themselves. There is potentially an important piece of academic work to do to talk to people who were on Select Committees before and after the reforms, and ask them whether it feels different. I can see Paul Flynn nodding. He was on a Select Committee previously and he is on one now. Does he feel that he has more legitimacy than he had before? You can ask Members those questions.

Q7 Chair: What I was seeking to do was to have an outside opinion from you as to whether a report from a Select Committee, in the last two years, carries more weight in the outside political world, in academia and so on, than it did previously when the reports were made by people who were put there by the Whips.

Dr Russell: We must not denigrate the Select Committee system that existed before. The Select Committees were very well respected previously.

Chair: Absolutely.

Dr Russell: Despite the problems with Whip involvement in their selection, particularly I think since 2002, when the House asserted itself and said, "Look, you Whips, if you pick people that we don't want then we will come back and bite you", there has not been a particular problem with lack of respect for Select Committees, although the change can only reinforce that respect and help to underpin it. It was a shame in a sense—although that is democracy for you—that some positions were uncontested for Select Committee Chairs, and I think that next time we might see a livelier contest across the committees as a whole. Some of the committee Chairs were very closely contested, most notably the Public Accounts Committee Chair. Of course the Public Accounts Chair has subsequently had a pretty high profile, so perhaps that helps to answer the question.

Chair: It does. Thank you very much.

Q8 Paul Flynn: Can I come in briefly to say that—as a great admirer of your work and Tony Wright's work on this—I think there was a key weakness in this. Certainly there were people on Select Committee chairs who would not have been had the Whips been in full control, as they had been in the past. There were eight uncontested nominations where it was Hobson's choice really, and there was a weakness there. There are other changes that have taken place that are more significant, such as we have a reforming Speaker and, instead of having three urgent questions a year, as we used to have before, we sometimes have three or four a week, sometimes two a day. That has done far more to move the influence of Back Benchers into prominence than the changes in the Select Committees, which have been significant. We were discussing earlier on that the Whips are still actively engaged in deciding who goes on Select Committees and they still actively campaign.

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Chair: Paul, I think that is not a question that you can ask Dr Russell.

Paul Flynn: No, sorry. I feel an obligation, at Meg's introduction, to give evidence to Meg and the rest of the Committee.

Chair: I do not think it is fair to ask Dr Russell to comment on exactly what goes on in any Whips office but generally—

Dr Russell: You do draw in another important bit of background in terms of, as I said, there has been a whole lot of changes that happened at once. I think you are quite right, the election of John Bercow as Speaker—which was another knock-on effect of that 2009 crisis—is another thing that has been important in improving Parliament's profile and Members' sense of independence and so on. It was another thing that I said in my 2007 report: this is not something that you can legislate for or write Standing Orders for, but one of the things that would help the House of Commons to gain a sense of ownership of its own affairs was electing a Speaker who was going to be an outspoken defender of Parliament. You did so by choosing John Bercow and I think that has been another very positive development.

Q9 Mr Chope: I would like to talk about the House Business Committee. However, before that, you were very critical of the decision by the Government to change the system by which the members of the Backbench Business Committee were elected. There did not seem to be any justification for doing that. Why do you think that was done?

Dr Russell: I think that is another question that is asking me to get inside the heads of people and comment on decisions to which I was not party. I can tell you why I think it was a bad idea. You would have to ask the people concerned with taking the decision why they thought it was an appropriate decision to take, and I would be interested to hear their answer. I felt two things. One was that this was a change that was clearly contrary to what the Wright Committee had explicitly recommended: that these should be positions that were elected across the whole House to represent the whole House. I guess this does answer in part your question. I think that one of the reasons why there was disquiet about that—and the Government was fairly explicit about this at the time—was a concern that somehow there could be mischief-making with members of one party ganging up in order to ensure that representatives of another party, who were not popular with their own Front Bench, were elected. The Wright Committee did discuss these kinds of potential problems and thought that in truth they weren't a real problem. Nevertheless, the fact was that if it was the Conservative party that was unhappy with the people who were elected, then those positions were uncontested. So you certainly cannot blame the electoral system. Perhaps you need to blame members of the parliamentary Conservative party for more of them not coming forward and in contested elections perhaps other people would have won.

It was misjudged because it seemed to be blaming an electoral system for something that was not the fault of the electoral system. It was inappropriate because

it was directly contrary to what the Wright Committee had recommended. Also it was inappropriate in the way that it was proceeded with, without any consultation, as I understand it, with the Backbench Business Committee, without consultation with the Procedure Committee when the Procedure Committee was engaged in an inquiry reviewing the Backbench Business Committee, and put forward as Government motions and, as I understand it, whipped business.

Q10 Mr Chope: Yes, and it only got through because of the payroll vote. If the payroll had not voted it would not have got through.

Dr Russell: As I say in my written evidence, I think that both that and the business about e-petitions demonstrate that there is a fundamental misunderstanding in Government or an extent to which there are some parties in Government who just don't get it, in terms of what these reforms are supposed to have been about, which is giving the House of Commons control over its own timetable and its own procedures, not across the board but with respect to Backbench business. The fact that some people in Government think it appropriate to meddle in that business, and to do so unilaterally without consultation, seems to me to demonstrate that there is a fundamental level at which some people in Government have not understood what is supposed to have changed.

Q11 Chair: Is it that there is a misunderstanding or is it—hardly surprisingly—that those in Government want to hold on to power and exercise as much power as they possibly can?

Dr Russell: I think this change was not a matter of holding on to power. It was a matter of trying to take back power that had been given away as a result of a unanimous decision by the House of Commons to back the Wright Committee proposals.

Q12 Mr Chope: So it is not so much the Government not getting it, it is the Government not wanting it and at every stage trying to use its power to dictate the terms of engagement. It succeeded in changing the rules because it did not like the awkwardness, particularly, of the Conservative members of the Backbench Committee in the first session of Parliament, and thereby ensured that by changing the rules they were wiped out. The Government is again now trying to assert its authority by interpreting—in a wholly absurd way—the commitment to bring forward the House Business Committee by the end of the third year of the Parliament. We come to the end of the third year this May. They are now talking about doing something by the end of 2013 at the earliest, thereby again tearing up the agreed rulebook because they themselves in Government cannot abide the prospect of giving any more influence to the Back Benches. Would you agree that that is the motivation behind stalling on the House Business Committee being set up?

Dr Russell: I think the two are slightly different. Is it a misunderstanding or is it calculation? This is a classic cock-up versus conspiracy kind of question and I think it is probably a degree of both. There

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probably are some who actively do wish to undermine and perhaps reverse some of the reforms that have happened. I suspect that most really don't give it that much thought, particularly Members. You say that it was the payroll vote—and I confess I have not looked at that—but I also say in my written evidence that if you are thinking about recommending future reform it would be a good idea to read my paper in *Parliamentary Affairs*, which reviews the process of getting the Wright Committee reforms agreed. For the record, I should say it is 2011 volume 64, number 4. I reread it last night, and I confess that even I had forgotten just what an enormous struggle it was against the forces of the Whips, both Government and Opposition, to get those changes agreed. So, undoubtedly there are forces who were uncomfortable with the reforms previously, tried to stop them and I imagine would now like to reverse them. Moreover, the other key factor is that most Government Ministers have far too much to do to be thinking about parliamentary procedure and most Members of Parliament themselves don't spend a great deal of time thinking about parliamentary procedure. If they are asked to go through a lobby by their Whips to support something they will tend to trust their Whips and do so. That is the environment in which reform has to take place.

I think there is a difference between the two scenarios that you are talking about, in terms of responses to the Backbench Business Committee and the failure to bring forward the House Business Committee proposals. The House took clear decisions to set its Standing Orders in a particular way with respect to the Backbench Business Committee. What we have seen is an unravelling of those Standing Orders to some extent, whereas with the House Business Committee there was only ever an "in principle" decision before the 2010 election. There has not yet been a piece of work to work through the detail of what a House Business Committee should look like and to put forward Standing Orders to propose that. Perhaps that is one of the things your Committee wants to do. That is a necessary next step.

Q13 Chair: That is a helpful suggestion. Thank you. I am going to use the procedure of this Committee for a moment, if you will forgive me, Chris, interrupting the flow of your questions. I note that you say in your evidence to us that the written evidence to this Committee by Natascha Engel, the Backbench Business Committee Chairman, sets the issues out well and you agree with that analysis. My manipulation of our procedure this morning is that the Chair of the Backbench Business Committee is present in this room but her presence is not recognised as she is not here around the table, either as a witness or as a Member of this Committee. As she has no voice, would you care to elaborate on your agreement with Natascha Engel?

Dr Russell: I certainly hope that Natascha will have an opportunity to engage in a similar discussion with the Committee on a future occasion.

Chair: I hope so. It would help our deliberations this morning.

Dr Russell: Natascha was very good and got her written evidence in on time, which is something that I did not do, unfortunately. I am very grateful for the fact that I could read hers in preparing mine. What she does is try to get to the nub of the question, which is: what exactly is it that this House Business Committee is supposed to be for? In devising a House Business Committee or in responding to any proposals that the Government might bring forward for a House Business Committee, I think that it is very important for Members to think about: what is the fundamental problem we are trying to solve here and then how can we best address that question in a realistic way that has a chance of getting through? So, firstly, what is the role of this committee supposed to be and then who is the appropriate membership, who is the appropriate secretariat and so on? Her evidence sets out some of those very clear questions, which are the essential questions to answer.

It also makes very clearly and strongly a point that I would make myself and I have made in the past, which is that it is absolutely imperative that if a House Business Committee is created it is not created in a way that in any way undermines the existing role of the Backbench Business Committee. I think there is pretty universal agreement—perhaps Whips excluded—that it has been a successful innovation that has given Members better control and it is very well respected. There is a danger of encroachment on its territory with the establishment of a House Business Committee, which you have to be wary of.

Q14 Mr Chope: The Coalition agreement committed the Government to setting up a House Business Committee. Do you think when that agreement was drawn up anybody knew what they had in mind when they were talking about a House Business Committee? Can you answer that one first of all?

Dr Russell: Again, you are asking me to comment on what went on in back rooms. It would be a guess. My guess would be not really, no, and similarly to some of the commitments that they made to House of Lords reform, which we might discuss on a future occasion.

Q15 Mr Chope: We are now told by the Leader of the House that work on the development of proposals for a House Business Committee within Government is ongoing. Are you familiar with any of the work that is being done, if anything?

Dr Russell: No, I am not, but I wouldn't necessarily expect to be. Let me try saying something perhaps a little provocative but it might help concentrate minds a bit. I think you could argue that we already have a House Business Committee. A House Business Committee already exists inside Government. It meets weekly. I used to attend its meetings when I was a special adviser to the Leader of the House. In those days it used to meet in his room in a building that no longer belongs to the Leader of House, where the Leader of the House sat opposite the Chief Whip. The Deputy Leader of the House was there. In fact, the Deputy Chief Whip was not there at that time but I suspect that under the coalition the Deputy Chief Whip would be with the Chief Whip, given that there is a party split between the two, and similarly the

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Deputy Leader of the House with the Leader of the House. The private secretary to the Chief Whip and their various advisers and officials were there. They would discuss the draft business for the week, which the Chief Whip had drawn up with his or her private secretary, which would be put to the House on a Thursday in the business statement.

I think it is fairly well known that there was a rather tense relationship between the Chief Whip and the Leader of the House at the time I was there. The Leader of the House, Robin Cook, was the only real line of accountability for the decisions that had been taken by the Chief Whip and her private secretary before that business was put to the Chamber. At times he would question and challenge her decisions to programme business in a certain way, because he felt that perhaps Members would like something different and so on. Then he had to stand up and present this to the Chamber in business questions. So there is a degree of accountability that goes on but the committee is behind the scenes and not formally recognised. The Leader of the House then effectively stands up and defends the decisions of that committee but the Chamber has no opportunity to overturn those decisions.

That is the status quo. The question is which bits of that do you want to change and how should you go about changing it? I can understand that those inside Government are very nervous of the idea of including others. Effectively a House Business Committee would be opening up those discussions that already go on, I imagine, to include at the very least the shadow Leader of the House and the shadow Chief Whip—the Opposition.

Q16 Chair: Can I take you a little further on that? I am delighted to hear you say what you have just said and explain that, long ago, I was also a special adviser to a Leader of the House, and I recognised the description of the type of committee that you have just given. Most people have no idea that that occurs.

Dr Russell: We did not call it a committee. It was simply called the business managers meeting, and very occasionally there would be something that we called 4BMs, the four business managers, which included the Lords Leader and Chief Whip as well.

Q17 Chair: I recognise that as well. It is a matter of good management of the business of Parliament. Would you say that it is sometimes not properly recognised that the Leader of the House has a responsibility to the House of Commons, as well as to the Government of which he or she is part? Perhaps sometimes, in the hurly-burly of party politics, it is forgotten that the Leader of the House has a responsibility and that is why he or she spends an hour every Thursday being accountable.

Dr Russell: Yes. Natascha Engel's evidence—I have not printed it out so I don't have it—puts this quite nicely in terms of the Leader of the House being a kind of link. He represents Parliament to Government and Government to Parliament, effectively. I must say it is not a particularly comfortable position because it is quite difficult to balance. When it was Robin Cook and Hilary Armstrong there were some tensions at

times, because it was the role of the Leader of the House to stand up and defend decisions of the Chief Whip that he had not always been party to. In some respects I think it might be sensible now to roll those two jobs together, so that the Chief Whip has to stand up and defend his or her own decisions. However, that is a bit of detail.

Chair: I think that would undo all the good, but that is a matter of opinion.

Q18 Mr Chope: Just to finish this off. Surely so much depends upon the nature of the Leader of the House, in the same way, as you said earlier, as a Speaker who sees his role as being to promote the interests of Back Benchers, and hold the Government to account, is going to be a very different animal from a Speaker who believes that he is part of the establishment and should basically nudge and wink what the Government asks him to do. Robin Cook is one example on the side of the Back Benchers, but we have had quite a lot of examples of Leaders of the House who see it as their role to be the Government's representative to Back Benchers rather than the reverse. If the Leaders of the House were actively campaigning on behalf of Back Benchers in the same way as Robin Cook did, there might not be so much of a need for a House Business Committee, but what is happening now is that the usual channels are crowding out a lot of what you might describe as the minority opinions on the Back Benches, and perhaps represented by Members around this table, for example. How do we get a look in, because so much of the listening is done on the basis of the two Front Benches? Isn't that where the House Business Committee could really make an impact and ensure that, for example, when you get Report stages of Bills that the material for which there is time for debate is the material that a number of awkward Back Benchers want to have discussed rather than the usual channels?

Dr Russell: I think you are quite right, that it is very dependent on personality. Because it has this dual role of Parliament to Government and Government to Parliament, some Leaders of the House tend to play one role rather more strongly than the other and sometimes it is the other way around. I think the fundamental question is: are there institutional structures that could be put in place to ensure that there is greater transparency, accountability, whatever, for those decisions, which would perhaps encourage the business managers to be more responsive to the wishes of Members?

I do think that there is a fundamental tension when you talk about minorities of Members. Probably the best that can be achieved—and the important thing—is to ensure that those who are scheduling decisions about what goes on in the Chamber are responsive to the majority of Members. That is where the real problem comes. If you have a groundswell of opinion in the Chamber, for example, that there is a need for more time on a particular report stage, and that is being denied, there is no way for the business manager's hand to be forced to create more time. I don't think you can expect the business managers to be able to give away a lot of slots of time to satisfy the desire of minorities of Members, because

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fundamentally we need to appreciate and respect the fact that managing time in the Chamber is a very difficult job, that there are numerous demands on that time, that there are 650 Members of the House and you could probably fill 10 times as much time as you have, so the business managers have a very difficult job of making decisions.

The question is are they making the right difficult decisions all of the time, and are there perhaps mechanisms that could be put in place to ensure that the Chamber has some kind of sanction when a majority of Members feel that the wrong decision has been taken? That is why I emphasised in my report—and I mention in my written evidence—one of the most important bits of unfinished business from the Wright Committee report is this idea that the business motion on a Thursday should perhaps be on a votable basis, and could be amendable by Members with changes made if a majority of Members of the Chamber felt that time was being allocated in an inappropriate manner. That is something that happens in the Scottish Parliament. It also happens in the German Parliament. It is not an outlandish thing to suggest; that it would improve accountability from the business managers to the Chamber.

Q19 Mr Chope: Do you think there is a role for giving greater influence to Back Benchers over the choice of people, for example, to serve on Joint Committees? At the moment, I and a number of colleagues have an amendment down to the motion on the Order Paper relating to the draft Voting Eligibility (Prisoners) Bill Joint Committee, because at the moment the membership of that Committee is being set up through the usual channels. Our suggestion is that it should be for the individual party Back Benchers to decide on the membership of that committee. Do you see that there is something to be said for extending the role of the Select Committee election process to that sort of Joint Committee?

Dr Russell: Yes, that is a very interesting point. One of the things that I mention in my written evidence is that another recommendation of the Wright Committee, which I don't think has been acted upon and which I think is important, is with respect to legislation committees. Now that the mechanisms for choosing Select Committee Members have become more transparent, democratic, legitimate, it is increasingly anomalous that there are other important committees where that same level or even a reduced level of democracy and accountability does not yet apply. The thing that I drew attention to was the choice of members of Public Bill Committees, which is made by the Committee of Selection, which is a pretty unaccountable committee, largely made up of Whips, and there is no opportunity for the Chamber to overturn decisions of the Committee of Selection in the choice of Public Bill Committee members, even in the way that the Chamber used to be able to overturn their choice of Select Committee members, as it did with Dunwoody and Anderson in 2002. I am less clear on the process for Joint Committees, but I imagine it is the same as the Public Bill Committee process, in that members are chosen by the Committee of Selection with no oversight by the Chamber.

Q20 Mr Chope: No. They have to be approved by a motion of the House. It is different in that respect.

Dr Russell: They do. Of course, yes, I do remember that.

Mr Chope: So you can amend it.

Dr Russell: I do remember that, and of course it has to be approved in both Houses. I think that is a very legitimate point and it would be a sensible reform. Of course, one of the tricky things is the nature of Joint Committees. Members of the House of Lords have to be chosen for them as well. Therefore, taking unilateral decisions about a change in the Commons probably has a knock-on effect for the Lords, where they are discussing questions as to whether they should be catching up with some of the Wright Committee reforms and perhaps introducing elections for committees and so on.

Q21 Chair: It ought to be noted that, in the setting up of the Joint Committee on Parliamentary Privilege about six months ago, six members were nominated by the Commons and six members by the Lords. I am not certain whether there was a vote, but the Lords made it clear that they would not accept the six member nominations because there were no women among them. I particularly note this, because I was the only woman on the House of Commons nominations and, therefore, the only woman on the committee. The House of Lords refused to accept that and now there are three women in total on the committee.

Dr Russell: That is good. I did know that—because of course I know about the establishment of various Joint Committees on Lords reform and things, and I have watched some of those—but I had forgotten that the Chamber does have oversight, and that oversight by the Chamber should not be underestimated as a backstop. That is valuable. I would also say that, of course, there is nothing in Standing Orders to prevent parties electing the members of any committee if they want to. It was interesting that, prior to the Wright Committee reforms, the members of the Wright Committee were all elected in their party groups. Even under existing Standing Orders, parties can choose to democratise if they wish.

Q22 Mr Turner: Do you think it is more desirable that the House Business Committee should scrutinise or should it make the decisions itself?

Dr Russell: This is one of the choices put in Natascha Engel's paper. As I say, I think the key thing is to think through very carefully what it is that you are trying to achieve with the House Business Committee and then how that can best be achieved. I think that the line between scrutinising or accountability and decision-making is blurrier than perhaps we often assume. One of the suggestions in her paper—which I think is a very interesting suggestion—is that the House Business Committee could be established on a totally different model to any that I had previously considered or that the Wright Committee considered, that it be a committee of Back Benchers in front of whom the Leader of the House appears to defend the decisions and has to answer questioning. That is not like the House Business Committee in any other

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Parliament that I know, and it is not what the Wright Committee proposed. It is a very interesting suggestion and potentially could work. That would not be a decision-making committee: it would be an oversight committee. Although, the fact that there is oversight can result in different decision-making by the people who are making the decisions.

We should not underestimate the importance of the fact that the Leader of the House has to stand up and make the business statement, and that the shadow Leader of the House is able to stand up and ask questions and Backbench Members can ask questions or raise objections. That is an important level of accountability. Without those kinds of accountabilities, business managers could take much more self-interested decisions, and, by throwing light on the decisions and creating an environment in which they have to be defended, you may change the decisions.

There is a blurring of the line, I think, between accountability and decision-making. It is very unlikely that—except perhaps in periods of minority government—you will have a decision-making body that comes to different decisions. You will not be able to establish a decision-making body that will take different decisions to the ones that the Government business managers would have taken, because any such body will be established with a Government majority. Government business managers will sort out what they want the agenda to be behind the scenes. This is what happens in all other Parliaments that have business committees. They will bring it to the business committee for approval. I think the key questions are probably ones about accountability, the level of accountability and where that accountability takes place, whether the Leader of the House is subjected to questioning in a committee or whether they are subjected to questioning on the Floor of the House. My preference would be for beefing up the accountability on the Floor of the House, rather than for trying to get accountability in a new committee that is less inclusive of Members of the House.

Q23 Mr Turner: I think you are suggesting that the whole House is more capable of holding people to account than the Committee. Why?

Dr Russell: If there is a committee, I think there are questions as to whether it is a decision-making committee. I think the Wright Committee has slightly dodged that question. There was a suggestion that the House Business Committee would not normally vote and that it would take decisions by consensus and so on, which is a bit of a fudge. If a committee is a decision-making committee, then clearly the balance on the committee becomes fundamental. How can the majorities be created? The experience from business committees around the world—or at least in the places that I looked at, as reported in my report in 2007—is that they are committees of Whips, not unlike the Committee of Selection, or a beefed-up version of the business managers' meeting that currently happens, including Opposition Members. Those who can garner a majority on that committee will come to decisions on their own outside the committee, and then will use their strength in the committee to get them through, if

necessary, so the committee itself becomes pretty much a rubber-stamping exercise. It is much more difficult to make the Chamber a rubber-stamping exercise, because there are all sorts of people who can pop up and raise all sorts of suggestions.

If you create a House Business Committee, there are questions as to whether it has Backbench representation on it, and, if so, how many are there, how are they chosen and so on?

Backbench representation on a decision-making House Business Committee will make business managers very nervous. They will seek to control who those Members are and how they vote. The Chamber is much less controllable and if there is a genuine concern, particularly on the Government Back Benches, that debate is being suppressed, that there are things that should be discussed that are not being discussed, then ultimately it is Government Back Benchers who have the power by coming to agreement and voting with the Opposition to overturn Government decisions. To defeat Government I think is more achievable and it is also more transparent, more democratic in that environment in the Chamber than in a committee, where perhaps you are looking at the swing vote of one or two individuals who come under enormous pressure and who the Whips try very, very hard to control.

Q24 Chair: It is not surprising that the Whips do that, is it?

Dr Russell: Of course not, no.

Chair: Because this is the game we are in; it is politics.

Dr Russell: Yes, absolutely, and I think the Wright Committee was quite clear about this. We have to be realistic about the environment in which we are operating, which is that Government wants to get its business, it has a right to get its business and that Government Back Benchers are fundamentally loyal, except in extreme circumstances. Perhaps it is for those extreme circumstances that we need to try to have procedures to make sure that Backbench Members, on the Government side in particular, are not being bamboozled and denied the opportunity to debate things. If there is a genuine majority in the Chamber, which is different to the Government's own partisan majority, then that majority should have a right to get things discussed. I think that is best demonstrated in the Chamber itself. It is harder to demonstrate it in a committee.

Chair: That is a very good point. Andrew, could I ask you to be fairly brief, because I want to get everybody else in.

Q25 Mr Turner: Yes. I am not quite clear whether we are talking about a House Business Committee except Back Benchers or except for the Backbench stuff, which they will continue to do, or whether we are going to throw that into one committee that does both and will almost certainly be pinched by the Government.

Dr Russell: Yes. I would absolutely urge you not to endorse any proposal that had the Backbench Business Committee in some way gobbled up by a bigger committee. This is the fear with the Wright

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Committee model, I think particularly in retrospect with—what is it now?—nearly three years of operation of the Backbench Business Committee and very successful operation, I think even more strongly that the Wright Committee model of building a House Business Committee on the foundations of the Backbench Business Committee, and including those members, is probably a bad idea. It is a much more sensible idea to keep these matters separate. If there is a House Business Committee then perhaps the Chair of the Backbench Business Committee should be a Back Bencher with a seat on that committee, in order that there is a line of communication between the two. However, I think that any committee that seeks to graft Government business on to the Backbench Business Committee could be a way of killing the Backbench Business Committee, and is dangerous.

Q26 Sheila Gilmore: It is interesting, what you said about the Scottish Parliament. I am not aware—although I don't follow it terribly closely—that the fact they take a vote on business results in any great changes. I do not know if anybody has looked at this.

Dr Russell: I haven't researched it since 2007. I did look at it at that time, and at that time there was a decision taken by the Chamber on its business every week. Effectively there is a decision at the end of what we have as the business statement and, at that time, the record had been that I think there was a division about five or 10 times a year. So that is very much a minority of weeks that there would be any controversy about the content of the business. I don't think that the proposed business had ever been overturned either. However, I go back to the point that I was making to Andrew Turner, that accountability can be very important in influencing the decisions that are taken beforehand. The fact that whoever is drawing up the business knows that there is an opportunity for it to be amended, and that if a majority can be found for an alternative agenda of business that they will be at risk of defeat, I think is very important in the behind the scenes decision-making about what to put to the Chamber. That is how it works. It does not work through business being overturned. It works through those who draw up the business knowing that they have to defend that in front of the Chamber and it could be overturned. That is why Governments are not defeated on their legislation, by and large. Often they are not defeated because their Back Benchers wholeheartedly agree with them on the policy. But sometimes when they have problems with their Back Benchers, they negotiate behind the scenes on the policy until they know it is in a position that Back Benchers will not rebel against to the level that defeat is likely. That is how Backbench power is exercised most of the time.

Q27 Sheila Gilmore: So who would chair a House Business Committee?

Dr Russell: That is a very interesting question. I think there is a question as to whether you think you are setting up an entirely new body or whether you think what you are doing is making some changes to the body that already exists, which is the committee that

I described and that Eleanor Laing said she also sat in on for a time when she was working in Government. I think that the idea that the discussion between the Leader of the House and Chief Whip and their deputies is opened to other people—particularly from the Opposition—is something that makes those people naturally nervous and that would cause a fundamental change to the dynamics of those conversations, as would the inclusion of Back Benchers. You then have a separate question about the Chair, and the suggestion usually is that the Chair should be somebody like either the Speaker or a Deputy Speaker. Again, I think that would fundamentally change the dynamic and it would also change the relationship of that individual to the Chamber.

There are some risks of drawing the Speaker and Deputy Speaker into decisions that they then might be expected to defend in the Chamber itself. I think it is a tricky question. I mean, arguably, it should be chaired by somebody from the Government. It could be chaired by the Leader of the House perhaps, but it is this fundamental question as to whether you are seeking to simply slightly change a committee that already exists or to create a brand-new committee. A brand new committee is never going to be accepted by the Government. I don't think it is really a runner.

Q28 Sheila Gilmore: Is it worth having the re-badged committee, if you just make a few tweaks?

Dr Russell: It perhaps is, because—I say this in my written evidence—at the moment, the business is decided by the usual channels. You could not come up with something much further away from the notion of transparency than the term “usual channels”. I think it probably would not do any harm, and it might even do a little bit of good, to list on the Parliamentary website who the people are who are consulted on the business. At the moment, that meeting that I have described goes on behind the scenes between people who are in Government. Of course, there have been separate meetings with the Opposition Chief Whip and perhaps occasionally involving the Opposition Leader of the House, on a bilateral basis, going from the Chief Whips' Office. There could be a small element of transparency achieved by having a committee that was composed of the business managers from all parties and perhaps with one or two Back Benchers—like the Chair of the Backbench Business Committee—on it. So that people going to the website know who is responsible for taking those decisions, and, if they are unhappy with those decisions, can perhaps write in and tell those people that they thought that some scheduling was inappropriate or whatever. In terms of actual power, I don't think much would change.

Q29 Chair: Isn't that what happens on a Thursday during questions to the Leader of the House, that people raise their concerns about the timetabling?

Dr Russell: People, as in Parliamentarians, MPs—but I am talking about people outside Parliament as well. There is no page on the website that you can go to which is headed, “Usual channels” where you can get a list of who these people are and what their role is, and that might be a slight improvement.

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Q30 Chair: Nevertheless, isn't that because accountability comes to the people through their Member of Parliament, and the person to whom a member of the public ought to write or email is their own Member of Parliament? Isn't that how the democratic system works?

Dr Russell: Arguably, yes, and those things are very defensible things to say when it comes to e-petitions. I think the Government is in a bind. It has a commitment to establish a House Business Committee. I believe it was in the Conservative party manifesto, and presumably it feels a need to deliver on that commitment. I don't think a wide-ranging House Business Committee—however democratic its membership and so on—is ultimately going to be able to wrest power from the business managers who control the majority in the Chamber for the timetabling of Government business. So I am not sure whether that is worth doing. One thing that could be done is to re-badge the arrangements that exist now, which might slightly enhance transparency to those outside Parliament who don't know what this term, "usual channels" means.

Q31 Sheila Gilmore: Yes. What you described as "these small changes", they really are a long way from giving Back Benchers much control.

Dr Russell: Yes.

Sheila Gilmore: It is a long way from the proposal.

Dr Russell: Yes. The purpose of my research in 2007, and one of the main drivers of it, was to look at whether the suggestions that had been around for a few years—the establishment of a business committee to give the Chamber greater control of its business—could be informed by the way that business committees operate in other Parliaments, and what we could learn from the way that they operate in other Parliaments. What I learnt on my travels to these other Parliaments that had business committees, was that—as has been referred to already with respect to the Scottish Parliament—they are effectively a conclave of Whips who get together and agree the business. If there are other people on those committees who are not Whips, then the main business takes place outside the formal meetings between the very people who do the business in this Parliament. Then they take it to that meeting, which rubber-stamps it. So I think we have to be realistic that in the end, those people who can garner a majority in the Chamber are going to do deals between themselves to fix the agenda. The question is: can you shine more light on that? Can you create more accountability for those decisions, and, if so, is the appropriate place to do so in a committee or on the floor of the Chamber or both? As Eleanor Laing has said, we have to recognise political reality. This is the world we live in.

Q32 Sheila Gilmore: I don't know if it has always been like this, but the business statement that is just shortly going to start, as far as I can see, it is often a kind of opportunity for everybody to put in their particular issue of the moment, rather than necessarily serious scrutiny of the business. You get a whole lot of people who get up and say, "I would like to have a debate on the state of roads in whatever" so that they

can put it in their press release that they raised it with the Leader of the House or whatever. So it is our fault that we do not use that.

Chair: Yes, it is, exactly. It is exactly that, is it not? It is the fault of Members of Parliament for playing to their local newspapers in the hope of getting a line or two in for their constituents to see instead of doing their job in the House of Commons.

Dr Russell: I think you are quite right. That is the function that it performs most of the time. Again I haven't researched this, but when I was working for the Leader of the House I watched the business statement every week and I helped in his preparation for it. There are occasions when there is a matter on which the Government is under genuine pressure to bring forward a debate. The obvious thing in the run-up to 2003, working for Robin Cook, was whether there should be more time given to debating the question of going to war in Iraq. There were some very serious pressures from Back Benchers on all sides of the House for debating time on an issue like that, and those were raised at the business statement. When it came to the Wright Committee proposals—as I document in that *Parliamentary Affairs* paper—the first struggle was to get the proposals even debated in the House. There was pressure on the Leader of the House, week after week, by a small core of Members, some of them from the Wright Committee themselves, saying, "When are we going to get this debate? When are we going to get this debate?" That does create a degree of accountability. It is fairly soft and my suggestion is that you should look seriously at the proposal that the Wright Committee made that there should be an opportunity to offer a constructive amendment to the business statement, and have a vote on that amendment, in certain limited conditions where there is clear cross-party support. The Speaker would not select vexatious amendments that were simply time-wasting or partisan point-scoring or whatever. That would create a greater degree of accountability. It would perhaps also create a greater sense of responsibility in the minds of Members to raise serious matters. But perhaps also the fact that Members stand up and raise minor constituency matters is an indication that, fundamentally, they are quite happy with the programme that has been put, otherwise they would band together and make complaints about it collectively.

Q33 Paul Flynn: I am very grateful for the answers you have given and for your paper. I was just thinking about when I was last on a legislative committee, and I think it was about 21 years ago. My chance of getting on a legislative committee is similar to my chances of being elected Pope yesterday. I think the paradise that was envisaged by the Wright reforms, which were practical and based on knowledge of the House, have had a limited success, but it was certainly success. Do you think they have done much to rescue us from the ugly screaming nightmare of the expenses scandal? How long is it going to take before we restore the confidence of the public in MPs as existed before the scandal?

Dr Russell: With respect to your remark about legislation committees, you raise it in a humorous

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manner but it is a serious point. It is one that I think your Committee could reasonably report on: the fact that there was a recommendation from the Wright Committee that there be reform of the way that Members of legislation committees are chosen, and that, at the very least, there should be accountability to the Chamber; that the Chamber should have to approve, in the way we have established it does for Joint Committees and used to do previously for Select Committees; and that the Chamber, at the very least, ought to approve the list of names put forward. Perhaps going further than that, you could move to the Wright Committee model, whereby parties themselves should be electing their members on legislation committees. Then you might find that you have a better chance of getting on on those things that you have an expertise on.

On the other question, I think that is a much more difficult question. Obviously Parliament reached a very low point with the expenses crisis in 2009 and I think its reputation has been restored at least to some degree since. We would be in pretty dire straits if it had not. Partly that is just the passage of time. Partly it is the sense of freshness, of a new intake. The Wright Committee reforms may have contributed to that to some extent. However, I think we also have to be realistic that, in enhancing public confidence in Parliament, there is probably a limit to what Parliament itself can do to achieve that. There is a great lack of clarity in the public mind in the difference between Parliament and Government. If people are unhappy with the Government, they will probably say in response to an opinion poll that they are unhappy with Parliament. A lot of the image that Parliament has in the public mind is also to do with the way that it is reported in the media, the fact that the things that reach the news are the big spat rather than those more constructive points of agreement, things that go on on Select Committees and so on. So I think there is a limit to what Parliament can do to gain control over that. But it is very interesting these days that, when you turn on the radio or open the newspapers, often there will be two or three Select Committee stories in a day about serious reports being produced on serious matters, and this can only be good for Parliament.

Q34 Paul Flynn: I think we owe a debt to the Wright Committee proposals for the increased influence of Select Committees. The great weakness is that—and I do not know if you have any suggestions for how we get around it—there is a necessary distribution of chairmanships between the parties to make sure that the minority parties are not left out, otherwise all chairmanships would go to the majority party. The difficulty, in practical terms last time, was that eight of the chairmanships were uncontested. In the case of the inheritor of Tony Wright's committee, the three people elected were three doughty Back Benchers. There was Christopher Chope, Ian Liddell-Grainger and Bernard Jenkin, and no one could ever accuse any one of those of being in the middle of the road as far as the Conservative party was concerned. So we did have a choice between people on the extreme right wing of the Conservative Party only and another

committee where it was just the one was in the Welsh Committee, only one Member put himself forward. There were eight Conservative MPs. Again, no choice there at all. I do not know if you have any ideas on this, how we can ensure and know the strength of the personality of chairs in these committees.

Dr Russell: We are in a slightly peculiar position perhaps, that those elections have been run only once and it was new for everybody. It was new for Members but it was also new for Whips. I imagine that next time round the Whips will have worked out a little better whether there are ways that they might try to get influence in those elections, but Members may also be a bit more savvy. I agree with you that I thought it was a shame that some positions were uncontested. Although in the end, if Members are not going to put themselves forward, it is hard to force them to do so.

I think in particular—I cannot now remember the detail, and I probably should have checked—that Liberal Democrat positions were uncontested, perhaps across all of the committees. I don't now remember. That suggests that they had a different decision-making process behind the scenes to ensure that there weren't open elections. If that is the way that Members want to operate, it is very hard to see how you can make them have contested elections if people don't put themselves forward as candidates.

Q35 Paul Flynn: Seventeen of the e-petitions received 100,000 votes. In the great majority of cases, the ones who achieved those votes were strongly supported by tabloid newspapers. Do you think the e-petitions have improved the influence of the tabloids rather than the influence of the public?

Dr Russell: Perhaps it is both. However, what it hasn't done, I think, is particularly improve the influence of Parliament, because the e-petitions is another area where the Government seems to have become rather confused as to where its writ ends and Parliament's writ begins. The fact that you put something up on a Government website guaranteeing a backbench debate in Parliament seems to me entirely inappropriate and somewhat ill-educated. If the Government doesn't know the difference between Government and Parliament, then heaven help the public. We ought to be trying to educate the public in these matters.

Q36 Chair: Do you have a suggestion as to how that could be better done?

Dr Russell: I don't really.

Chair: Perhaps it is unfair of me to ask. You don't have to have—

Dr Russell: Petitions are not really my thing. I would just say—again, reiterating what I said in written evidence—that it would be a great shame if the solution were to change the Backbench Business Committee by stealth into a petitions committee, whether it is dealing with petitions on a Parliament website or the Government website. I think that there are some who would like to encroach on the territory of the Backbench Business Committee, for one reason or another and in one way or another, and I think that should be resisted.

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Chair: Thank you very much. Dr Russell, I appreciate that we are running over time.

Q37 Paul Flynn: Can I just say finally on the question of the Backbench Committee, and you have raised painful memories from the past about the decision on the Iraq war, but the Backbench Committee—

Dr Russell: Robin Cook was your champion, of course.

Paul Flynn: He was indeed, in every way. So much depends on personality, as it happened with George Young, who was a genuine reformer. The combination of George Young and Bercow were then very beneficial and hugely influential, I think, and an inspiration for Parliament. However, it does seem extraordinary. The Backbench Committee had a very distinguished group of people, including Rory Stewart and Bob Stewart and the Green Member and a senior Labour Member, who had been asking again and again for a debate on the Iraq war—there are few things you think would be more important than we might be going to war in Syria, in Iran—but that wasn't allowed. However, the debate that bolstered the view that Hussein could have been and should have been got rid of anyway on the 25th anniversary of the massacre of the Kurds has been debated, and I think it extraordinary that something like this matter of finding out why on earth we took the worst decision in my years at Parliament to go to war in Iraq—

Chair: Paul, I have to bring you to a question.

Paul Flynn: I know. If you do not disturb me, I would stop in about half an hour anyway. While the Backbench Committee have been very valuable, the hand of the Whips is still visible there, do you think?

Dr Russell: I think you are asking me about a case that I do not know about, but if you are talking about Backbench business, there is one thing I was going to say, and I should have said earlier, which is that when thinking about the House Business Committee that we already have, if I can put it that way—the one that meets behind closed doors with the Leader of the House and the Chief Whip—when I was there, and I imagine that when Eleanor Laing was there, one of the things that they sat and discussed was what debate Members should be given on which issue of the day. Of course at that time, as I have said, there were pressures on whether we should be having more time debating the difficulties in Iraq and the Government's intentions and so on. The forum for deciding that was a private meeting between Robin Cook and Hilary Armstrong, which then had to be defended by the Leader of the House in the Chamber. That is not true anymore. Those decisions are now taken by a committee of Back Benchers who are elected by Back Benchers, accountable to Back Benchers. That bit of the existing Business Committee, the Government Business Committee's business, has been removed.

Chair: That is a huge difference, huge.

Dr Russell: It was inappropriate that Government business managers sat around saying, "What shall we give them a debate on? You know, should it be St David's Day or should it be International Women's Day or do they want this or do they want..." Let them

decide. It is not Government's business, and that has been a tremendous advance.

The question is what next? If you want to change the way that decisions are taken in that forum, which other bits of decision-making do you want to take? I think there are two things that are decided that remain in that forum. One is how much Government time should be spent on different things, so particularly stages of Bills and Government-sponsored debates, but the other thing that remains in that forum, which I think is rather inappropriate, is when Opposition days should be given, and now when Backbench days should be given. Those over-arching decisions not about what to do with Government time, but about when non-Government time takes place, remain in the hands of Government, and I think perhaps that is the next bit of encroachment that might be sensibly made—to either put those things more firmly in Standing Orders or to have some other forum in which those decisions are made about Opposition business, private Members' Bills, timetabling of Backbench business and when Government slots are compared to when these other slots occur.

Q38 Chair: Is it noticeable from your analytical point of view that Thursdays are becoming like Fridays used to be—Fridays being private Members' Bills now—and on Thursday afternoons this place generally empties, because it is Backbench business?

Dr Russell: Of course one of the recommendations firmly in my report and subsequently—not quite so firmly—in the Wright Committee report was that Backbench business should, by default, be programmed on a Wednesday. I suggested Tuesday or Wednesday, and the Wright Committee suggested that Prime Minister's questions should be moved to a Thursday afternoon in order that Thursday is a big business day when the Chamber is well attended, and I don't believe that that has ever been discussed.

Q39 Chair: Has anybody done an analysis—I am not expecting you to answer this question off the cuff when we are way over time already—of the effect on Parliament of changing Prime Minister's questions from how it used to be on Tuesdays and Thursdays to only being on a Wednesday? I certainly recall when Thursday was a very big day in Parliament and the Prime Minister would be at the Dispatch Box until the middle of the afternoon on a Thursday and so the Parliamentary week ran longer.

Dr Russell: I don't know about any such research, although it may be out there. I suppose the danger with that shift is that Monday becomes a dead slot perhaps.

Chair: Depending on the whipping. Dr Russell, I am aware that we are way over time and I have not allowed Stephen Williams to say a word yet. Do you have another couple of minutes?

Dr Russell: I am supposed to be at the other end of the building in about seven minutes, but—

Chair: Stephen, would you like a very, very quick word?

Q40 Stephen Williams: Anyone watching this might think this has been a very self-indulgent conversation

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about how MPs get on to committees rather than what the public are probably concerned about, which is whether these committees are any use at all. Have you come across any ground-breaking reports by Select Committees or recommendations under the new system, since June 2010, which might not have been made under the old system?

Dr Russell: I think the straight answer to that is no. Moreover, as I said before, I don't think that, as I say in my written evidence, the fundamental problem with Select Committees wasn't a problem about what they were doing or how well-regarded they were. I think there was just this awkward problem about the accountability of how their members were selected. I do not think that the aim of the Wright Committee was to basically change what Select Committees did, but was to make them feel more legitimate and more defensible. Select Committees have been pretty high profile since then, not least the Culture, Media and Sport Committee over the phone hacking scandal and the Public Accounts Committee. Though at the other end of the spectrum, some people express concerns about Committees playing to the gallery too much. So, with respect to Committees connecting with the public, I think it is a delicate line to walk and some of the most successful Committee reports are ones that don't have a very high profile but which are read seriously by civil servants and Ministers and result in quiet changes of direction behind the scenes. So it is very difficult to gauge.

I have done a piece of work looking at the success of Select Committee recommendations, which shows that a substantial portion of Select Committee recommendations do go on to be implemented, ultimately, by Government. Nevertheless, Select Committees have other important roles as well, not least the one that I have referred to repeatedly in other contexts, which is accountability, with Ministers and others from industry and so on having to appear in front of them and defend their decisions. That is a very important role. I do not think we were looking for a fundamental change in how they behaved.

Chair: No. Thank you very much.

Stephen Williams: Can I ask a very similar question about—

Chair: Very quickly, if Dr Russell will allow.

Q41 Stephen Williams: It is exactly the same question. It is essentially about the Backbench debates. While issues have been given an airing which wouldn't have had time otherwise, do you think anything has changed or do you think there needs to be another process change when there is a divisible motion? For instance, on my motion for the vote at 16, which Fabian Hamilton supported as well, the House of Commons has now expressed an opinion. They think 16 and 17 year olds should be able to vote, but there is no way of getting that into law unless the Government agrees.

Dr Russell: That is a problem. If there are too many of those decisions that Government chooses to ignore, you could get into a pattern where the decisions themselves become pointless. Again, this is a very delicate area where you have to be careful to use your weapons only occasionally, perhaps, because you might get into a pattern where you are continually being overridden. But at the moment—I think somebody else has raised this in written evidence to you—there is no mechanism for Government to have to respond to a decision of the Chamber in the way that it has to respond to a Select Committee within a couple of months. That may be a sensible thing to implement to try and deal with some of those issues.

Q42 Chair: Thank you very much indeed. I apologise that we have overrun, but it is because what you have been saying has been so interesting, and it has been really good to examine these matters.

Dr Russell: Thank you very much. I suspect that some of it was because some of what I was saying was too long, but thank you for your tolerance.

Chair: Not at all. Thank you very much indeed for coming before us again.

Dr Russell: I look forward to your report with great interest.

Chair: Thank you very much indeed.

 Examination of Witness

Witness: **Ms Catherine Bochel**, University of Lincoln, gave evidence.

Q43 Chair: Catherine, good morning and thank you very much indeed for coming to speak to us this morning. I noticed that you were here for most of the last session, so you have an idea of the lines that we have been exploring this morning in considering the implementation and the consequences of the Wright reforms. We appreciate that your speciality is in petitions, and we appreciate the work that you have done—of which you have made us aware—is on the workings of e-petitions. As a very general question to start with, can I ask you if there is anything you would like to draw to our attention, and can I ask you do you think that the expectations of people who sign e-petitions are being met?

Ms Bochel: I would just say to start with that I am from the University of Lincoln, an academic there. I have been researching petition systems in the UK for a number of years, specifically in the Scottish Parliament and the National Assembly for Wales, but I have also looked at the House of Commons' paper system. I come to this because the Government launched its e-petition system while I was undertaking my research, so I do see that there are aspects that could perhaps be improved, drawing on my experience in the other systems.

Do I think people's expectations are being met? I think that clearly, in terms of the existence of the e-petition system, their expectations are probably being

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met because it exists and they are allowed to communicate their views to Government. So that is a good thing. Certainly I was looking at the website last week and I think there have been approximately 37,000 petitions so far, of which just under 20,000 are admissible, so it is a mechanism for communicating with Government. It is very popular, and clearly I think we could make more of that.

Q44 Chair: Have you had a chance to consider the fact that, of those many thousand petitions that have been started, 17 have actually led to debates in the Chamber, having been taken up by Members and brought to the Backbench Business Committee?

Ms Bochel: Indeed, and that is very positive. Those petitioners have had the opportunity to have their voices heard. They have had a debate and they have had an outcome. So that is very positive. The opposite side to that is all petitions below 10,000 signatures do not receive any form of feedback at all. In fact, in their report in 2012, *What next for E-Petitions?* the Hansard Society said that 97.7% of petitions receive less than 1,000 signatures. So, for the vast majority of people, this system doesn't really allow anything other than just communicating their voices to Government. They do not have the opportunity to have their voices heard, so there is little or no empowerment or real participation for them.

Q45 Chair: However, isn't that the workings of democracy? If they have less than 1,000 signatures, then that shows it is not a matter that has such widespread support that it ought to be debated in Parliament.

Ms Bochel: There are issues about whether it should be about signature thresholds. Although I think the main point about the system is that it is supposed to be about public engagement and if the House wants to improve engagement with the public, then it would be really good to improve the existing system to allow more people to engage, albeit in different ways and at different levels. It doesn't have to be via the opportunity for a debate once they reach the 100,000 threshold.

Q46 Fabian Hamilton: Can I be slightly controversial for a minute and put this to you: surely e-petitions are just a lazy way of communicating with Parliament or Government? Given what was said earlier about the confusion—Dr Russell outlined this—between what is Government, what is Parliament, and the number of people that think that I am a member of the Government because I am a Member of Parliament. Actually they think I am a councillor as well, and if I am not they think I can tell the councils what to do. Given the general confusion, isn't it simply far too lazy just to say, "Oh click here. Type your name in there and your email address, and that is it, you have done what you should do", rather than engage with your Member of Parliament? Most MPs are very open to members of the public coming to see them, emailing them, tweeting them, phoning them or coming to their advice surgeries, or even having visits from them. Isn't that the better way to

have democratic accountability and get your message across as a member of the public?

Ms Bochel: It might be, but the system has been launched and it has proved to be very popular by the number of petitions that are being submitted. So why not use it as an opportunity to improve engagement? For example, you could have something like an online seminar that actually does a bit of what you have just said, saying to people, "This is what petitions can achieve, this is what they cannot achieve. Actually, you do not need to use a petition system. There are other ways of engaging with Parliament". Trying to illustrate that there are all sorts of different interests involved, that policymaking isn't at the click of a mouse it is much more complex than that. So there needs to be some form of educative process behind that.

Q47 Fabian Hamilton: Precisely my point, and the point that my colleague Paul Flynn made just earlier, which is do you agree that there is a danger that these petitions just empower the tabloid newspapers rather than empowering the public and the voters?

Ms Bochel: I think it is problematic. That tends to be attached to numbers thresholds, doesn't it: once you reach the 100,000 it is wrongly assumed that you will get a debate in Parliament, but certainly petitions become eligible for a debate in Parliament at that stage. Perhaps there need to be other things than just the system being purely reliant on numbers thresholds. You cannot get away from the tabloid press doing this, I don't think, but I think there should be other mechanisms built into such a system.

Q48 Fabian Hamilton: Let me come back to your point about education, though, because one of the problems is that people believe that, because they have seen their MP or because they have signed a petition online, the job is done, things will be changed. Going back 10 years to the Iraq war, I remember the number of people who said to me, "I went on the demonstration; 2 million people went on the demonstration and it didn't change anything". How do we bring people back to the idea that we have a representative Parliamentary democracy, rather than a mass democracy, where if the majority say they want something it gets done? Who owns the petitions, Parliament or Government?

Ms Bochel: Right, well—

Chair: That is a lot of questions all at once.

Fabian Hamilton: Yes. I apologise. Do you want to pause there?

Chair: It is not really fair to put Catherine entirely on the spot.

Fabian Hamilton: No, I agree.

Chair: Break it down. First of all, let us look at the representative bit, and then it is a totally different question about Parliament or Government, but a very valid question, if we can come to that in a moment.

Fabian Hamilton: Let somebody else ask that.

Ms Bochel: In terms of the representative bit, there is a tension between representative democracy and participative democracy and clearly there are challenges associated with that. However, drawing from my experience with the Scottish Parliament and

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National Assembly for Wales, if the petition systems are integrated into the wider political system—of which they are a part—then they can work with existing representative institutions rather than against them. I have noticed that the systems in Scotland and Wales are very highly thought of and appear to be well integrated into their respective elected representative bodies. They can call on assembly members—MSPs—to come before the Petitions Committee to give evidence, for example. Members appear to be very happy to do that, and there seems to be a broader culture that the petitions systems are part of the elected system, the wider political system, and that is about how Members feel about them. If the ownership of the petitions system was part of the House of Commons here, then Members could vote on it. They could decide what happens to it and perhaps they would have more commitment to it.

You asked about expectations as well. I would like to quote Natascha Engel, who chairs the Backbench Business Committee, because expectations have been built up enormously with this system.

Fabian Hamilton: Yes, they have.

Ms Bochel: She said, and this is from 2011, *The Guardian*, “The popular expectation is that when it reaches the magic 100,000 threshold not only does it trigger a debate, but a debate on the floor of the House, a vote and then a change in the law”. That goes back to what the purpose of the system is. Is it just to communicate views to Government or is it to have something much more substantial to allow people’s voices to be heard?

If you go to the website, it says, “E-petitions are an easy and personal way for you to influence Government and Parliament in the UK”. However, there is a real mismatch there between what it says on the website and what can happen for the vast majority of petitions in practice.

Chair: There’s a surprise.

Q49 Fabian Hamilton: Absolutely. Dr Russell’s point was that there should be a mechanism, like there is with Select Committee recommendations, so that the votes that we had, for example, on votes at 16—that Stephen Williams led a few weeks ago—should have a two-month response period from Government to those debates. What would your views be on that?

Ms Bochel: To what, sorry, can you make your point again?

Fabian Hamilton: When we have a Backbench Committee debate, as we did on votes for 16 year olds—which Stephen Williams led and I supported—we had a vote on the Floor of the House. The motion was carried and that is the end of it, nothing happens. Whereas with Select Committees you make recommendations and the Government has a fixed period in which to respond. They don’t necessarily carry out those recommendations but they have to respond to them.

Ms Bochel: They have to respond, yes.

Fabian Hamilton: Dr Russell’s suggestion was that we should change the procedure, so that the Government has to respond to a vote on the Floor of the House.

Ms Bochel: Certainly petitioners would feel that they were getting something more from that, yes.

Fabian Hamilton: Thank you.

Q50 Sheila Gilmore: My question has really been answered. It is, shouldn’t the petition system be transferred to Parliament rather than to Government?

Ms Bochel: Like Dr Russell was saying earlier, there is confusion between the terms “Government” and “Parliament”, and I think that is not helpful. The system is rather unclear, because petitions come to the Government and then only when they pass the 100,000 threshold are they transferred to the Backbench Business Committee to consider. I think it would certainly be helpful if the ownership of the petition system was in one place, and my view is that it would be better with the House of Commons.

Sheila Gilmore: Or Parliament.

Ms Bochel: Yes. Certainly at the moment the Backbench Business Committee has no say over the statements on the website, for example, so it has no control over the purpose of the system. Neither does it appear to have much control over the actual process either, so it only has control over petitions that pass the 100,000 threshold. I know it has had debates on some, and indeed it has tagged one to a debate but, short of that, it doesn’t seem to have any actual power to do anything.

Q51 Chair: Is that surprising, since it is the Government that holds the power?

Ms Bochel: Absolutely not. My point is that the ownership definitely should be in one place and with Parliament.

Chair: With Parliament.

Ms Bochel: Yes.

Chair: That is a point that we have been exploring this morning. That is helpful.

Q52 Sheila Gilmore: For petitions that don’t quite get to 100,000, should there be the ability to be considered? I think people sometimes feel they are not being listened to.

Ms Bochel: I said in my written evidence that I think there could be a whole range of different options, ranging from a wide range of numbers thresholds through to much more flexible options. Perhaps not necessarily focusing on numbers thresholds, but for example if you have a Petitions Committee, and a staff in a petitions office, they can look at petitions as they come in. Just keep an eye on them and perhaps tag them to an existing debate. Perhaps if there is a Private Member’s Bill going through they could attach it to that. If an MP has a specific interest in that area, the MP could be made aware of it. So there are all sorts of flexible options that you could introduce that would not necessarily be attached to numbers thresholds. Equally, you could have other numbers thresholds perhaps. I think it is in the Bundestag that they have something like a 50,000 numbers threshold that, if you get that many signatures in a certain period of time, then you get a hearing before the petitions committee, for example.

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Q53 Chair: That is a very interesting idea without very much change in the system. We have no way of knowing what petitions have been submitted, or how many have, let's say, over 50,000, and not just how many, but on what subjects there is significant attention from the public in general, or from a particular lobby group that is getting its people to email. Let's not forget of course that that is how it is done. Lobby groups and pressure groups with a large database can get 100,000 signatures on a petition just like that. People like the RSPCA or others can get 100,000 signatures just by asking for it. However, are you suggesting that there should be a way of drawing that to the attention of Members of Parliament who might be involved in those subjects?

Ms Bochel: If there is a relevant petition that has come in and it fits with a Member's interests, then that could happen, assuming you had a staff in a petitions office who were just keeping an eye on such things. Indeed, in their report *What next for E-Petitions?* the Hansard Society refer to a whole range of different options like this.

Chair: That is a very good idea. Sheila, has that answered your questions? Thank you.

Q54 Stephen Williams: It was mentioned earlier that most of the petitions have fewer than 1,000 signatures and, as Eleanor was just saying, it can be quite easy for an NGO to get 100,000. Is the difference in the two accounted for by the fact that the smaller ones are more localised rather than on a national basis, or is there some other reason why there might be a discrepancy?

Ms Bochel: I have to say my research is not on that. Clearly the ones that are getting the 100,000 tend to be big issues that are popular with huge numbers of people. So I suspect some of the smaller ones will be more individualised issues.

Q55 Stephen Williams: Would it be a reasonable recommendation, say for this Committee, then to say that there ought to be two types of petitions? If somebody wants to build a new bridge in Bristol or Newport or something, then the trigger point is—I don't know—5,000, 10,000 signatures. Whereas, if you want to change a system of national taxation then it should be 100,000, because quite obviously they are totally different sorts of things. There is no reason why anyone outside Newport or Bristol would be remotely interested in a petition about a bridge in either of those two cities. So it is quite obvious they would never get to 100,000.

Ms Bochel: It might also be to do with the fact that perhaps petitions are being submitted to the wrong place. Perhaps the smaller ones might be more to do with a local issue and perhaps are better with a local authority. So it might be that it is more appropriate to perhaps signpost petitions when they come in to other places and say, "Perhaps it is not appropriate for here".

Q56 Chair: Have you included in your research and your consideration of e-petitions, the House of Commons' petition system that has worked, well, for centuries really, where constituents bring a petition—

literally a petition, bits of paper signed by people—to their Member of Parliament, and the Member of Parliament at the end of a day's session presents the petition to the House? Because when a Member of Parliament does that there is an obligation upon the appropriate Minister in the Government to respond to the petition.

Ms Bochel: I have. It is really interesting because there is a real contrast between the two systems. You can submit a paper petition with just one signature on it, and you get a response from the relevant Government Department. They are called observations. For the e-petition system you need 10,000 signatures to get a similar response from a Government Department, and I am not sure that people have picked up on that quite yet.

Q57 Chair: Except that to get 10,000 signatures, a pressure group with a database can get 10,000 signatures in the time that somebody who wants to change the parking regulations in their street can—

Ms Bochel: It takes an individual a lot longer to get that number of signatures.

Chair: Yes.

Ms Bochel: They are entirely different systems, and it is important that you have a paper system to allow people who do not have access to the internet to have this facility too. The House of Commons' paper system says on the website that it is a way for people to mobilise opinion and attract publicity. So they are fairly narrow in what they are promising, and so people know that they are not going to achieve that much with it. It is often seen as part of a wider campaign, and I think people appreciate that. They also get to see the petition presented on the Floor of the House and it is a permanent record in Hansard, but it rarely achieves anything. I interviewed one MP who said, "You always get a bog standard response to a petition submitted on the Floor of the House. I don't even bother to read them". Nevertheless, they get a response and as long as they appreciate it is just part of a wider campaign then that is fine.

Q58 Paul Flynn: The previous system collapsed in the 19th century, and still on the statute is a Bill or an Act against riotous petitioning. If anyone wants to object to a petition in the House that has more than 16 signatures it is declared out of order. This is forgotten. The reason the House did that is they were doing nothing but consider petitions, and they decided to legislate against it a long time ago. The point I am making is that the Wright Committee were rightly lukewarm on the subject of e-petitions because they thought they would not be effective in the long term. It seems extraordinary that in August 2011, at the time of the London riots, there were 333,000 hits sometimes on the site, and 333,000 was the threshold at which it would collapse, which it did. Extraordinary interest, because of the high hopes there were. Although, haven't those hopes been largely dashed because they were based on the naive view of the wisdom of the crowds and forgot about the more prevalent stupidity of crowds?

Ms Bochel: I don't think I can comment on the particular petition. I am well aware of the petition but

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I haven't analysed those petitions in detail. However, I do think it brings us back to the point of public expectation and what is the purpose of the system. If you manage the purpose of the system, then public expectations are reduced and you can have a system that works—

Q59 Paul Flynn: Can I give you an example of the crudity of the approach? If a petition is put up saying, "We are against pollution from cars. We are against increased accidents from cars. We are against increased congestion from cars" a huge number of people would sign it. Nevertheless, if another petition is put up asking for cheaper fuel that would be signed as well. The two things, if you have cheaper fuel you are going to get all those consequences of more congestion, more accidents and more pollution. It is a very simple system of people agreeing to one tiny point without considering issues on the whole.

Ms Bochel: Perhaps there need to be much stricter admissibility criteria, in terms of what is accepted and what isn't. In Scotland and Wales clerks look at petitions when they come in and offer petitioners advice. So they reword them so the petitions make sense. The first one you talked about did not seem to ask for anything. It just said they were against something. Things need to be much clearer. So it is about having a system that works.

Q60 Paul Flynn: On the results of petitions, the one on what happened at Hillsborough did have an effect but it is hard to think of any of the others that have fulfilled the hopes of those who signed them. Isn't there going to be increasing disillusionment with the value of petitions and with them falling into disrespect?

Ms Bochel: I think it depends on how you define an outcome. What is an outcome? In the Scottish Parliament and the National Assembly for Wales they have a whole range of different options they can take that range from calling for further information from relevant bodies and organisations on the petition, through to commissioning inquiries and calling Ministers before petitions committees to ask for further evidence.

If a petitioner writes to an organisation for information they may not get it, but if a petitions committee writes they may be more likely to get the information. That is an outcome in itself, and so it is about educating people about the system—"These are the sorts of outcomes that you can get from this particular system". I have interviewed petitioners and they are happy with things like that because they have managed to progress their issue. So the expectation shouldn't be, "Oh, it is about getting a debate" it is about, "These are the sorts of outcomes you might get from this particular system".

Q61 Paul Flynn: Could you give us an example from Scotland or Wales of a successful petition? You say they have been satisfied but are there any ones that—

Ms Bochel: There was one on banning plastic bags in the National Assembly for Wales. The petitioners gave

evidence to the Petitions Committee. They referred it to the Sustainability Committee who carried out an inquiry, and they recommended to the Welsh Assembly Government that they introduce a levy on single use plastic carrier bags, and in November 2011 they introduced a 5p charge. So there are lots of examples I could give you.

Q62 Chair: Did it actually work? From looking at what has happened in Scotland and Wales, and the fact that the Wright Committee did not recommend that we should have a Petitions Committee here, due to the high volume of petitions that such a Committee would be likely to have to deal with. Given that the e-petitions website received 36,000 petitions in 18 months, what would you recommend to ensure that a Commons Petitions Committee wasn't swamped with work? How could any Committee deal with 36,000 petitions?

Ms Bochel: Of those, I think it is 37,000 now and 17,000 were rejected because they were inadmissible. So we are talking about just under 20,000, and that is in just about a year and a half—

Q63 Chair: Yes. That is still swamping.

Ms Bochel: It is still quite a lot. However, if you look at the 10 Downing Street system, in its first year it received 29,000 petitions. Initially it gave responses to all petitions over 200 signatures and then it raised that to 500. A Petitions Committee need not be swamped with petitions. It is about having stricter admissibility criteria to start with, so that you are very clear about what you accept and what you do not accept. You reduce all the duplicate petitions, because there were an enormous number of duplicate petitions when the system was launched. Drawing from Scotland and Wales, they ask their petitioners to demonstrate that they tried to resolve their issue elsewhere, so they have been to their local MP, their local councillor. If you can demonstrate that, that you have tried and failed, then they look at them. I am not sure they always apply that, but it is one of their criteria.

Chair: That is a very good point.

Ms Bochel: If you do apply something like that then you will have much more manageable numbers.

Chair: Yes. Thank you very much. Sheila, Paul, are there any further questions? No. This has been really helpful. Thank you very much indeed. I appreciate that we haven't had a very long time this morning, but it has been quite intense and we have had the opportunity to read what you had said previously, which we greatly appreciated.

I should have said at the beginning when you came in, Catherine, apologies from Graham Allen, the Chairman of the Committee, that he is unable to be here this morning but he will read what you have said, what we have asked, and we are really pleased to have your input to our general inquiry. Thank you very much indeed.

Ms Bochel: Thank you for inviting me.

Chair: Thank you.

Thursday 21 March 2013

Members present:

Mr Graham Allen (Chair)

Mr Christopher Chope
Paul Flynn
Sheila Gilmore

Fabian Hamilton
Mrs Eleanor Laing
Mr Andrew Turner

Examination of Witnesses

Witnesses: **Dr Tony Wright**, Professor of Government and Public Policy, University College London, and **David Natzler**, Clerk Assistant and Director General, Department of Chamber and Committee Services, gave evidence.

Q64 Chair: Welcome, Tony. Welcome, David. Thank you for your time this morning. You know exactly what we are about. Would you like to kick off with an opening statement, Tony, or would you like to get your breath first?

Dr Wright: Just a very short one.

Chair: Please do.

Dr Wright: You have asked us to come and talk about this, which I have just reread after about three years. It is rather good, not least because of the drafting skills of this man here. I think it is rather good, but what I would say is I do not regard the work we did three or four years ago in particular circumstances as a blueprint, as holy writ. It is a direction of travel and it is for the House to decide whether it wants to travel in that sort of direction. It did do three years ago, I think with some success. The House will now have to decide whether it wants to continue to travel in that direction.

Chair: David, any comments? Chris, over to you.

Q65 Mr Chope: Good morning. Do you know why the Government has not yet brought forward proposals for a House Business Committee?

Dr Wright: Well, I am not here any more.

Mr Chope: I know that.

Dr Wright: You should know the answer to that.

Mr Chope: Perhaps David can help us.

David Natzler: I don't know, Mr Chope. The Coalition Agreement said that they would set up a House Business Committee when we are in the third year of the Parliament, and in fairness to the Leader of the House, we are not yet through the third year.

Q66 Mr Chope: He has said that he means by that the end of this calendar year, which will be getting on for the end of the fourth year of the Parliament, and we have heard evidence already that there does not seem to be much agreement as to what a House Business Committee might involve. Do you think that one of the reasons why the Government has not yet brought forward proposals is because they do not have a clear idea of what is meant by a House Business Committee?

Dr Wright: As I understand it, the task that you are taking on is to make them clear about all this. I know you are not allowed to be optimistic and things always have to get worse, but it seems to me that we secured the reforms that we got before—the Backbench Business Committee, the Select Committee elections

and the commitment to a House Business Committee at some later point—because the circumstances were propitious; in normal times, it would not have happened because the forces that control this place would have prevented it happening. There is nothing improper about that; that is what would have happened.

As I understand it, the commitment to travel further in this direction, which is to slowly change the terms of trade between the Executive and Parliament, is part of the Coalition Agreement. Therefore, in a formal sense the conditions are still propitious. My sense is that if we were to return to majority government shortly, we would go back to the old ways. I think it would be less of an opening, so this is the moment to secure a further instalment of reform.

Q67 Mr Chope: Talking about the old ways, what happened in the House on Monday—I do not know whether or not you are familiar with what happened in the House on Monday—gave credence to your Committee's report saying that the biggest issue is around what happens at Report stage with Government Bills. What happened on Monday was that, because of sleight of hand and various other manoeuvres that were carried out, issues that were supported by over 100 Back Benchers, including for example Dominic Raab and David Blunkett, were not discussed at all because the Government colluded with the other Front Benchers to squeeze those issues out. To what extent do you think that could have been overcome with a House Business Committee, or do you think that even with a House Business Committee the Government would have been able to manoeuvre things to suit its own purposes?

Dr Wright: My view is that if a Government, or if the people that I used to get into trouble for calling the dark forces, want to prevail, they will be able to prevail. That is core politics; that is how it works. The task is to make it more difficult for them to prevail, I think, and to assert the rights of the House. If I just extend the answer a little bit, I think we were very careful in doing what we did in the Reform Committee to try to understand all that. Had we produced a long list of a traditional kind of 300 demands, naive about the political environment, naive about how the place actually worked, it would have been yet another report that sat there and nothing would have happened. It was the fact that we proceeded in the way that we did, which was to say—

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taking some research advice on this, looking at what was happening elsewhere—that if you just announced that you wanted a House Business Committee and you wanted a share of the legislative action, you probably would not get it. If you made a coherent case for claiming Back-Bench time in the first instance, it would be very hard to make a case against it. How could a sovereign Parliament be denied access to its own time? I think we were able to secure that.

Then the argument goes on: all right, that is what we have secured. We have now secured Back-Bench time through a mechanism to secure that, but surely a sovereign Parliament would not be content with having no influence over the construction of the legislative agenda that is put in front of it and the general timetable. That seems to me to be a perfectly proper demand for Parliament to make. How it is done, in a way that is politically doable, is something that we had a first go at, but that I presume you are now going to turn your attention to.

Q68 Mr Chope: You do not have any other ideas as to alternative models to the one that is proposed in your report?

Dr Wright: David, you come in.

David Natzler: Can I come in on Monday, without going into details because I appreciate that is difficult? Yes, it does show that one of the squeeze points in the legislative timetable—the principal squeeze point—is Report stage. I think what happened on Monday is that even if you had a House Business Committee, I assume the House would still want to be able to respond to an expressed desire by the leaders of the three parties to organise a rather special day in a very unusual way, with the SO24 and then the knock on effects. It is conceivable and speculative to think that if the atmosphere were a little different in five years' time because of a House Business Committee atmosphere, then there might have been a little more flexibility on finding time for the main bit or the other bits of the Crime and Courts Bill to be taken, rather than squeezing them against the 11 o'clock wall, although, of course, the House did have a chance to vote on it and, from recollection, it was about 44 in favour of having a third day and something like many hundreds against, and that is what it comes down to. There was a chance for a vote and the House did not vote that way. However, in general terms, if you are asking, "Is Report still the main problem?", I think most people perceive it as being so, and there is some indication in the Reform Committee's report as to how it might be differently done.

Q69 Mr Chope: You say in five years' time there might be a different atmosphere, but the first precondition is that there should be a mutual respect between the Executive and the legislature, and it seems from what happened last week and on Monday that that fundamental thing is lacking.

Dr Wright: Whatever design model you have for this thing that we call a House Business Committee, the purpose of it is to enable some Back-Bench input to the construction of the full agenda of the House, having secured already a Back-Bench area. So all I can really say is there would be some kind of structure

within which Government, Opposition and Back-Bench representatives would come together in the construction of the House's agenda. That could make it less likely that things would then happen that the House was not happy with.

David Natzler: Let us be a little more candid in the privacy of this public evidence session. It is not just the Executive, is it? The Opposition also did not wish to extend the debate there, nor incidentally did the parliamentary Liberal Democrat party. I know they are in coalition, but this was a three-party issue. If you look at the Leader of the House's memo to you, one of the conditions for any system is that it should not prevent the last minute changes that do sometimes happen for big political reasons. I am not sure the House would have been grateful if there had been some system that somehow made it more difficult to come to that deal on the charter and the House was then seen as a block on what was quite a big deal. This was not a casual Report stage. Secondly, it needs an understanding of the Lords timetable. Inevitably, they wish to get the amendments going back to the Lords, who are looking at them, I think, on Monday next week. So there is no point setting up some structure where you just get a few Back-Benchers who can shout at the Government and Opposition and lose again. At the end of the day, the good thing on Monday was there was a vote. Those who want to have a different proposition have to win the vote. That is parliamentary policy.

Q70 Chair: Wouldn't a House Business Committee have added at least a degree of transparency in the events that led up to Monday? You would have had a House Business Committee the previous week. The business would have been put before people, including Back-Benchers, who would have communicated that to their colleagues, and then if a serious change was proposed—I understand a great raft of amendments and new clauses were put in over the weekend—they would be in a House Business Committee that is working on trust and respect. There would have been some mechanism by which the members of that Committee and others would have been involved. They could not have necessarily changed or vetoed anything, but there would have been the courtesy at the very least of, "We have this coming up on Monday, we weren't aware of it before. It is now panning out as so and so. We thought we should tell you this." Isn't that the beginning of a better relationship than the one that leaves people feeling manipulated and bruised, and isn't that a good argument for transparency that comes with the House Business Committee? It is probably transparency alone, not a big shift in power, but nonetheless it is a little more openness. Isn't it a good start?

Dr Wright: I think it is just being involved in the process in a way that is not the case now. It is rather like the Backbench Business Committee. It could have turned out to be a disaster for all kinds of reasons. The House might not have engaged with it—all kinds of things. It seems now to have established itself as a sort of desirable and permanent part of the furniture. Assuming that it is possible to construct another forum in which you can have some Back-Bench

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involvement in the construction of the larger agenda, a lot will depend on the spirit that is brought to that by all the parties, and who the key people are at the outset. They will be the real determinants.

Q71 Mr Chope: Going back to the Monday example, if we had a House Business Committee, do you think it might have caused the minds to be concentrated on these issues a bit earlier? Instead of it being rushed through on the basis of one day, on the Monday, people will have had to have thought about the implications earlier and engaged in discussions to that end. What seems to have happened is that the Government, perhaps not even with the knowledge of the Liberal Democrats, fixed the programme for Monday on the basis that remaining Government new clauses would be first on, whereas the convention has often been that Government new clauses should be dealt with first. That was on a previous day. So they did that in the knowledge that they were probably going to be bringing forward a whole mass of additional new clauses. If we had had a House Business Committee, do you think that the Government would have behaved differently—in other words, would have done what they were going to do—after discussions with a House Business Committee further in advance?

Dr Wright: As I say, it is difficult to know in the absence of that sort of thing how it would behave, but it is conceivable, I suppose, that when you have a proposal to reorganise business radically at short notice, it would be quite possible for such a Committee to convene at short notice and discuss the proposition. All things are possible if people want to do it in a different way.

David Natzler: I think on your specific question, putting it in daily terms—is it conceivable that the Leader or the Chief Whips of both sides would expose to a House Business Committee a supplementary programme motion at the earliest opportunity, and possibly before tabling it on future business—the answer must be yes, if they might in private be willing to explain, if there was any doubt, what the intended and actual effect of that reordering was, which in this case was to bring forward, from memory, new clauses 16 and 17 in the second group to do with fines ahead of the one I think you were particularly interested in, to do with extradition. So there would at least be a forum in which there would be no doubt as to what a particular and complex motion was intended to do. They might still do it, but they would have had to at least explain it in the privacy of a House Business Committee to representatives of Back-Benchers, as well as of all the parties.

Dr Wright: If things started to go wrong, it would be open for such representatives of the Back-Benchers on such a Committee, if they felt that they were not being treated with respect, or in fact if things were being done in a rather underhand way, to start protesting about it. So at least there would be consequences to forms of behaviour where there are none at the moment.

Q72 Chair: If a House Business Committee meeting, let's say on a Thursday, got wind of something

significant, and there were 100-plus Members who felt there was a very important issue there—we do not need to take this in the context of the Bill, necessarily—they could say, “How do we deal with this in terms of ventilating this issue on the parliamentary agenda? Is there a good way to do this? Is there a way that will make people satisfied that it is answered?” There may have been a discussion at an earlier stage to put out there some alternative, possibly talking to the Backbench Business Committee, possibly putting some additional time aside and so on. I think people would then feel that their voice had been heard and there had been fair play. At the moment, sometimes people feel things are dealt with very secretly and privately, and people are being stitched up.

Dr Wright: When I was in that place I used to get frustrated by the fact that a lot of us used to adopt the role of heroic losers—perennially frustrated, moaning about how the Executive behaved, always feeling you were being diddled—and I thought, “There is no reason for a sovereign Parliament to behave like that. It could be different. It only requires an act of individual and collective will to do it, so let's do it.” I think that is still the case.

Q73 Sheila Gilmore: Going slightly wider than the particular example of that day—clearly the Executive could have made another day available if they wanted to—the Report stage of Bills that I have been involved in always seem to be unsatisfactory, particularly if it is one that you have a big interest in and you see things fall off the end, and things do not get debated. Would you agree, as a wider issue than what might happen, that on a regular basis a House Business Committee could resolve that problem?

Dr Wright: Yes. Again, if you go back to what we said, it is pretty clear that the driving grievance that informed the Committee's thinking at that time was the unsatisfactory nature of the Report stage, which is the one moment when every Member potentially has a chance to make input to legislation. It is a big moment in the life of the House. If you feel routinely that that is just not being done properly, that all kinds of issues are not being taken, that time is squeezing it out, then you have to say, “Is there something we could do?” There will never be enough time, but if the feeling is that the balance of activity is wrong, and we need to give a lot more time to that stage, that is what the House should set about making sure that it brings about.

Q74 Paul Flynn: Just to say to a fellow toiler on this, in achieving very little but honourable failures, there has been a major advance, because of the Wright reforms principally, but also because of a reforming Speaker and a reforming Leader of the House, and things have greatly improved in many ways. I want to get the point in that while the Backbench Business Committee has been very effective—they have all kinds of debates before the House that would not have been heard otherwise, such as the right to die debate, the dignity in dying debate, the Afghanistan withdrawal debate—we are about the only place in the whole of the United Kingdom that has been denied

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the right to talk about the wisdom of the Iraq war; that applies to no pub, no television station. It is not something passive. This was called for by a cross-party group of MPs six weeks ago, it was approved by the Backbench Committee, and it has been denied by the dark forces to try to avoid a debate on a subject that is of paramount importance, because we took that decision and we should be making a judgment on it. I think this is the problem with many of the Wright reforms—

Chair: I feel a question coming on, Paul.

Paul Flynn: Yes, okay. If you were writing the report again, would you give the Backbench Committee the power to decide the timetable without it going through the sieve of the dark forces to manipulate it, which they have done today?

Dr Wright: As I understand it, the Backbench Business Committee chooses subjects that it wants to debate, having taken representations.

Q75 Paul Flynn: They do not choose the timetable, though.

Dr Wright: Absolutely. That is where you need the other bit to come in, to merge it into discussion about the general timetable. It is conceivable that through the House Business Committee you could be having exactly the debate you wanted today, even if neither Government nor Opposition wanted it. You are not having it, but it would be possible to have it. I think that is an example of exactly why you have to get the mechanisms. I am not sure if you were on our Committee, Paul, when we laboured mightily over the issue of not getting an inquiry into the Iraq war—

Paul Flynn: Absolutely, yes.

Dr Wright—and our frustration that Parliament could not set up its own commission of inquiry. We had to bleat all the time about “Why isn’t the Government setting up an inquiry?” For goodness’ sake, this is Parliament. It all comes together to do with how Members see themselves and how they see this place.

Q76 Chair: David, and a little advice on the technical side about putting stuff on the agenda but not being able to timetable it accurately, which is Paul’s point.

David Natzler: To respond to Paul’s point, although obviously not on the specifics of the Iraq war, you are right: the Government currently says when the Backbench Business Committee will have days, and we have got rather used to the assumption that Thursday is a Back-Bench business day, which is not of course quite in accord with what the Committee recommended, which is that it should be spread through the week and, if in doubt, Wednesday might be the default position. This week is unusual because it is the Budget followed by three days of debate, therefore today is a Government day and the Budget debate. Without wishing to speculate too far out of my depth, I think it is conceivable that in a House Business Committee, with the passage of time, Members might say, “Do we want four days to debate the Budget?” We had 32 Members, or whatever, speaking yesterday; I do not know how many speak today and tomorrow, but maybe in the same way as

the Committee said, with respect to you, “Perhaps we don’t want a Welsh day in the Chamber every day—”

Paul Flynn: Every year. We don’t have a Welsh day every day.

David Natzler: However, we don’t have to have some of these set piece debates every year just because we had it last year, so maybe Back-Benchers can say to the Government, “Please, we do not want it.” Maybe it is the Front-Benchers who want four days so all of them can make speeches, I don’t know. So that might change, and that might then loosen up more time during such times for Back-Bench business.

On reports, obviously the House Business Committee cannot create time, nor can it create self-discipline, which is how the House of Lords handle their Report and Committee stages, but what it can perhaps do is this: if there were some other small changes it engendered about the need for slightly longer notice of amendments on Report, which would enable the Chair to select and group a little earlier, you could then adjust the programme motion to what people had tabled, as opposed to first the programme motion and then people table. One can imagine it being a little more orderly. If you had internal knives, it would still have to be imposed by a programme motion of some sort, but it could reflect more what Members actually want to debate, and make it slightly easier for the Chair, who does the selection and grouping.

Q77 Paul Flynn: We heard evidence from Natascha Engel, who talked about the decision of what exactly the House Business Committee would be for. She asked, “Does Parliament want to scrutinise better the scheduling decisions taken by the Executive, or does it want involvement in those scheduling decisions?” In your view, would it be more desirable to have a House Business Committee that scrutinises scheduling decisions, or one that was involved in making the scheduling decision itself? To turn it into a debate between myself, this is not anything that is coincidental; this was a positive decision. A debate that was asked for in February has been overtaken by a dozen other subjects of less interest, and it might now take place in May. Would you regard it as taking those decisions and widening the powers?

Dr Wright: My view is that if you had a system that people were committed to, it would enable Back-Bench representatives to have some influence over the construction of the broad House agenda. It would not be a power of decision. That would never happen because, for the reasons we mentioned earlier, if those who control the place want to control it, they will control it, but can you insinuate areas of influence and consultation in that? I believe you can.

Q78 Paul Flynn: It is never sensible to underestimate the ingenuity of the dark forces, and I think my comrade here and I could talk at length about the influence the dark forces have on even elections to Select Committees. While there was great success in the Wright proposals to have a vote on the Chairs of Committees, and many people were chosen who would never have been under the previous system, there are still huge activities in lobbying and arm-twisting. What can we do? A House Business

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Committee almost certainly would have a majority of members who were in the Government party or a coalition party, whoever they might be. I do not think there is any solution to this problem, but it did turn out during the selection of Chairs that eight of the Chairs of Committees were elected unopposed, which gave us Hobson's choice. In other cases, a wing of one party—three apostles of the far right of the list—is the only choice.

David Natzler: On the House Business Committee, just to be clear, as suggested in the report, the idea as it emerged was, I think, not for what I would call a voting Committee, so it does not matter who has the majority. As you have suggested, it seems unlikely that those who control the majority in the House will, as a result of your votes—it is not in that sense a sleight of hand—want to set up a Committee that will override their control of the agenda, and of the Government's legislative agenda in particular. The Wright Committee report was very clear that Governments have a right to have their legislation debated and decided—obviously not passed; that is up to you. How many people are on the Committee would therefore not matter.

If the idea is that it is a consultative Committee and not a decisive Committee, a draft agenda is exposed to them by those who draw up the agenda, is explained, and may occasionally be adjusted in the light of representations. Then it comes back again next week, if it is a weekly meeting, as the actual agenda for the next week comes nearer. In that sense, the majority does not matter. On Natascha Engel's suggestion that it is scrutinising the agenda, I think, with respect, that slightly goes back a stage. The idea is to help set the agenda because of the basic principle that the Wright Committee enunciated: "It is wrong in principle that, in addition to controlling its own legislative timetable, the Government rather than the House decides what is discussed, when, and for how long." The "for how long" and the "when" are obviously quite important.

It is not a question of saying the Government has made a decision on the way a Select Committee would scrutinise a decision made by the Government. It is wanting to get in a bit earlier, and saying that it is your agenda—the agenda for your organisation—and you want to have some say, not some decision, on what goes into it.

Dr Wright: Yes, absolutely. Can I pick up on the general point you were making about—we should stop calling them the dark forces, because they are just doing their job.

Paul Flynn: We have a founding member of the dark forces chairing our Committee.

Dr Wright: If I had ever had the privilege of being a Whip—unlikely possibility—I would have been a dark force. That is the nature of how it is, so let's not be pejorative about it.

Implied in what you said was the idea that Members are quite happy to go along with this—that they want to be purloined to vote for particular candidates. If Members want to do that, the place will stay as it is, simple as that. If Members do not want to do it that way, they will be sturdily independent and make their own choices. I think some huge gains have come out

of the changes to the Select Committee system—the authority, legitimacy. Yes, it was a new Parliament, and there were vast quantities of new Members. I wish all the posts had been more hotly contested. I reminded Graham the other day that he proposed in the course of our deliberations that it would be a good idea to have mid-term re-elections. I rather dismissed that, because I thought that would have just been a complication too far, and it would give enemies more ammunition. In fact, I think Graham was right. Now that we have fixed-term Parliaments in particular, now that the House knows everybody, we could have some very interesting contests at the moment. If I can go even further and be absolutely indiscreet, I can think of one or two Chairs of Committees whom, were I a Member, I would be inclined to remove, and I would want to bless some others. I think you would find a very different contest for those elections now.

Q79 Chair: I think that was a very good idea before I became a Select Committee Chairman. More seriously, Tony, I would like you to talk about the central concept of the secret ballot. I thought Paul missed one of the key things: yes, people can still try to twist your arm, and yes, they can promise you all sorts of stuff, but the beauty of the secret ballot is that, when it comes down to it, you are alone in your little polling booth and you can do what you feel is appropriate. In the past, many colleagues, because it has been an open process on some elections, have felt pushed in a particular direction, but looking at Select Committees—the election of Chairs and members—it was not even that. You were not even in an open ballot. It was decided for you by the people who work for the Front Bench in each party. I think the concept of the secret ballot is the greatest breakthrough so far.

Dr Wright: Secret ballot allied to how Members see their role. It is something that only they can decide for themselves. I used to love it when we had Shadow Cabinet elections. Do you remember? They have been abolished now, haven't they? Suddenly people discovered your existence, and everybody was terribly nice to you for weeks on end, and you could promise that you would vote for them, and it was a splendid atmosphere. They all thought you were going to vote for them, and then it all ended and it went back to normal, but it was great while it lasted.

Paul Flynn: There was the fact that in our party the Whips had blank papers for people who were biddable MPs, which the Whips filled out overnight to make sure the right people were elected.

Q80 Chair: Just as a matter of history, my election was contested. There were four of us seeking support, and we got together and added up the number of promises that we had each received and it came to over 2,000. Fascinating, given that there are only 650 Members. So what they tell you is not necessarily what they do if they have that privacy.

Dr Wright: There are key Committees that are being led in a different way now because of the fact of election. You have to remind yourself that it was completely unsatisfactory for those who were being scrutinised to have a role in choosing those who were going to do the scrutinising. That is how it was. After

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Rhodri Morgan had relinquished the chair of the Public Administration Committee, and I had been on the Committee and I had recently resigned as a PPS, and I thought I wanted to chair it, I was told that the Whips would not have it. That seemed to me to be outrageous, and that was how the system was. I do not think anybody any longer would consider that that was an acceptable way of putting people on to Select Committees.

Q81 Fabian Hamilton: I agree entirely that it is much better now that those doing the scrutiny are elected, and not appointed by those they are scrutinising. I agree wholeheartedly. The secret ballot, as Graham says, is the most important innovation here. Just one small note of dissent on this that I wonder whether you, or perhaps David, would like to comment on: when you have an electorate of 2,000, 20,000 or 200,000, you are looking at what the people you are electing or voting for can offer, what they can give, what their record is, what their experience is. When you have an electorate of 200, it is more who you had dinner with last night, who is your mate, who you go drinking with. Do you think there is not a danger that it becomes just one clique voting for another clique, rather than genuine democracy? If you do not know the individuals involved, you will not go on the basis of their experience and what they have to offer, but on whether you know them and whether you like them, or whether they support you, in fact.

Dr Wright: You could say that. I would put it rather differently. I think the House of Commons is a very particular kind of electoral college, and it is unlike those other kinds of elections that you describe. This is why I make the distinction between the beginning of this Parliament and now.

Fabian Hamilton: Exactly my point, yes.

Dr Wright: I came to think that the House makes pretty shrewd judgments about people. It gets to know people, and you can see this when some Members get into trouble for a variety of reasons. You can see the different attitudes that are taken towards people's understanding of who these people are. I think it is a rather sophisticated, intimate electorate, so I think you have the ability to make good judgments.

Q82 Fabian Hamilton: The crucial thing you said was, "Once you get to know people". I would agree with what you say, but at the beginning of a Parliament with a huge turnover in the number of Members, how can any of those new Members make a judgment about existing Members, or indeed their new colleagues?

Dr Wright: This time was exceptional. It was only the third time since the war that we are talking about this kind of change. It was one of those exceptional turnover—

Q83 Fabian Hamilton: However, it coincided with the new system.

Dr Wright: Yes, it did, and perhaps we should have given more thought to the fact that it did. That is the point about perhaps rerunning them halfway through the Parliament. It depends what happens in the election, but I suspect next time you will have a far

more informed electorate, and I suspect you will have far more contested elections. I think people genuinely now see, which was never the case before, that people can make a career through the Select Committee system. The attention that the House gets comes far more now from the Select Committee system than from anywhere else. That is affecting perceptions, behaviour, incentive structures. It is making a big change.

Q84 Chair: The point David made—once you have created something, that is the beginning, and then there is a process of evolution—is very evident in the Backbench Business Committee, which I think started very well and got better and better. I hope it is the case with Select Committee members and Chairs. We are all feeling our strength and testing the boundaries a little bit after 30-odd years of stagnation, in a sense. People are saying, "What can the Liaison Committee now do? We are all elected by colleagues. We all feel a little bit more that we represent Parliament as a whole, rather than just happening to be put there by a Whip." I do not want to put words in your mouth, but it may well be the case that should the House Business Committee be established on a very modest basis, people would feel their way to something that was ever more satisfactory for all.

Dr Wright: I keep coming back to this, but we say "the House". I am not sure what we mean when we say "the House", because the House is composed of Members who sit in parties. It depends on how Members see their role. What do they want to do in this place? As I say, I was irked by the fact that people were happy to express dissatisfaction and a feeling of not being valued and all the rest of it without doing anything about it. This is something that only Members know about. There will never be hordes of people at St Stephen's entrance demanding, "House Business Committee now! When do we want it? Now", but it is something that Members understand. If they want to change the terms of trade between the Executive and Parliament, only they understand the problem, and only they can engineer the solution. It is up to them.

David Natzler: If you set up a Select Committee, as Tony says, with fairly modest terms of reference, without trying to make it majoritarian—in other words a voting, decisive, invasive Committee, you have set up some sort of Select Committee, you don't know what will happen. The Committee of Selection is one example. Some of us have to explain the workings of this place to those from other Parliaments, intelligent critics. I have had one person who came here who had done a lot of preparatory work and discovered that the most important Committee in the House of Commons was the Committee of Selection. That is because you can read the Standing Orders and get that impression. I do not think it is perhaps the most important Committee, although obviously it is influential and significant. It is how they operate and not what their terms of reference are that matters.

Q85 Paul Flynn: How often does the Committee of Selection take a vote, or even a decision?

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Dr Wright: I wanted to mention this as we went along, and I hoped someone would ask, because I would direct your attention to paragraph 60 of the report that we made. It refers to this and it says that we were not asked, under our terms of reference, to look at legislative Committees, Public Bill Committees, or how we do legislation, but it is notable that the arrangements for appointment of Members to Public Bill Committees are markedly less transparent and democratic than those for Select Committees. We concluded “that a review would be desirable of the means of selection of public bill committee members, so that it was subject to a similar level of accountability to that long applied to select committee membership.” I think this is absolutely fundamental, because we all know what happens and what does not happen. Sarah Wollaston, Member for Totnes, who I do not know but know of, wrote a very nice piece in *The Guardian* soon after she arrived in this place—a former GP, knowing and caring about the health service—saying she wanted to serve on the Health Bill. She got in touch with the Whips and said that she would very much like to serve on the Health Bill, and she had some very interesting amendments she wanted to put down. Of course, this was the kiss of death. You never get anywhere near the Health Bill if you say things like that. This is absurd.

In a way, we have begun to make the Select Committee system, through reform, function better. There have been improvements with the Public Bill Committees and so on. Robin Cook tried and failed because of these forces that stopped him. Frankly, we all know—I say “we all know”; I think we all know—that the way this House does legislation is not satisfactory, and part of that story is who sits on the Committees, how they operate, their culture, and their spirit. Why could they not do things that happen elsewhere, such as in Germany and Scotland, where the drafters of legislation are sitting down with the Committee members and you are working through it? You are trying to make this legislation better. I am not sure if I should say this, but when we took evidence—**David Natzler:** Not evidence, it was a private discussion.

Dr Wright: Am I allowed to mention it?

David Natzler: Not by name. I think it was with a senior former Opposition Chief Whip.

Dr Wright: Okay, one of those memorable occasions. A senior former Opposition Chief Whip said to us, absolutely with heart, that when he had been Chief Whip, he had never been able to decide whether it was his job to make legislation better or worse. No wonder we finish up with poor legislation, because we do it in a poor way, and we could do it in a quite different way.

Q86 Mrs Laing: I was just going to ask, on exactly that subject, whether you had considered at all the workings of the Joint Committee on House of Lords Reform, a Joint Committee between the House of Lords and the House of Commons. I think it had 27 members, and it produced a report that was not allowed to be called a majority report; it could only be called the report of the Committee, but the number of people who voted for it had a majority of one on

that Committee. A separate report was produced, but under House of Lords’ rules. It was not allowed to be produced as a minority report by the Committee—it was not allowed to have any say at all—and therefore what was effectively a minority report was produced as an alternative report by members of the Committee, but it was 49% of the Committee. It was not even allowed to be called a minority report. Of course, the members of that Joint Committee were hand-picked by the Whips Office to make sure that it brought about a report that would be in favour of the Government’s plans.

Dr Wright: David will know the answer to this, but I presume that the names of these people went down on the Order Paper in the way that they used to under the old Select Committee system.

David Natzler: As Mr Chope is about to remind you, some of the names of Commons Members for a Joint Committee about to be set up to look into prisoners’ voting rights were put forward to the House fairly directly. There is now an amendment on the Order Paper, signed by, I think, a dozen Members, suggesting that the names should come forth in the normal way from election in party groups through the Committee of Selection. I imagine it would have been open to some Member to put something similar down then. That is not a criticism; I am just saying it is interesting that we are now going through this again.

Q87 Mrs Laing: Would you consider that it might be the case—I am trying to frame a question, Mr Chairman—that as these things come up at the end of business, most Members don’t even know, though Mr Chope does, that such amendments can be put down or challenges made, and that they are likely to be told, “Oh, we don’t do that, it just happens”?

Dr Wright: That was always the case, really. It was rare. It is personally embarrassing often, because you had to replace one name with another one.

David Natzler: In this case, it was objected to when it was attempted to be put through on the nod after 7 o’clock, and subsequently amendments were put down. With respect, it is not difficult, but it may require a little—

Mrs Laing: Political courage?

David Natzler: Thank you.

Mrs Laing: Perhaps.

Dr Wright: The Labour party made moves in this direction before we had the present reform, to get some involvement of its membership in the selection of people for Committees. It would be possible for the Conservative party, for example, to say that it wanted to elect people who sat on such Committees. That is for the parties to decide.

Q88 Mr Turner: It seems to me there is only one problem, and that is Members’ poverty of ambition, or rather their ambition is in a different direction from mine, so they must be wrong. At the beginning of this Parliament, there were people who wanted to stand for the business committee on our side who were good and honourable, and they were the people who I support. It took two years for people to discover that these were said to be right-wing, and therefore they were naughty people and you mustn’t. The Whips, of

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course, knew it long ago, but we happened to have got the right people on. There are very few groups—or maybe there are not; maybe it is just that I am not aware of these groups. It seems to me all over the place there are things that people want to do but are not prepared to do it. It is our fault. We should be encouraging them to work harder to persuade their friends that they want to do it. If you do not think that is true, could you tell me is there something that I have missed, because I suspect I have just been fairly idle?

Dr Wright: It sounds as though, Andrew, you are saying in your own way what I tried to say right at the beginning. It does ultimately turn on what Members want to do with themselves. If some are content simply to have the letters MP after their name, and that is the summit of their ambition—and that is a very honourable ambition, and I enjoyed it—as opposed to what you do with it, then that is their decision. I am told, and the evidence seems to support it, that many Members now want to be far more interested in local constituency matters. This big change has taken place. They do not want to be here very much. I am told that Thursday has now become a dead day, and the week is shrivelling. Certainly when I arrived at Westminster tube station yesterday afternoon, there were hordes of Members heading off. I know it was Budget day, and therefore there were going to be no whipped votes thereafter. People make these decisions. Some people clearly work very hard and keep the show on the road; others, I think, probably see their life rather differently, and there are 650 people and they are all doing different jobs. I always felt that until people wanted to explore the possibilities of having MP after their names, you can design all the reform proposals that you wanted, and I spent far too much of my life engaged in such activities.

One of the horrors of the expenses business, if I am allowed to mention it, was that it sometimes takes something like that to just sharpen people up. I think people felt—I certainly felt—that in some ways, here was an institution in near terminal decline. People were just so dispirited about their role in the scheme of things. It was possibly the result of having Governments with large majorities for a long time, a different approach to politics, and this shift to locality and so on, but something was taking the spirit and vitality out of this place. This was widely expressed. What was heartening—Graham was part of this—was that suddenly the opportunity presented itself to start reclaiming some territory, and there seemed to be an appetite for it. I would like that appetite to continue and to develop, but it does come back to what you say, which is how people see the role that they are doing.

David Natzler: Very quickly, on the origins of the report, which is what you are looking at, as Tony said, this came about because he wrote to the then Prime Minister, making a proposition when the House was at about the lowest ebb that anyone—those of us who have been here for almost 40 years—can remember. There was a deep depression and a dispiritment. So that is how it came about.

Secondly, the original proposition was that the Committee would only look at scheduling non-Government business in the House, and it took a very major effort by Back-Benchers from all sides to remove the words “non-Government” from the terms of reference. I think that is what the Committee felt it was under some obligation to reflect, in suggesting a House Business Committee, because it reflected the then majority will of the House against the serious doubts of the then Government, that the Committee should look at scheduling business in the House as a whole. It would have been a bit of a betrayal of trust if the Committee had said, “Never mind about Government business, let’s just concentrate on Meg Russell’s proposition in her paper for a Backbench Business Committee”.

Thirdly, it was written in 2009, and—no apologies—the Committee did not obviously anticipate a situation of coalition Government. I am sure you are realistic enough to know that does slightly change some of the dynamics, particularly the prospect of a votable agenda; the Government would be exposing itself on a regular basis to fissures of some sort within the coalition, to be candid. That is not reflected in the report. There is the perhaps unspoken assumption in the report that the Government could rely at the end of the day on the majority of its Members winning. A little sensitivity may have to be shown in implementing its suggestion for a House Business Committee in what is now the political situation.

Dr Wright: Yes, I would emphasise that. I am not sure if I said this earlier, but we were much influenced by the evidence that said if you go around the world and look at these things called house business committees, they may be called house business committees but effectively they are run by the Whips. They are just run by the machine. Just having something and calling it a House Business Committee does not do it. That was the point about coming at it from a different angle and saying, “Can we claim Back-Bench business to start with and, having done that, then think about exercising some influence over it?” You really do have to be politically astute. Also—it has been said by other people—not only were we operating in a particular environment, but we were very specific about the limited nature of what we wanted to deliver. What I mean by that is that instead of a list of assorted demands, we wanted to get the House to accept certain mechanisms, from which much would flow potentially, and I think that has proved to be successful. That is the model that I would urge on any future instalments of reform.

Q89 Mr Turner: Your view is that limited reform is better than no reform, and it will be pretty limited, but at least it will be a further bit?

Dr Wright: It is a process, and you have to carry people with you. It is silly proposing things that you know in your heart you are not going to get. You may feel better for having done it, but I think it is much better to think, “What can we really have some chance of securing here?” If I may say so, I thought we were pretty astute in the way that we secured the argument for election to Select Committees and for protecting an area of Back-Bench business, and having secured

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that, it having turned out to be successful, to think, “What else can you do, and in what form can you do it?” You have not asked us, but I think it is David’s view and it is mine—I know you have asked other witnesses this—that there is an assumption in our report that this thing that we are calling a House Business Committee would be a coming together of the Backbench Business Committee that has been established with the usual channels. I think my view now is: let us leave the Backbench Business Committee where it is, and let us take that as a secure gain. I think there would be dangers if we started trying to mix that up. The danger is that you would lose what you have gained, so I think I would secure that gain and then think of a different way in which you could construct the Back-Bench representation on a House Business Committee. Is that your view, David?

David Natzler: For what it is worth, yes.

Dr Wright: It is worth quite a lot.

David Natzler: I do hope that nothing that comes out of this damages the Backbench Business Committee by mistake, and I am sure you hope that, too. Can I mention one other thing that we do not often mention—not just Back-Benchers and the Government? I think the official Opposition play quite an important role in this as well. Not only, as expressed in the report, must they not lose anything that they have now, but hopefully they may pick something up. You have had a memorandum from the Opposition Chief Whip, which I think does say that the usual channels are not all bad. They are the two forces that represent the two largest parts of the House, so I do urge you to think of the official Opposition and what they might gain or lose.

Chair: It is obviously very encouraging that those who opposed any change on these matters for the best part of a year when in government are now urging us to defend the gains that were made when these proposals were implemented. It is very encouraging that they are now with us.

Q90 Mrs Laing: Following on from what David has just said about the potential harm to the Backbench Business Committee if there were a House Business Committee—I think we are all agreed, and you just expressed it, that the Backbench Business Committee has been a very great asset to bringing democracy to the House of Commons—I hardly need ask you if you think there is a risk that the establishment of the House Business Committee could undermine the authority of the Backbench Business Committee, because I think you just said that there is such a risk. Given the risk, how could it be minimised?

Dr Wright: I would protect the Backbench Business Committee. I think it is developing very well. The way to mitigate the risk is not to seek to make it a channel to represent people on what we are calling a House Business Committee. I think that is the way to avoid the risk.

Q91 Mrs Laing: Sorry, I did not quite get that.

Dr Wright: I said before that there are many different routes by which you might do it. I think I would urge the Committee to think quite freshly about which

models of Back-Bench representation on such a House Committee might work. You will not find, I think, a developed answer from our deliberations on that. The context now is quite different. The experience of the Backbench Business Committee is there. If I can put it to you now, your task is to construct a model of doing this that protects the Backbench Business Committee, but that you think will be deliverable and workable.

David Natzler: In terms of membership, I think there may be a slight danger if, for example, the Chair of the Backbench Business Committee were automatically assumed to be part of the House Business Committee. As for the sort of discussion—in Mr Flynn’s absence—in which Members said, “Why can’t we have a debate on x and y?” it would seem that the House Business Committee was putting pressure in some way on the Backbench Business Committee to pull some of its chestnuts out of the fire. The Backbench Business Committee should not be contaminated by picking up the things the House Business Committee cannot solve—let us say, desires for a debate on press regulation. They all gang up and say to the Chair of the Backbench Business Committee, who is sitting there, “Well, why don’t you? You have next Thursday. Give us that day,” whereas her Committee has already maybe decided on something quite different. That is the sort of model that would cause anxiety and contaminate it.

Q92 Mrs Laing: Would that contamination be lessened or increased if the Chairman of the Backbench Business Committee was a member of the House Business Committee?

Dr Wright: There are issues about whether he or she should attend, perhaps with the Clerk, to be part of the machinery, but I would not think being there in a formal representative role was a sensible idea.

David Natzler: Just think about it: we are not suggesting that the Chair of the Liaison Committee should be there, and they command, I think, 20 days in Westminster Hall. We are not suggesting that Mr Cash should be there as Chair of the European Scrutiny Committee, and they bring on debates in European Standing Committees 35 times a year. So just because you are part of the jigsaw, does not mean you have to be in this bit of the jigsaw, and it may be best to keep individual decision-makers in their own sanitised area.

Q93 Mrs Laing: You anticipate my next question, which was about the Chair of the Liaison Committee being on the House Business Committee, and I understand your logic. Taking it further forward, and thinking about the usual channels, we all know what and who the usual channels are, and how things work in practice. Would the setting up of a House Business Committee take away the power of the usual channels?

Dr Wright: I was interested to read Meg Russell’s account of her experience of being involved in them, and you, I think, also were able to say something similar. I would like to think that we just flush it out a bit and we make people do, in a rather more formal and open way, things that they now do in a rather

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dark and informal and closed way. That would be a huge gain.

David Natzler: It sounds very formal, but I refer you to paragraph 204 of the Wright report, which I am sure is at your fingertips, where the Committee said, “It may be that the Government and Opposition nominees on the House Business Committee will want to meet separately in advance of a meeting to settle so far as possible the scheduling of the business for which they each have responsibility. We regard that as a matter for them”. So it would be unrealistic to imagine that the Chief Whip or the Leader is going to turn up without having consulted his very expert scheduling staff, or indeed the Opposition, before bringing it forward. They are perfectly entitled to do that. Their power, which only relates to their ability in the end to decide the business, and secondly only as delegated to them by the Government Chief Whip, is the same, as is their ability to respond to the very complex nature of scheduling.

Q94 Mrs Laing: That is helpful. I wonder, Mr Chairman, whether we dare take evidence from Sir Murdo Maclean on this matter. I put that as a possible suggestion. Talking of which, and following on from what you have just said, should the staff of a House Business Committee be the Clerks from the Department of Chamber and Committee Services, or should they be the civil servants who currently serve the usual channels?

David Natzler: The answer has to be that if it is a Select Committee, it is clerked by someone from the Department of Chamber and Committee Services, but don't let's get hung up on that. I cannot conceive personally of such a Committee without the attendance and very active participation of the secretary to the Government Chief Whip and his deputy. They are hugely knowledgeable; they know the ins and outs that nobody else possibly could; they are attuned to the House of Lords timetables. This is not some sort of cabal to exclude the experts. That would not work, because decisions are not being come to, but suggestions might be accepted by the Chief Whip or the Leader that they were ill advised on. I think the answer is that it is technically the Clerk's function would be possibly largely decorative, unlike on your Committee.

Q95 Mr Chope: Can I ask about the role of the Leader of the House in all this? Is it not arguable that a Leader of the House could or should be behaving like a single-person House Business Committee, because he should be balancing the interests of the Government and the Government business managers on the one hand, and the interests of the House itself and the Back-Benchers on the other? In the time I have been in this place, you have had contrasting styles in the Leader of the House. You have had people like John Biffen or Cook, who were seen to be much more accommodating of the needs and interests of Back-Benchers, and then you have had others on the other side of that divide. Is there a danger that, if you set up a House Business Committee, it will push the Leader of the House further into the hands of his Government role, rather than trying to encourage him

to be more forthright and active on behalf of the interests of Back-Benchers?

Dr Wright: I think what I would say is it matters hugely who the Leader of the House is. A lot of this will come down to the people involved and how they approach the task. We have been fortunate in some of this process in having some of the right people, but there is a sort of brokerage role that a Leader of the House should play between what Government Front-Bench Whips might want and a sense of what the House might want. Sometimes a Leader of the House and a Chief Whip will be at odds. This was the case with Robin Cook, who was hung out to dry eventually because of this. However, I think a Leader of the House of the kind that you describe would have an absolutely indispensable role in brokering this relationship and making sure that it did do the kind of things that we say it could do.

Q96 Mr Chope: In a sense, do you think the pressure for a House Business Committee has come because of the failure of successive Leaders of the House to fulfil the balancing role that, for example, both Biffen and Robin Cook fulfilled, and which caused each of them to fall out with their respective Prime Ministers?

Dr Wright: The House generally does less work when it has a Leader of the House who does not understand the role that you are describing, and who is there because they just had to find a role for somebody, or you wanted to shuffle someone around and you can park them as Leader of the House. I think when you have a Leader who understands, in the way that Robin Cook did—and George Young, I think—exactly the sensitivities that are involved in this role, and someone who the House believes is performing that brokerage role in a genuinely sensitive and committed way—

David Natzler: You asked whether the pressure for the House Business Committee came from a perception that Leaders of the House were not performing in that role. I think the report makes it plain that the Reform Committee said it was a matter of principle. I did not feel that anyone was saying, “The House agenda is badly managed.” Indeed, in paragraph 160, it explicitly says it is in some ways incredibly technically well managed, and I personally know that. Masses of stuff happens—lots and lots of general debates, things on Tuesday mornings—it is very well managed. So I do not think anyone is suggesting there is dissatisfaction with the system. There are other Parliaments in other bits of Europe, if I can put it that way, where things are very much less well managed and it is just chaotic. There is no chaos, but it is a matter of principle that Parliament, or the House of Commons, should have some control of its own agenda. I understand that is what lies behind it. It is not a criticism, so much, of all of the outcome.

Q97 Chair: You have talked about the composition of the House Business Committee and how, in a sense, it has moved on from the deliberations that occurred in the Wright Committee phase, because of new circumstances, excellent reforms already being implemented, and a Coalition Government. It is a new environment, and none of us at the time knew that we

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would be here in this environment. However, as a result of that, or partly as a result of that, you have suggested that perhaps the Chair of the Liaison Committee would not be an appropriate person to be on the House Business Committee, that perhaps the Chair of the Backbench Business Committee would not be an appropriate person. We have the Permanent Secretary to the Whips Office—Roy Stone, that figure—on there, presumably we have a Government majority on there, and presumably we have representatives of the Opposition Whips on there. That just leaves us with the Back-Bench contingent on the House Business Committee. Are you therefore, by this process of elimination, saying a given number—three, four, Back-Bench colleagues—should be on that Committee? Is that your preferred option, your preferred number, and would you suggest that these people were selected or elected?

Dr Wright: We said nothing about numbers.

Chair: I mean now, Tony.

Dr Wright: I would need to think through that, but I think the spirit of what we said was that numbers is not the issue, because it is not going to be a voting Committee. If you think it is going to be that, then you are going to get nowhere. It is a question of who is properly represented here. You have to think of a number, but I do not think the number is the key thing, and nor do I have a settled view on the route by which such people would be there. It may be that you could just choose election through the parties in the way that we have done with the Select Committees, or you could ask who at the moment represents Back-Benchers. I do not mean the Backbench Business Committee now; I mean through the parties, whether there are role-holders there. I do not know. I do not have a settled view on this, but it is one that I think you can usefully explore.

David Natzler: I do not think it is for me. It is obviously a political decision. I just think you have not quite composed the Committee yet because you do not yet have a Chair, and I do not know if you are coming to that.

Q98 Chair: Next point. Who do you think the Chair should be? Who would make a good Chair?

Dr Wright: We proposed the Deputy Speaker, didn't we, the Chairman of Ways and Means? I wouldn't insist that that is the person, but at the time, we were looking for a figure who could, in a way, make sure that this was done properly, and that people did behave in the right way, and that it was not just a sort of stitch-up. I think that proposal still sits on the table, but if you can think of a better one—

David Natzler: There seems no reason for the Committee to have changed its mind. For that reason, if it is a Select Committee, it would be more obviously chaired by a very, very senior Member, and there is a very, very senior Member. If it is in private, which I think it is the understanding that it would be, they would not be exposed to political awkwardness, but they would be holding the ring. I think some people have suggested the Leader of the House might be the obvious person to sit there. That is another proposition, but if they are one of the players, it might

be more difficult to do both jobs, but that is obviously for others to decide.

Q99 Chair: If it is the Chairman of Ways and Means or the Deputy Speaker, then when colleagues come to elect those office-holders, they would know that coming with that person would be some responsibility in respect of the House Business Committee. David, does that now help you a little more on the membership? You have your Chair.

David Natzler: No, sorry; I have nothing to add.

Q100 Chair: These are obviously very important matters technically, because if we agree in Committee—and we have yet to have that debate—that a House Business Committee is the way to go, I think it is incumbent on us to be relatively clear and let Government respond to a recommendation about who the Back-Bench members should be, and we do need to have a proposition before us. It seems to me, by default, we are looking at a system that has proved effective on Select Committees, which is to have a secret ballot for a given number of Back-Bench colleagues, perhaps by division, by party or the whole House, as indeed Select Committee Chairs are now elected. Would you favour either or both of those as options?

Dr Wright: I think that would be a leading contender for a model, but it is not the only one, and I am sorry to say that you have to do the work. We can explore the options with you, but I think you, knowing the options, then need to do a bit of designing in a way that looks plausible.

David Natzler: If I may add, in the presence of a current member of the Parliamentary Assembly of the Council of Europe, that it may be worth looking at some of the European models. Although we do not think much of the European bureau model by and large, because it does seem to be a bit of a rubber stamp for whatever, the way that they represent the parties at their bureaux, which are present in their assembly, tends to be through the existing elected party systems. I guess this would be the parliamentary Labour party or the 1922 Committee, who are already elected, I believe, to represent the parliamentary party. That must be one model, if you looked at other models of similar organisations, that you might come up with, but that may have disadvantages.

Q101 Chair: Tony, I am very conscious that you have to fly in nine minutes' time. To be really clear about the question of a votable agenda, we used to talk in the Wright Committee about the idea that, having agreed the programme for the following week, there would be a business statement, and that could be voted on in extremis. It was my view at that point that if you consistently did that, your House Business Committee would last probably two more weeks, and then we would be back to just straightforwardly being told what to do, although we are now in different circumstances: as David pointed out earlier, there is the coalition. This could be an excuse to have a battle about absolutely anything on the agenda for the following week. I think I know the answer to this, but do you feel that is something that perhaps is of lesser

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importance at this point in the creation of a House Business Committee—having a votable agenda on the Thursday afternoon or whenever it might be, Thursday morning in this case?

Dr Wright: I think the way you describe it is exactly right. Business questions at the moment is a bit of a playground, but Members who take part like it because you can ask for anything loosely connected with the agenda. My sense is that at least a chunk of Members like it, and it is not really a discussion of the agenda, but it is a reasonable time to do all kinds of things. If you were to have routinely the possibility of votes on it, it would have the advantage of keeping people in on a Thursday and therefore stiffening the parliamentary week, but I do not think it would be a good idea, because what would happen? Routinely the Opposition would put down motions to dissent from the agenda and replace this item with that item; groups of Members would start saying they want this or that. It would become a ritual—meaningless. However, having said all that, it might be that you want to keep in your locker—I think you said in extremis—the possibility on rare occasions of the ability to take a vote on something that was particularly contentious. If the Speaker had the ability to take that, then you might just have it in your armoury, but if it was to become part of the routine stuff, it would kill it off.

David Natzler: You are right. In the report there are about five or six paragraphs saying that this is, after all, a straightforward way of deciding something in the House of Commons. You have a motion, and if necessary you have amendments, and then you vote. However, anything recommended here has to be fitted into the political realism of what is likely to be acceptable, with your experience of political behaviour; that is nothing to dissent from what Tony said.

Dr Wright: One would hope that if you had a well-functioning House Business Committee, what would come in front of the House would come with rather more authority and legitimacy than it has. If the spirit is right, it would not stop people saying they would rather talk about this and that, but at least the process would have been gone through that would bring that agenda to the House in a rather different shape, perhaps.

Q102 Chair: The only time that the Backbench Business Committee has got into anything that has been life-threatening for itself has been where items have been put on the agenda that have become votable and, compounding that, Government felt that it had to mobilise a vote on a three-line Whip to try to stop a particular vote from being successful. Perhaps that is a lesson that we need to consider, certainly in the current circumstances of coalition and the interest that there is at the moment. We ought to consider that when we come to think about the House Business Committee, and whether, should a motion be put down and be voted on, it could possibly lead to similar difficulties with Government. I do not know how many times the phrase was mentioned in the Wright Committee report, but Government should always get its business.

Dr Wright: We did say that, and that was wrongly phrased. That is the only sentence in the report that I would dissent from now, because we do say that as a principle the Government should get its business, but that is not right. The Government should have the opportunity to get its business.

Chair: Can I ask Sheila to ask something about petitions while Tony is here, and then I am going to come back to Eleanor?

Mrs Laing: No, that was my last question—the phrasing. I think it is terribly important that the Government should have the opportunity to get its business. That was it.

Dr Wright: I am afraid there was an error in the sentence there. I think it was Graham's, actually.

Q103 Sheila Gilmore: We heard some evidence last week from an academic, Catherine Bochel, to say that perhaps we could have a different range of options to deal with e-petitions. She gave some examples from other petitions committees, such as in Scotland and Wales, and she talked about having different numbers thresholds maybe having different responses; you could perhaps tag a petition to a Private Member's Bill. Would a petitions committee with power to permit a range of different responses be more effective than the current system? The backdrop to that is obviously that only 17 petitions of 20,000 have ever been debated.

Dr Wright: I am not sure that we helped greatly here, and several people pointed out that we had not helped greatly here. I think that reflected the difficulties of the subject. All I would say is everyone would accept that the House has never turned its attention to what it wanted to do about petitions in an electronic age, and we have this confusion now between what the Government has said, the offer on the Government website, and then the transference into the House, illegitimately, in a way. Are people petitioning Parliament? Are they petitioning the Government? If they are petitioning the Government, why does it then get sent to the Back Benchers? It is a confusion. The House will have to decide at some point just whether it wants a new machinery to deal with petitions. To try to be helpful, we suggested that for a period you might give the Procedure Committee the role of processing petitions and then deciding what to do with them, where to send them and so on, or—as you are suggesting, and I think was suggested to you by the witness—maybe like other Parliaments, like Scotland, the time has come to set up a separate petitions committee. All I would say is, when you have a petition, you are making an offer to people. You are saying, “If you petition us, something will happen. It does not mean to say that you will get what you want, but there will be a process under way.” Unless the House has developed the offer and can do it, it should tread with some care. There is a history to the issue, and I think the House at some point has to decide, in the context of electronic petitioning, what it wants to do.

Q104 Sheila Gilmore: Are people going to be more disillusioned if we do not sort this out, though? The Government has made the offer, and there is an

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expectation out there now. If we do not put something in place that makes it more effective are people going to—

Dr Wright: I did sign a petition about the West Coast Main Line and it was wonderfully successful.

Q105 Chair: Tony, I am very conscious of your time, and we would normally wish to detain you longer, but since I understand you are going to a meeting of the IPSA Board, we would like you to get there as fast as possible. However, before you go, is there any sort of summarising, concluding remarks that you would like to leave us with?

Dr Wright: No, only to say that I think all of us involved in the process before had an ambition to make the House matter a bit more, and I think that is an enduring ambition. The structural form that it takes is various; it depends on the motivation of Members, but those of us who are rather keen on Parliament want it to matter more, and want to explore ways of doing it. I hope now that this Committee, and perhaps others, will continue that task and carry the House with them.

Q106 Chair: Tony, thank you on behalf of the Committee for coming along today. I would also thank you, if I may, on behalf of Members of the House as a whole for the energy and passion and sense that you brought to bear on creating the recommendations, and the astute way in which they were framed, so that when the right Government came along to implement them, they were able to do so without serious discomfort. I hope that is a good precedent for finishing the unfinished business, too. Thank you very much on behalf of Back-Benchers everywhere. David, can we keep you for a moment?

David Natzler: Yes. I wonder if I could respond on petitions to Sheila. The terms of reference of the Wright Committee asked it to look at something, and I am quoting, that would “enable the public to initiate debates and proceedings in the House”. We were not asked to look at petitions; we were asked to look at something slightly wider that I think made some Members quite uncomfortable. I am not quite sure where that proposition came from about enabling the public to initiate debates. If you were going to initiate a debate, you would not necessarily start with a petition, which is a request for action, quite often, rather than a debate. Turning to the example of the West Coast Main Line, my impression is that what people wanted was either an inquiry or a change in the proposal to alter the contractor who was doing it. They did not necessarily want a debate; they wanted an outcome. The Government responded in the summer of 2011 with this website, which is extremely technically good but which, as you say, has caused a lot of confusion about the 100,000 threshold, but obviously you do not need to have passed the threshold. Any Member can take a subject to the Backbench Business Committee and say, “200 people have signed a petition”, or indeed none have, or one has. It is just as valid coming from a particular Member making an application. So there is a bit of a muddle in the public mind, and I think in the parliamentary mind. Some of it relates to the word

“petition”, which is a very ancient word that I do not think quite means what it says. If somebody can sort it out before the next Parliament, that would be a very good thing. You might think this is rather a large task for yourselves to do, but for someone to do it would be helpful.

Q107 Sheila Gilmore: That is very helpful, because at the moment we run the risk of creating something about which people do think there is no point, and that is worse.

David Natzler: Yes, I think Catherine’s particular insight, which I will refer to in a minute, is that she has talked to quite a lot of the people who have got up petitions, in other words have led a petition, to see how happy they are. Her research has shown—I understand that this is the most interesting thing—that members of the public, like myself or anyone who does that, do not expect things to change, but they love getting a letter back or getting something to show that their shout has been heard and something may or may not happen. I think her research suggests that people are quite realistic that it may well be that nothing happens, but they feel that they have been listened to and put into the machinery, and that is what we are failing at now. Just turning over to our existing petitions system, you are no doubt aware of this, but lots of people are not: a single person who sends in a petition that is then presented gets an answer from the Government, whereas if you go on to the electronic website, I think you have to pass 10,000 signatures to get a rather less good answer, sometimes, than for many years Ministers have been providing on the so-called traditional or paper petition. That is another thing that bears out what you are saying—that there is a mismatch and misunderstandings going on.

Q108 Sheila Gilmore: If you had a petitions committee, you would have to have, surely, some thought about how many it could potentially deal with.

David Natzler: Can I interrupt you? I do not know if you are going to discuss petitions, but I think you are starting at the wrong end of the trumpet, with respect, and I think some other people are. There is no point having a committee and then saying it is going to deal with them. What do you want to happen? What do you think is right for this particular route of public access? There are many routes: through individual Members, through NGOs. There are many other ways that the public can influence proceedings. Then you decide whether you want to have a committee to do it, whether it is going to look into the merits of the petition, as in Holyrood, where they have the petitioners in, sometimes, and harass the Executive as to why nothing is happening. Or are you proposing to make them a sort of alternative to the Backbench Business Committee, which would be slightly worrying, trying to give time for their further consideration, or what? Do you see what I mean? First of all, you want to design what you expect to get out of it, then you design it and say what sort of committee it is, and say whether a committee is the obvious answer, or maybe not.

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Q109 Mr Chope: David, I can't remember whether you gave evidence or not to the Procedure Committee that looked into this in great detail in the last Parliament, including by visiting the Scottish Parliament. What the Procedure Committee was concerned about was that people should understand the difference between the Government, the Executive and Parliament. What seems to have happened now is that the Government, the Prime Minister, by sleight of hand has people in a position where they think that the way to petition Parliament is through a Government website. What do you think we can do to reinforce the fact that Parliament should be *supremo*?

David Natzler: There is no technical difficulty, in agreement with the Cabinet Office, in taking over and setting up our own web-based petition system, and I think it is fair to say the Government would be quite happy. You say a sleight of hand. They already had a petition website, to be fair, and indeed the Procedure Committee laboured long and hard but came up with a scheme that was seen by some as being a little top-heavy—not only expensive but also seen by cynics, I am sure, as being a way of garnering people's e-mail addresses who were interested in a particular topic. So for various reasons it did not get universal support, even around the House, but they did a huge amount

of work on what might happen. Then, again to be fair to the Government, they came in with this unexpected coalition proposition that 100,000 should give you a chance for a debate, so they then had to provide the platform to justify their own undertaking. It was not as if that overrode some website that Parliament had. There was not a Commons petition website. I think "sleight of hand" is maybe a little uncharacteristically harsh.

Mr Chope: I stand corrected.

Chair: I think the misapprehension that Parliament and Government were seen as the same by members of the public unfortunately is one that Government also labours under when it believes that its ambitions are precisely the same as Parliament's. However, rather than say "discuss", I think that may be a useful point at which we leave that in the air. David, thank you very much for your attendance this morning. Thank you also very much for your consistently good advice inside and outside the Wright Committee. You exemplify all that is best in the Clerks Department—which includes a Clerk who is leaving us today, Lorna, with great sadness—helping members ultimately, we hope, arrive at the truth. We hope to do that on this report, as we do on all our other ones. David, thank you so much.

Thursday 18 April 2013

Members present:

Mr Graham Allen (Chair)

Mr Christopher Chope
Paul Flynn
Sheila Gilmore

Fabian Hamilton
Mrs Eleanor Laing
Mr Andrew Turner

Examination of Witnesses

Witnesses: **Sir Richard Mottram GCB**, Chair, Better Government Initiative, **Roger Dawe CB**, Better Government Initiative, **Peter Facey**, Director, Unlock Democracy, **Alexandra Runswick**, Deputy Director, Unlock Democracy, and **Professor Patrick Dunleavy**, Co-Director, Democratic Audit, gave evidence.

Q110 Chair: I am going to ask Members and witnesses to help me logistically here, because we have a lot of witnesses. Now, if every witness wants to answer every question we will be here until Sunday. Much as I think that will be very illuminating, I suspect that various parts of the anatomy will ache considerably at that point. Please do not feel obliged to chip in. I think the best way is if people indicate that they would like to answer a particular question. I say this to Members: much as Members' views are very helpful at all points, if we could stick to the questions, that would ensure that business is conducted fairly expeditiously. Unless anyone is bursting to say something to start us off, because if one person does it I think everybody will feel obliged to, I will probably just jump straight into questions, if that is okay.

Mr Chope: One of the purposes of the Wright reforms was to change the balance between the House of Commons and the Executive, and I wondered if you could say to what extent, if at all, they have succeeded in doing that.

Sir Richard Mottram: Shall I start?

Chair: Please do, yes.

Sir Richard Mottram: I would say the answer to that is: "up to a point." I think there has been significant progress in two areas. One is the work of the Backbench House Committee. I think that has been a big plus.

Chair: Backbench Business Committee.

Sir Richard Mottram: Business, thank you so much.

Chair: Just because we will talk about the House Committee later.

Sir Richard Mottram: House Committee, yes. I have done well there; I have failed to recognise the right Committee. The Backbench Business Committee, we think, has been a big success. I think that is generally recognised. Secondly, from the perspective of the Better Government Initiative, we were very keen on giving Select Committees greater power in relation to the Executive. This is perhaps not what you would expect from a group of mainly former civil servants, but that was and is our view. We were keen on the election of Chairs and the new arrangements that were brought in following the Wright Committee, and we think—we can talk about detailed areas where we would like to go further—that the way in which Select Committees have been reformed and the further proposals in the Liaison Committee report are all positive. We would say that, yes, we are definitely

moving forward in relation to Wright. Obviously there is a big gap, particularly in relation to the House Business Committee, and we would like to see that gap closed; we can't quite see, to be honest with you, why it has not been closed.

Q111 Mr Chope: What about incidents such as what happened on Tuesday, when the Agricultural Wages Board was abolished by Parliament without the House of Commons ever having a chance to utter anything about it? Does that concern you? Do you think that is an issue that we should still be concerned about?

Sir Richard Mottram: I would not say I was a great expert on the Agricultural Wages Board, but no, I think that the position you are still in—the Government dominates the proceedings in the House of Commons to an extraordinary extent—is a very odd position for you to be in and, as an outsider, I wonder sometimes quite why, to be honest with you, Members of Parliament put up with it.

Alexandra Runswick: If I could just briefly add to that, I agree with everything you said. I think progress has been made, but with regard to your supplementary question, that does not mean that the journey has stopped. There are still things that can be improved. Just because they are slightly better than they were before the Wright Committee report, it does not mean that there are not things we can also do to improve the power of Parliament with regard to the Executive.

Q112 Mr Chope: Do you have any particular suggestions you want to make on that?

Alexandra Runswick: In terms of the Backbench Business Committee, I think there are a number. For example, we would support there being a specific day that is scheduled for Back-Bench business, rather than it being given on a more ad hoc basis, but in terms of things like scrutiny and statutory instruments, there is a wide range of ways in which I think you could open up parliamentary procedures and go further than the Wright Committee did. That does not mean that what we have done is not progress and is not valued.

Professor Dunleavy: I just add that obviously the interrelationship between the Executive and Parliament is a multifaceted one, and the point that you have pointed out on the detailed implementation of regulations and that kind of level of scrutiny is, I agree, still a huge problem. However, if you look at, let us say, the balance between Parliament and the Executive on very major investigative tasks that in the

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past might have been wholly contracted out by the Executive to a judge or inquiry or whatever, and you think about how prominent Parliament has been since the Wright Committee reforms in areas like pressgate, the media scandal in the conduct of the banks and the way in which the taxpayer ended up with a huge liability, and in home affairs after the London riots and in many other areas, I think it is very clear that Select Committees have begun to take on investigative tasks that previously would have been solely disposed of by the Executive, and there would have been relatively minimal parliamentary engagement. That is a very important and, from a public point of view, very visible change. Citizens will have noticed that on these big issues of the day MPs and Select Committees are important vehicles for investigation and discussion.

Q113 Mr Chope: Do you think the increased importance of Select Committees is attributable to the way in which we have chosen their membership and their chairmanships?

Professor Dunleavy: I do. The Chairs were previously paid, but they were very little known and their legitimacy was often questioned in various ways. That is not happening now. Everybody knows that they are elected by all MPs, and everybody knows that the members of the Committee are also elected by the party groups, and that makes an important difference to whole status of the Committees. They are a lot more legitimate in the eyes of MPs, in the eyes of Government and among citizens, we would say.

Q114 Mr Chope: Do you think there is a danger that some of the Select Committees are now just going for headline-grabbing initiatives?

Professor Dunleavy: If you look at the evidence that I have submitted, you can see that four Committees—Home Affairs, Public Accounts, Treasury and Culture, Media and Sport—do dominate the last couple of years of press coverage—that is for sure. However, you can also see that there has been a very big across-the-board increase in press coverage of almost all Select Committees. Some have declined slightly—Wales has gone down a bit—but even Scotland has gone up.

Q115 Mr Chope: You do not think there is an issue about the Select Committee Chairman becoming too autocratic—I am not suggesting that applies in this Committee—because of their status of having been elected across the whole of the House?

Professor Dunleavy: I do not see that at all. Certainly if you look at the press coverage, one of the things that slightly surprised us was that the Chairs of the Committees were not hugely visible. There was some coverage, but on the whole the press likes to give ownership of what Committees are doing to the whole Committee, and they do not focus hugely on the Chairs, with one or two exceptions. I think if you go to 24-hour TV, Chairs are much more prominent there, but I have also noticed an increasing number of members of Committees on 24-hour TV as well.

Q116 Mr Chope: What about social media? Do you see social media as having a bigger part to play?

Professor Dunleavy: I think it has a hugely vital part to play, because what Committees do is generate a lot of text and a lot of video that is of interest to relatively specialist audiences, often. In the past it has been very difficult for those audiences to connect with the text. With respect, the Parliament website is a dreadful website, dreadfully set up and run. It is very hard indeed for me, and I have a PhD in political science, to find the right Committee hearing, whereas if somebody tweets a link to a Committee hearing, you go directly to it. You do not have to get through all that interface, and that is a huge advantage. You can get it in a very timely way when it is relevant, not find it weeks or months later.

I think we at Democratic Audit would say Parliament is missing many tricks in not having a developed social media operation that is operating on behalf of Committees, that is essentially bringing them to the right audience. For example, the audience for this Committee is relatively specialised. The audience for the Health Committee looking at social care is fairly specialist people, but that is what universities and professions and a lot of other organisations that generate large volumes of text and video are doing, and it seems a shame that Parliament is not.

Q117 Mr Chope: Interconnection between the public and Parliament is obviously fundamental to all this, and you have made a very serious criticism of the parliamentary website. I noticed Sir Richard was guffawing at the same time. Sir Richard, are you critical also of the parliamentary website?

Sir Richard Mottram: I have to admit that I do guffaw a lot. I just think it is, like lots of websites, quite old-fashioned. It is pumping printed information at people. That is fine for me—I like that sort of thing—but if you were thinking about the engagement of Parliament across the age range, for instance, then I very much agree with what Patrick was saying. Although it would cost some money, obviously you would think of a range of imaginative ways in which you can communicate better what you are doing.

Q118 Mr Chope: Can you think of any Government Departments that we could use as exemplars on that?

Professor Dunleavy: There is the new Government Digital Service, and they have a whole set of policies that it would be great to see Parliament thinking about adopting and bringing over and using. Maybe you could ask them to look at the whole parliamentary function. They are a very expert team, and they have just won some big design awards for Government websites, which is an unusual thing to happen in Britain. I do think you are at the point where you could make a very qualitative change—a big step-change in the visibility of Parliament to the people who are interested in lots of different policy areas.

Alexandra Runswick: If I could just add a point on social media, I think there is a lot that Select Committees could gain from using social media more, but you have to understand that it is not simply a case of publishing a press release link. For social media to

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work and to be effective, there has to be engagement, so it has to be resourced. There has to be somebody who can reply to the tweets or to the Facebook page. If you are going to engage with people it does have to be a dialogue. It is not as simple as just taking a template of what may have worked in terms of getting press coverage and changing the format into a tweet or into a Facebook page. You do have to change the nature of the engagement. That is an important point, as are the points that have already been raised about the parliamentary website, which I am notorious in our office for avoiding at all costs. I will use any other service I can find rather than look something up on the Parliament website. You do have to rethink how you use that interaction, and not just assume that you can take a template press release and change the format and that will have an effect.

Roger Dawe: You touched on going for headlines. I think it is natural that Select Committees should get involved in big current issues and often can make a good contribution to them. At the same time, I think we in BGI think there is a case for Select Committees taking a more forward-looking strategic view on where the whole Department is going—for example, call in the Secretary of State at the beginning of the year and say, “What are the plans for the coming year? What are you delivering with the money you have?” and so on, and then at the end of the year call the Permanent Secretary in and say, “Okay, what have you delivered?” Yes, of course I think Select Committees ought to get involved in current issues and can make a big impact there, but they should not do that at the expense of having a more strategic, longer-term, forward-looking view on where their Departments are going and how well they have done in delivering what they said they were going to do, what inputs they have had, what outputs they have had, and what value for money they have delivered. That could and should be a regular process of Select Committees. We have made that point very strongly to the Liaison Committee.

Q119 Chair: I think we probably are at the latter end of your description there, Roger. I think we tend to look a little more strategically and long-term—

Roger Dawe: Yes, you do.

Chair—and deliberately do not do the short term. We do not exactly have a Committee of shrinking violets here who avoid the press at all costs. We collectively have made a decision that we want to try to do some fundamental stuff. A lot of the time, the democratic and constitutional things are slower burners. There are other Committees that choose to do it in a different way, and they are nimble enough to be able to pick up topical issues, but we tend not to do it in that way. Peter, I am conscious that you have not had a chance to chip in. Is there anything you want to comment on so far before I call Paul?

Peter Facey: The only thing I would add is in some ways, yes, it is important that the punters in the institution use communication methods such as social media better, but the thing about social media is you need a voice; it is not just an institution. In most cases, if you look at what people follow, they follow

individuals who have a particular view or voice that is communicated. In lots of ways, the best way of using social media—I hate to say it—is for you as parliamentarians to use it. Yes, Parliament and Committees as institutions need to use it better, but if you are going to have the dialogue that Alexandra talked about, then it is you having that dialogue and using the media, and not just the institution using it, because in lots of cases people do not want to interact with an institution. They want to interact with the people whom they elected to that institution.

Chair: We are going to come on to petitions later, but there is an interesting point about whether petitioners seek to bypass Parliament by going straight to the petition and accumulating a number. We can turn that around: some Members of Parliament bypass Parliament, do not use Parliament, because they can have a relationship with their constituents and perhaps make that relationship even stronger with social media. Perhaps all of us should focus on building up the institution, as well as having what I will call a workaround because of the problems of the system. Maybe let us address the problems of the system. I did say people should ask questions, so I should shut up immediately.

Q120 Paul Flynn: It is disappointing that in the first elections for Chairs of Select Committees—instead of it being fixed by the Whips in the traditional way, they were elected by Members—I believe nine of them were uncontested. There was just one candidate, so there was no choice. In other cases, the candidates were limited to, say, one section of a party; they were perhaps on the right wing of the Conservative party, or the left wing of the Labour party. There was not the wide choice there should have been. Do you agree with this? Do you agree that the Wright reforms have worked properly? Can you think of ways in which we can improve the Select Committees, possibly by having mid-term elections for new Chairs?

Peter Facey: On mid-term elections, I would be sceptical about whether you wanted to do that, because one of the tests is whether the Committees can gain the expertise and the authoritativeness. If you had two or two and a half years to do that, I am not sure you would do it in an effective enough way. In this case, I think it is a cultural change in Parliament, and what we need is more MPs to come forward and stand next time. Again, you can create the formal structure, but you have to change the culture inside this place to make that formal change a reality. Therefore, in some ways, it may be too early to tell whether you need to change those things until you have done the second round of elections.

Q121 Paul Flynn: It was so limited; in the case of one Select Committee, there were only nine MPs who could possibly be candidates—it was the Welsh Affairs Select Committee—because they wanted a Welsh Conservative and there are only nine of them. Only one of them had been an MP before and had any experience in Parliament. I think Tony Wright made the point that he thought that some of the Select Committee Chairmen could beneficially be changed,

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and many of us have very strong views about that. There are clearly Committees that are failing in their leadership, but there are other Committee Chairmen who would never have been appointed by the Whips. I think there has been success as far as that was concerned.

Peter Facey: Maybe you could try recall.

Paul Flynn: Yes, indeed. So, generally, are you happy about this?

Sir Richard Mottram: I read Tony Wright's evidence, which was, as one would expect, fascinating. The point that he made, which was a valid point, was that you had a big change in the composition of Members of Parliament at the last election for all sorts of reasons that are very familiar and we need not waste time on it. People were often voting in circumstances in which they had very little knowledge of some of the candidates, and also in circumstances in which this was quite a new thing. I agree with Peter that one would hope that, firstly, there would not be such a big turnover—I am in dangerous territory here—in the next election in terms of wholesale departures and, secondly, people will have more confidence in thinking about how to make the system work. At the margin you are probably going to have Select Committees—I do not want to get into Welsh ones—that are not popular, but my impression, externally because I no longer am grilled in these as a civil servant, is that the quality, certainly of the major ones, has been good, and I think that is the flavour of the Liaison Committee report as well.

Roger Dawe: I agree that the quality is now good. We did make a suggestion in our first report as to whether Committee Chairs should not receive extra pay, which would take them to about the level of junior Minister, or maybe even Minister of State. Now, I doubt whether pay is the answer, but it is relevant. Does it encourage people to think of a career in parliamentary scrutiny by being Chair of a Committee? That is one that—

Sir Richard Mottram: That is the next issue, yes.

Q122 Paul Flynn: On the previous question about the use of social media, tweets I believe would be the future, and possibly are the present, but we have to have techniques to use tweets, to use the 140 characters, and to get people to then link to longer reports, and I think that is probably the way to do it. You could have a sexy intriguing tweet that suggests there is something amazing at the end of the link. They will go in and see a Select Committee report or even a speech in the House of Commons. There are no reports of parliamentary speeches in the press now as there used to be many years ago. That seems to be the way of doing it, and what I have urged is that all oral questions should be tweeter length in the House of Commons. They would be better questions and you would be called more often by the Speaker, who loves brief questions.

Professor Dunleavy: The evidence from academia shows that where people have tweeted or used social media to explain what they have done in a research article it can attract up to 150 times more coverage than if it is not, and I would say the ratio is going to

be much higher for Parliament. A large amount of resources are expended on producing transcripts of evidence and proceedings, and the readership is very small indeed. I think if you had a good staff presence—you would need to have probably one member of staff per Select Committee who was working on making things visible—you would see a big uptake.

Q123 Paul Flynn: Would you agree that the reports of Committees, which are not instantly digestible by the general population, should be presented journalistically by someone who knew how to draw people into reading detailed reports? At the moment, we do it in a traditional way: "There is the great slab of our report; it is brilliant and balanced and erudite, but almost unreadable".

Patrick Dunleavy: There is a big trend. For example, in academia, the trend is towards work that is shorter, better, faster and free, and all those things are lessons that Parliament could learn. If you write a large paper now—say 10,000 words—it is common to write a 1,000 word summary of that, which has the key things in it, and then blog that and tweet the blog and the article. You can imagine similar kinds of stages: the Committee staff would write, say, 1,000 words about what happened in this session today, and then there would be links to the full transcript. You would see a big increase in the visibility of Parliament if you did that. It would take two or three years, but—

Q124 Chair: Patrick, are you arguing for additional weaponry, rather than giving up, which I might object to, the big chunk of persuasive, steady, sometimes intellectual argument? The reason I say that is, again, on behalf of this Committee, we attempt in our work not just to write a report but to have some influence, often very long-term. If you are talking about greater freedom for local government, or what a constitutional convention might do in this country, it is often not amenable to a slogan, but it is nonetheless about getting out the information and intriguing people to go a bit further.

Professor Dunleavy: Yes, indeed. For example, I think you wrote a blog for our LSE blog, which was very well viewed, and we would like to see a lot more of that. I think the Committee staff will take a little bit of time to work out the style of how you do that, but it would be a huge gain for Parliament. Instead of putting out lots of large wedges that nobody would read, you would find that interested publics, very specialist publics, would read and access much more, and I think that would improve what people were saying.

Sir Richard Mottram: To make an obvious point, the challenge here is you have multiple audiences. A Select Committee is certainly trying to engage with the public and get attention for what it is saying and so on, but also it is trying to influence Government—and is influencing Government. There will be people in Government who do read a heavyweight report that is backed up by analysis and so on. Before this session, I reread the Wright Committee report. I have forgotten its official title, so I call it the Wright

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Committee report. It is very well written. It is absolutely readable. It is not going to appeal to your average person because it is very technical, but you could certainly present aspects of it in the way that Patrick says—I am not disagreeing with what Patrick is saying—but it would be a great pity if you did not have something like that quality of work backing up these very difficult issues.

When you read the analysis, it is very persuasive, because inch by inch it goes through all the mind-boggling detail of how Parliament schedules its business and so on. Who is interested in that? Very few people. How could the Wright Committee influence that debate without getting into that level of detail? I can think of other areas, similarly, where Select Committees do the heavy lifting of forcing Government to confront the fact that it is thinking about problems in the wrong way. That is not going to make a very exciting headline. Obviously the reports need to be well written, and there is stuff in the Liaison Committee report about clarifying what are conclusions and what are recommendations, about picking out the main recommendations, and about offering a summary, as Patrick says, in plain English. You might get help for the Clerks from journalists on how to write plain English. It is certainly an issue in the civil service.

However, you have this issue of multiple audiences, so I personally would not argue that your Committee should not produce very well thought out, weighty analyses of technical and difficult issues that are, by definition, going to have quite a narrow but influential readership.

Q125 Paul Flynn: I accept that entirely. Not everything can be beneficially reduced tabloid languages, but there was an American who gave evidence to one Committee recently, and he talked about their aim of producing a report on procurement that was fast, inexpensive, simple and timely, which spells FIST. In this House we are reported to be complex, random, asinine and prodigious, which is—
Sir Richard Mottram: Yes, I have that.

Chair: Funny, but inaccurate.

Paul Flynn: With the exception of this Committee, of course. I am talking about the average Committee in this House.

Sir Richard Mottram: Yes. As my colleague has pointed out, you could tweet that.

Q126 Paul Flynn: You could indeed. It has been tweeted, I assure you. What is your view of the Government's action in changing the rules for election to the Backbench Business Committee—a change that tends to give more power to the Whips, as we think in our usual suspicious way? Any strong views on this?

Peter Facey: Organisationally, it is another example of how the culture has not changed, and how the Executive basically still thinks it is its job to reorganise things in Parliament for its convenience, and not necessarily Parliament doing it. Any move whereby, in effect, it moves away from the principle of it being elected by the whole House—it is a Backbench Committee—and into the party caucuses

undermines the reform. We will come on to issues of petitioning; it was recommended that you have a petitions committee, but instead, Government—the Executive—decided to hand that to the Backbench Business Committee. That was not consulted on. It was not discussed outside. It was just simply done by the Executive, and it is those sorts of things that Parliament still needs to deal with.

What amazes me in my time dealing with Parliament is the problem is that Parliament accepts it. We can sit here and we can tell you, “You should not accept it”. The weird and wonderful bizarreness of the British constitution tells you that you do not have to accept it. You are sovereign, but you accept it. I do not know why Parliament did not revolt, but you accepted it.

Q127 Paul Flynn: Let me give one recent example you may not be aware of. There was a well-presented plea to the Backbench Business Committee to have a debate on the Iraq war, and it was on the anniversary, which was in March of course. It was presented by a balanced team of Rory Stewart and Bob Stewart, two very distinguished Tory Back-Benchers, and by the Green MP and by a Labour MP, and it had the support of many others. The issue would have had, you would have thought, prominence over all other issues because of the need to discuss it, due to the controversial nature of the war and so on. That debate has not taken place, and it has been leapfrogged by 20 other issues of minor significance because of the—
Chair: I can feel a question coming on. Perhaps our witnesses could comment on that.

Paul Flynn: It is not the Backbench Business Committee, I am sure, that are doing it. They wanted to accept the debate, and thought it was the right time to do it. It is the influence of the Whips and those who control the business of the House. They are kicking the debate into the long grass of early summer, perhaps. Do you perceive that as a weakness in the powers of the Backbench Business Committee?

Peter Facey: Yes. That is why my colleague said that the Backbench Business Committee should be given a day a week on which it can do it. It is why things like the petition system should be taken away from the Backbench Business Committee. It should have allocated days, so that you do not have a situation where you have things which are important in Parliament and things which are important to people outside competing against themselves for what is very limited time, but that means that Parliament has to be more assertive and say, “These reforms have been recommended. If necessary, we are collectively going to deliver them”. I am not naive enough to say that it is not difficult, but I do not know how many times you can have reports that say, “You need to move in this direction”. Parliament is the block. It is not the studios reports on it. It is not the recommendations. It simply comes down to the fact that the Executive will always try to get its business through, to minimise opposition, to do what it has to do, and unless Parliament is assertive enough to say, “These are important changes because they deliver a better quality of democracy”, you are not going to get the reform. I hope this Committee will come up with

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recommendations to implement the full part of the Wright Committee reforms, and to go and look at the bits that were supposed to be investigated by Parliament but were not investigated, but you have to do it as an institution.

Roger Dawe: Can I just add that the Better Government Initiative supported strongly the original Wright proposals? We still do. We think the Backbench Business Committee has done a good job, but it might have done an even better job if the original Wright proposals had gone through. That is our position.

Chair: I am going to just leap forward. We Members have talked about this before, but Andrew, I know, was interested in a particular group of questions, so I will ask him to come in, because he has some thoughts on petitions in particular.

Q128 Mr Turner: Petitions are all very well, but most people who sign petitions have Members of Parliament. Are they consulting their Member of Parliament, or do they feel they can just go past them?

Professor Dunleavy: There is some research being done on petitions by a colleague of mine at Oxford University called Professor Helen Margetts. She studied 19,000 petitions and they tend to have a very quick start-up. I think one of the problems about consulting your MP is that that would seem to a lot of people to be quite a lengthy process. They would need to find out who their MP was, which they might not know. They tend to feel that they would need to write to MPs, even though they could e-mail them, but a lot of these petitions are very much spur-of-the-moment. People run across the link to the petition, and they then go on to the Cabinet Office site, or the Digital Service site now, and try and sign up.

According to Professor Margetts, what happens in the first 10 hours of a petition is very important. If a petition gets around 3,000 signatures in 10 hours it has a chance of getting to the 100,000 limit, which is the limit for the petition to be referred to the House, but if it does not get to 3,000 signatories within 10 hours, the chances are almost zero and only one in 1,000 petitions ever gets to the level that would allow it to be referred to the House. That is extremely restrictive. One in 1,000 petitions will get 100,000 signatures. Seven in 1,000 will get 10,000 signatures. I think the other thing that a lot of people think about in relation to petitions is that perhaps their MP may not be in favour of the petition, particularly, let us say, if they are petitioning against some aspect of Government policy and they have a Government MP. They may feel that the Government MP would not be sympathetic and it would be a waste of time.

Then the final big thing is that when you are thinking about contacting your MP you tend to think about what support is locally, but many of these petitions are on issues that are very general across the country; there are other people who are concerned about it, but maybe not so very many in your local area. You would not think of organising to get that issue discussed by going through your local MP, particularly given the problems; your MP may seem very hard to contact

compared to this instant petition, or may not be sympathetic and so on.

Q129 Mr Turner: What you are doing is allowing MPs to hide if they wish to do so. It would be much better if they contacted their MP and then they had to decide what to do, rather than just quietly disappearing and getting the work done anyway.

Professor Dunleavy: I think this is now being run by the Government Digital Service, which is a very well tooled-up kind of outfit, and I can see certainly the potential for MPs to be notified of one of their constituents' petitions, but you would then have to think about whether you would want to have all these e-mails saying, "Somebody from your area has petitioned about parking charges". There are lots and lots of these petitions. Thousands of them get started. Most of them die a death very quickly. You might just want to get notified about ones that have reached a certain level of signings. I am sure that would be technically possible.

Q130 Mr Turner: Is there not a major issue, in that we are representatives of a certain area of the country? We have to be told that people are contacting Government or Parliament, and I am not quite sure which it is.

Chair: Can Alexandra maybe come back on that?

Alexandra Runswick: I think there are possibly ways that you can better integrate those. It is not necessarily an either/or, though. As an organisation we encourage our supporters to write to MPs a lot. We are often not very popular because we encourage our supporters to write to their MPs about particular issues, but a lot of the time we will get back e-mails from our supporters saying, "I would love to write to my MP about this issue. I care passionately about it, but I have written to them about x, y, and z. I know exactly what they are going to say. There is no point me engaging on this issue. I will support whatever you want to do. I will sign a petition and do anything else you want me to do, but I do not see it as worth my while to contact my MP."

I think you have to have a range of ways that people can participate. Yes, contacting their MP should definitely be one of them, but I do not think it should be the only one because, as Patrick has already said, if they are a Government Minister, there may be limits on what they can do. I think it is also about what kind of interaction or what kind of change you are trying to see, because if you look at, for example, the way the Scottish Petitions Committee works, one of the successful petitions they had, which was after the change of policy, was around the treatment of pernicious anaemia and vitamin B12. That was something that the Committee was able to engage with because they were able to hold evidence sessions, including one with the relevant Minister, and issue advice. It was not something that necessarily an individual Member could have taken on in that way. I think it is about having different types of interactions and being clear about what you can do with each of those different forms of participation. One of the problems with the petition system that we have at the

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moment—apart from the one that has already been raised about the fact that it was just bolted on, without any consultation, to the Backbench Business Committee—is that it raised expectations that if you got lots of signatures, something would automatically happen. That is not what happens, so people did rush into it, and it can be quite disillusioning if you think, “Oh you just sign up to this, you will get a debate and something will happen”, and then it does not. I think there are also issues about when people are signing petitions and what they are signing them for, because at the moment all they can hope to trigger is a debate. With lots of the very popular petitions, I would argue about whether people wanted a debate or wanted to change policy. On the one to do with the NHS Bill, you can’t say it was not debated in Parliament. There was parliamentary time given to the consideration of that Bill, but people felt very strongly about it. Were they saying, “We want another day of debate”, or were they saying, “We want to influence this policy”? I think that is one of the things that is not clear with the system at the moment.

Chair: Any more, Andrew?

Q131 Mr Turner: Just thinking of that, in the end 100,000 is a very small number, not a very large number, so they are not entitled, by that, to change the policy. Could a petitions committee with the power to implement a range of different responses to petitions be more effective?

Professor Dunleavy: Yes. I agree with your previous point, but I think it would be very interesting, for example, for MPs to be given some kind of digest of petitions that have been well supported in their constituency. I think it would be very useful for Parliament to register and publish, “100,000 is the limit for formal consideration”, but what about things that are sort of bubbling under, or have made the 10,000 limit or something like that? You can imagine a “Top of the Pops” version. That would be useful for MPs to keep an eye on, so they knew what sorts of things were attracting significant amounts of attention.

Peter Facey: The problem is that we have a bastardised system. It is the problem of plonking something on Parliament without debating it, scrutinising it and working out what it is for. There is an issue around a petitions committee where you may have to set a limit to what point triggers consideration, but the idea that you have to get 100,000 on what may be a very technical issue to have it considered is a very strange committee system. The European Parliament committee system works with three people. As long as you get three people, it goes into the system. The more signatures you get, the more consideration you are likely to get, but it goes in. With the Scottish Parliament, it is one signature. It is a Petition Committee; it puts an issue for Parliament to consider in the Petition Committee.

There is a different issue about whether you want what is called an agenda initiative, where you force a debate in Parliament, and that should have a much higher threshold to it, but what we have done is confuse them all. We have also done something that is very strange. We have introduced something that is

only online. In a country where millions of our citizens still do not have online access, we have introduced a way of influencing Parliament that is only effectively for middle-class people, or people who have access.

Professor Dunleavy: 82% of the population.

Peter Facey: However, that means 18% don’t.

Q132 Chair: In some constituencies, it is less than 50%.

Peter Facey: I hate to say it, but if you compare yourself to the European Commission, which has a citizens’ initiative system—basically a form of agenda initiative—you can sign that on paper or online. How is it that the European Commission can have something that is more accessible than a number of Parliaments? This is a problem because it was not debated or discussed. The recommendation of the Wright Committee was that there should be an investigation into introducing agenda initiative. There should be creation of a petitions committee. Overnight, the Government took something that it had created, which was a vehicle to influence Government, not Parliament, and plonked it on Parliament. It did not go to the Backbench Business Committee and say, “How are we going to do this?” It did not come to this Committee. It did not have a White Paper or a Green Paper. It just happened, and people then said, “Okay, it does not quite work”. Of course it doesn’t work. If you just plonk something down, you have to be extremely lucky for it to be perfect. It does need to be looked at and separated out into different bits. Yes, there are ways for people to contact their MP. We always recommend people talk to their MP first, and ideally write to them by hand. If not, go and visit them, or phone them, but that does not mean that there is not a role for a petition committee and there is not a role for agenda initiative. There is for all of them.

Q133 Mr Turner: Do you think people will become more cynical about this, or have they already?

Peter Facey: I think they already have. When it started, the perception was that if you get 100,000 signatures you get a debate in the House of Commons. That was never the reality, but that was the public perception.

Q134 Chair: The press perception, too.

Peter Facey: Yes.

Q135 Chair: Hence the campaigning to try to create 100,000 signatures.

Peter Facey: Now you have petitions that have had a lot more than that, and they have not got a debate in Parliament, and that feeds into the cynicism. Bad participation is always worse than no participation. The problem is, again, because it was not designed and because it was not clear, you are building up false expectations in people who are already cynical about you. You are not delivering on their expectations because you never intended to deliver on their expectations. They feel let down and even more cynical about the system.

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Q136 Mr Turner: I understand, but you collectively appear to me to be saying, “This system does not work, therefore we will introduce a new system”, whereas the job of MPs is jolly well to do what his constituents think is important. We managed to get a petition of 60,000 names in one constituency, not limited to e-mail. Why is it possible in one constituency but not in another?

Peter Facey: It is possible to get those. My problem at the moment is there is no formal way of dealing with them. The phrase we have in the English language is “in the bag”, because it just goes in the bag and that is it. It is not that it is not possible. I would like to see more people do it, and I would like more MPs to have that vehicle and use it. What I am calling for Parliament to do is what the Wright Committee recommended in the first place, which was set up a proper petitions committee that looks at issues and, where they feel it is necessary, use them to investigate them and to advise and maybe even pass them to other Committees, and then to look at the issue of agenda initiative—something that I clearly think should be done, but in a measured way, where you have thought through the consequences and how it works. That is what the Wright Committee recommended in the first place.

What I am complaining about is the Executive coming along, getting a report, skipping to the conclusions and then going and doing something completely different. That is the problem here. If you are trying to engage the public with Parliament, it has to be very clear what the public can expect from it. We are very clear: we always say to people, “The first port of call is to talk to your MP and to have a personal relationship with them”, but that does not mean that that is where it stops. There should be more than just that.

Chair: Andrew, are you done?

Mr Turner: I think so.

Chair: I am going to ask two Members to pop in briefly. Sheila, you have experience as a Member representing a Scottish constituency. We normally have something serious to learn from the way the Scottish Parliament handle petitions.

Q137 Sheila Gilmore: I think some of the people giving evidence would probably agree with this point. My recollection was that a lot of the point of the petitions process at Holyrood was about allowing people to bring forward some sometimes unexciting but important, not necessarily popular, minority sort of issues that tend to get ignored, so that they could begin the process. Not all of them get terribly far with the Petitions Committee, it is fair to say, and there is a bit of frustration that people do get a hearing and then it just disappears. It is an important thing, because any Parliament is not necessarily going to deal with something that is quite unusual, but it might be the beginning of people saying, “Oh yes, that is important.” Is that the big difference?

Chair: Alexandra, do you have a comment on that?

Alexandra Runswick: Yes. For me it is about being able to raise issues in different ways. Yes, obviously you can contact your MP, but as I said earlier, one of

the issues that was successfully dealt with by the Scottish Petitions Committee was around the treatment of pernicious anaemia. That is quite a technical subject, and it is something that they were able to do because they were able to investigate it, rather than giving that to one constituency representative, with one constituent saying, “I think this is really important because I have personal experience of how this has gone wrong,” or “I have a particular perspective on it.” I think the Committee structure meant that they were able to investigate it as a policy area, and were able to move it forward in a way that an individual Member of Parliament might not be able to, given all the different competing needs on their time and all the different issues that their constituents care about. It is not about an either/or. It is about having different ways of engaging with MPs and with Parliament. I understand there have been some frustrations, but broadly speaking, I think the Scottish Petitions Committee has been a very successful model of how that can work.

Chair: By the way, I regard every letter I receive from a constituent as a petition. Also, if I receive an actual petition—that is, a letter with more than one person’s name on it, or that requests to be treated as a petition—I will always ask a Government Minister to reply on the issue before I reply to my constituents. I think the cynicism that Peter mentioned goes in both directions. I think Members of Parliament are very cynical—I am—about the way petitions, certainly by electronic means, can be got up by newsrooms and even some Members of Parliament on so-called populist causes, which I think devalues the concept of petitioning and devalues representative democracy. I suspect from the nods around the table from the Members here and from the witnesses that this is something we need to have a close look at, and something on which we need to make some follow-up recommendations to the Wright Committee.

Q138 Mrs Laing: I just wanted to clarify two points. My first question is to Professor Dunleavy. Are you aware that most Members of Parliament would not recognise your analysis of what happens? It is possible you are making assumptions, but perhaps not. That is what I want to ask you. Perhaps you have evidence of which the Committee ought to be aware of what happens in an MP’s office. You said that most people find it difficult to write to their MPs and think that they ought to write an actual letter on a piece of paper, and said that it is better for them to be able to click online and sign an online petition. First of all, there are two sets of people: those who can go online and those who can’t. Dealing first with the people who can go online, if they have the technical ability to sign an online petition, they have the technical ability with two seconds on Google to find their MP and their MP’s address, and to send an e-mail to their MP. Would that not be correct?

Professor Dunleavy: That is true. Certainly, I agree with that. We do regular focus group work, and one of the things we find is that people who are over 40 often do know the name of their MP and have often written letters to them, but people who are under 40

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often do not know who their MP is, although they will say that they could easily find out who their MP was.

Q139 Mrs Laing: Do you agree that they could find it out in less than a minute if they are an under-40 person with a computer, iPad or smartphone? If they have a serious point to make and they really care about a point, shouldn't they be able to make the effort to spend less than a minute finding out their MP's e-mail address?

Professor Dunleavy: I think the point I was making was an overall point about the cost that people perceive as being involved in contacting their MP.

Mrs Laing: The cost? That is interesting.

Professor Dunleavy: The cost in time and effort, and the likely return that they will get.

Q140 Mrs Laing: If a person cares about a particular subject that is in the public domain and wants to make their opinion known on it, what would be a reasonable cost in time and effort? Would it be less than a minute, five minutes, or 10 minutes? If someone is not willing to give 10 minutes to making their point, is it a point worth making?

Professor Dunleavy: I don't know. You would have to be the judge of that. My view would be—

Q141 Mrs Laing: You are making a very serious point—that people consider the cost, in terms of time and effort, of contacting their MP.

Professor Dunleavy: Yes.

Q142 Mrs Laing: Well, this is a serious question to you. What is a reasonable cost in time and effort if a person's opinion is to be taken seriously? Is 10 minutes too much?

Professor Dunleavy: I am not in the business of screening out people's views and saying, "These views don't matter." The thrust of your question would seem to be that that is where you would like to go. I think citizens have a lot of different ways in which they would like to contact—

Mrs Laing: If you will forgive me, Mr Chairman, I cannot have you suggesting that I want to screen out people who get in touch with me.

Professor Dunleavy: I apologise.

Mrs Laing: I am sorry, that is just totally, totally out of order.

Professor Dunleavy: Okay, so I have misconstrued your question, then.

Chair: I think we have all made our points now on this particular one. Eleanor, did you have another rather briefer one? I am trying to get other members in.

Q143 Mrs Laing: I think we have not, unfortunately, Mr Chairman, got to a point where any of our witnesses can tell us—perhaps Sir Richard is indicating that he might want to—what a reasonable time and effort is for a person to make a point of substance. Perhaps one minute is not enough and 10 minutes is too much. Perhaps the price of a second-class stamp is too much. It is a very serious point.

Chair: Sir Richard, I am going to allow you one brief intervention.

Sir Richard Mottram: I just want to make a brief point, which is not based on any analysis or focus groups or anything. I have a feeling that for a significant number of people in this country, they would be quite nervous—I put "nervous" in inverted commas—about e-mailing their Member of Parliament directly, because they think it would be slightly disrespectful. If I was thinking about my Member of Parliament, I would tend to write them a letter, because you have an idea, and Members of Parliament are very important people. It could be that there is an issue over whether people realise that in this modern world, Members of Parliament are very happy to be communicated with by any means, including e-mail. There could be those sorts of psychological barriers; that is the only point I want to make, so it could be a different point, really.

Chair: I will come back to Eleanor's second question a little bit later on. I want to move on now. I think everyone has made very interesting points around that. It is good.

Q144 Fabian Hamilton: I just briefly add that the reality is, because of the number of e-mails we all get, we take written letters more seriously, even though we should not.

Sir Richard Mottram: That is interesting, isn't it? That is also a point that we need to think about. Anyway, sorry, I know the Chair wants to move on. That is very interesting.

Peter Facey: We advise members of the public who are trying to contact you. We always say to them—

Sir Richard Mottram: Write a letter.

Peter Facey: "Send an e-mail. If you feel strongly about it, print it out in your handwriting and send it to them, and if you feel really strongly, ring them." We know that the more personal the communication, the more seriously you take it.

Q145 Fabian Hamilton: That is the way I work. May I get back to the House business committee issue? The coalition's programme for government stated that a House business committee would be set up by the third year of this Parliament. We are now, of course, almost coming up to the end of the third year. The Leader of the House wrote to us in January, stating that "work on the development proposals for a House business committee within Government is ongoing", which I take to be civil service speak for, "Yeah, some time in the future. We have kicked it into the long grass." I may be being too cynical here. Why do you think that the Government has not yet brought forward proposals for a House business committee? Is it a conspiracy, or is it just other pressing matters?

Chair: Any takers? Go on, Richard.

Sir Richard Mottram: I will offer an obvious point. It is not cynical. In order to bring it about, you would need to have people inside the Government who really wanted to champion it, because there would be a lot of opposition on the grounds that departmental Ministers will have their own priorities. What they are volunteering to do by setting this up is to make life

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more difficult for themselves. I have spent many years in the civil service dealing with Ministers who are Members of Parliament, and I am always puzzled slightly about why, if you were a Member of Parliament, you would not give great priority to the importance of Parliament. I am afraid that Ministers and their advisers—call me old-fashioned—get into very bad habits. This is going back and forth—I have no personal knowledge of it—inside Government, with people saying, “Well, you know, it is going to cause us trouble, so don’t let’s do it”. To then move the question on, therefore, Parliament must force the Government’s hand.

Peter Facey: The simple reality is that it is always the case that institutions are reluctant to give up power, whether that is the Executive giving up power to Parliament, or Parliament giving up power to another institution, and it always needs pressure from the outside—from the person who the power is coming to. If you simply leave it, all the reforms that shift power and have an institutional interest against it tend to take a lot longer. We have been dealing with the Department for Communities and Local Government over a particular piece of legislation for years, and given the number of letters I have in files, saying, “It is coming in the spring”, “It is coming in the autumn”, or “It is being actively considered”, I could wallpaper my office with them. Unless you push, I would not be surprised at the end of this Parliament if it still has not been set up, and if, at the end of the Parliament, it is something for the next Parliament. It needs to be seriously considered in the light of these reforms, and we need to see these reforms bed down before we take the radical steps. I could write a speech for you.

Roger Dawe: I think part of the push should be an assurance that the Government can still get its business through. I thought Wright had this absolutely right; the House should control its own business, but the Executive does need to get its business through. I guess that is what Richard was saying. Basically, the Government’s position is worry about it being more difficult to get the business through, and they need constant pressure from the House, but they also need that reassurance: “Look, we recognise you have to get your business through.”

Q146 Fabian Hamilton: Does this not come down to a fundamental flaw, though, in our long-evolved system, whereby the Executive, as Richard says, are members of the legislature as well, and there is a conflict between the two? I have a very good friend, now retired from Parliament, who was in Parliament for 23 years, and he was a Minister in Blair’s Administration. When he said, “I cannot do this on a Friday. I have to be in my constituency,” a civil servant—I cannot remember which Department it was—said to him, “That is not a matter for us, Minister.” He pointed out, “Well, I am a Member of Parliament, too. I have constituency obligations.” “That is not a matter for us. We are not interested. You have to do your job in the Ministry.”

Sir Richard Mottram: I can quite imagine a civil servant saying that, but that is a failure of education of civil servants, isn’t it? To say that is so crass, and

it is disgraceful. I tend to think, from the perspective of BGI, we never argued that we should move to a sort of American-style system. If I can make an observation about the Wright Report—this is a point that I noticed Tony Wright made last week—I know why it was framed in the way it was framed, that the Government should get its business, but I do not think that is the way we should think about this. “The Government should get its business” was the Wright formulation, “and the House should get its scrutiny”, as though these two things were easily reconcilable. They are not easily reconcilable. The Government should get its business, if its business—if we are talking about legislation and other key things—is well thought through and Parliament is given sufficient time properly to scrutinise it.

Out of that would come a realisation, which might be partly why the Government is getting very nervous about going to the next stage, that there will be pressure properly to scrutinise all legislation, which is absolutely not what happens at present, and that will create pressure to have less legislation, which would be a very good thing. Individual Departments, in their psychology, and in the way they think about power and their importance, are keen. They are queuing up to do it. That is the fundamental problem. The Wright report very skilfully glossed over, because it was trying to sell something, this fundamental challenge, and it glossed it over and got progress at a time when, for various reasons we need not go into, the climate was good. Now the climate is less good, because Parliament has restored its reputation to an extent, and it is a much less salient issue, so Ministers say, “Why would we do this?” It is only going to lead to one thing, with a bit of luck: less legislation, better thought through.

Q147 Chair: As a member of the Wright Committee, I would perhaps just chip in. The reason—

Sir Richard Mottram: That may be a misrepresentation.

Chair: No, but the reason why we were convinced, on all sides and parties, of the argument was that we needed to reassure the Executive that this was not some sort of quick takeover of everything in which they would not get any business at all, so we had to repeat over and over again, “It is not our intention. Government must always get its business.”

Sir Richard Mottram: Yes, absolutely, Chairman. I was not implying any criticism.

Chair: I say that just to be clear. Also, the Wright Committee was not in a position to try to resolve all the problems about poor legislation and poor drafting—

Sir Richard Mottram: No, of course not.

Chair—which, no doubt, will be slightly more transparent, but they are a whole set of additional issues.

Sir Richard Mottram: Exactly.

Q148 Chair: I cannot speak for Tony Wright personally, but as a long-serving member of that Committee, I think the fundamental question was: does Government see Parliament as a partner, and is

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some transparency and assistance therefore always welcome, or does it see it as a potential threat or problem to be managed? I think that is where the psychology needs to be. That is where the psyche and the culture need to be, because if we are all working as partners, we can definitely find a way through this.

Sir Richard Mottram: If I could just make an observation, Chairman, I certainly was not in any way criticising the way that the Wright Committee framed its approach, because it was absolutely the right—sorry, too many “rights”—thing to do to get Government to buy in. I was watching it at the time. It was remarkable that the buy-in was achieved. The only point I am making is that fundamentally this partnership is fine, as long as the Government is living up to its side of the partnership, and its side of the partnership should include bringing forward legislation that is well-framed, well-drafted and not overloading the House’s capacity to scrutinise it.

Chair: We will be trying to answer that question, Richard, when we come to the “Better Legislation” Report that we are deeply engaged in.

Q149 Fabian Hamilton: Do you want me to continue?

Chair: Please do. I am so sorry for interrupting.

Fabian Hamilton: No, not at all, Chair. Natascha Engel, when she gave written evidence to this Committee, said that before a House business committee could be set up, there needs to be a decision as to exactly what that committee aimed to do, and she asked the question, “Does Parliament want to scrutinise better the scheduling decisions taken by the Executive, or does it want involvement in those scheduling decisions?” What do you think a House business committee should be for: scrutinising the decisions on scheduling, or making those scheduling decisions—in other words, managing its own time?

Professor Dunleavy: I would suggest that one of the things that a lot of people with very wide-ranging interests are hoping to see is a movement towards better legislative scrutiny, and to the extent that the House business committee might more appropriately allocate time across legislation in response to its difficulties, that could be a very positive thing. That is really the No. 1 gripe that I think most people have about Parliament at the moment: legislative Committees are relatively random sets of MPs assembled ad hoc, and business is pressed through in a way that does not really give confidence that scrutiny is effective.

Q150 Fabian Hamilton: Given that any House business committee would probably have a majority of Government MPs on it, would it actually make any difference to the decisions made?

Professor Dunleavy: One would hope that it would, and the way in which it would make a difference is that there would be more sensitivity, a broader range of sensitivities, about which pieces of legislation were felt to be in need of the most scrutiny.

Alexandra Runswick: If we look at the international examples, the business committee model is better at

providing openness and transparency than it is at the involvement. It does not mean that it cannot do that, but if you look at how it is working in practice elsewhere, it tends to make more progress on the openness and transparency than the involvement. It depends very much, obviously, what the Standing Orders of that committee are, and one thing we have to be aware of is that setting up the structure is not an endgame in itself. You could quite easily create a business committee that was a formal structure of exactly how things operate at the moment and did not actually change anything, so it is very important to look at how that committee is working—at, for example, how smaller parties are brought into the process, or if they are brought into the process; or whether or not decisions are purely by majority vote, or if there has to be some kind of attempt at consensus. There are different ways of doing that, but that will influence whether it is purely about openness and transparency, or whether there is some greater level of engagement.

There are other things that the Wright Committee Report looked at in addition to the House business committee, such as moving from the business statement being a statement, and having it as something Parliament could vote on or could amend. In some ways, that might increase parliamentary involvement more than the business committee model, so there are different ways of going about it.

Q151 Fabian Hamilton: If the committee was simply a more formalised or committee structure that simply did the same as the existing business managers, it would not be worth having, would it?

Alexandra Runswick: It might increase—

Fabian Hamilton: Nobody would notice the difference, would they?

Alexandra Runswick: I do not think it would make a significant difference. That is why I said it depends on how you structure the committee. For example, in the New Zealand equivalent, they do not necessarily have to come to a consensus. They have to try to come to a near consensus, and the Speaker is part of the discussions. They also go further than they are required to do, involving smaller parties, whereas other committees do have it on a purely majoritarian vote, and yes, I can see that that would be more institutionalising the usual channels that we have at the moment. Even if we just did that and, say, published the papers that were considered, that would probably increase openness and transparency, so it would not necessarily be a bad thing, but I agree that it would not necessarily be a giant leap forward.

Q152 Fabian Hamilton: Is limited reform better than no reform?

Peter Facey: Always.

Alexandra Runswick: Yes, particularly in this parliamentary system, where incremental reform is almost always the order of the day.

Peter Facey: Transparency is always a good thing.

Sir Richard Mottram: It would not be very ambitious simply to say, “We are going to have a committee that is the usual channels in a committee.” The questions

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are: who is going to chair the committee, and are there going to be senior Back-Benchers sitting on it, alongside the usual channels? If there are, and I think the assumption in the Wright Committee was that it would not vote, but if there is both transparency and a different group of people around the table, and you chose the chair carefully, then my experience would be the dynamics of how things are decided, and the interests of Parliament as a whole, would be reflected in a different way to the closed system that we have now. It would probably be incremental, and the important thing would be to keep up the quality of the chair and the quality of the Back-Bench participation.

Q153 Fabian Hamilton: The chair would presumably be elected, though, by the whole House, as the chair is at the moment in the Backbench Business Committee.

Alexandra Runswick: Just to be clear, I do not want a business committee.

Sir Richard Mottram: No, I was not suggesting you would.

Alexandra Runswick: There is a danger that that could happen; that was all I wanted to say.

Fabian Hamilton: Absolutely, and it would certainly be a lot less than the Wright Reforms suggested.

Chair: Was that a comment, Fabian?

Q154 Fabian Hamilton: Discuss. Does anybody want to comment on that? I suppose my question really is, if we get limited reform, which I think most agree is better than no reform at all, that is still a long way short of what Wright suggested, and should we then continue to press for the full Wright reforms to be implemented and a fully independent business committee to be established?

Peter Facey: Our view would be that the Wright reforms were a first step. To view the Wright reforms as the kind of gold-plated endgame—that is where you get and stop—I think would be a fatal mistake. If you are pushed back and you do not get the Wright reforms, yes, you should campaign or put pressure on to get there as quickly as you can, but you then need to review whether you are actually where you need to be, in terms of a powerful Parliament. I hate the phrase, “Get your business through”. If you go to most Parliaments in the world, the job of a Parliament is to hold an Executive to account, it is to pass legislation and it is to scrutinise that to make sure that the legislation is good.

As for the idea that you have to assume that the Government will get its business through, I know why in this place we have to do so, but we have a culture here that it is a sausage machine. In some ways, the Departments view passing legislation as their function. It is not. It is to govern, and your function is to pass good legislation—to ensure that legislation is passed that you will not have to amend or change or, in some cases, look at seven years later and find that parts of them have never been implemented. All too often I find myself looking at pieces of legislation and finding, “Oh, that bit has not been implemented, seven years later. Oh, we are still thinking about it”. Once you have passed the legislation, it should be

implemented. The thinking should be done before you pass the legislation.

Q155 Fabian Hamilton: I go back to what I said earlier: the biggest problem for our constitutional system is the conflict between the people who are legislators and people who then become members of the Executive, and you cannot resolve that conflict.

Professor Dunleavy: Maybe you can bridge it a little. If you have a House business committee where the chair is elected by all MPs and is answerable to all MPs, if it meets and discusses business in a more open and transparent way, if it can not only be lobbied by Members of the House who are unhappy about scheduling decisions, but can be subject to public and media scrutiny and criticism, surely that moves us a little bit further along the route that we would like to see Parliament progressing down.

Peter Facey: There are plenty of Parliaments that manage to strike that balance better than ours. I am not a fan of directly elected Executive functions, particularly. I can see the case for them, but there are plenty of Parliaments that manage to hold the Executive to account better and control their business, and that are in some ways more sovereign than you are, in reality, and can check that. If you look at some of the Scandinavian Parliaments, if you even look at the New Zealand Parliament, there are ways in which Parliaments can do that without having to say that the solution has to be to move to a presidential style.

Sir Richard Mottram: I was just going to make a quick point based on observation when I was a civil servant. A great strength of our system is that Ministers are Members of Parliament. The civil servant who made the remark about “It is nothing to do with us” is a fool. It is a great strength of our system that Ministers are Members of Parliament. It does not mean that because Ministers are Members of Parliament, Parliament has to be so dominated by the Executive. There are obvious ways in which this balance could be changed without bringing Government to a halt and that would improve Government. It is a question of finding them. However, it requires a change in mentality, including a change in mentality, I would suggest, among Members of Parliament themselves.

Chair: Again, just for information, on the Wright Committee, we acknowledged immediately this was not a partnership of equals, and that we, in the parliamentary sense, are dwarfed by dealing with a highly strung, psychotic, 800lb gorilla called “Executive power” in the UK, which can crush us and could tonight withdraw even the reforms that we have achieved so far, in terms of the Wright Committee, as Christopher indicated, without debate. So this process of negotiation is not necessarily between two rational human beings. That is the way it felt and still feels, I have to say, so we will try to do whatever we can, as best we can.

Q156 Mrs Laing: I would like to continue examining your analysis of the engagement of people with the democratic process through Parliament, and I have

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listened to what you said in your analysis. Could I ask, Mr Chairman, each member of the panel—

Chair: I think we agreed we would not do that.

Mrs Laing: This is a quickie. Maybe—

Chair: That is what you said before, Eleanor. We will test one.

Mrs Laing: Which of our witnesses would like to answer my question? How many letters, e-mails and phone calls do you imagine a Member of Parliament gets in the average day, first from their constituents, and second in general from other people about political issues? How many, Professor Dunleavy, do you imagine a Member of Parliament gets?

Professor Dunleavy: By “day”, do you mean “working day”? I am just trying to do the maths.

Mrs Laing: I do not mean working day, I mean day.

Professor Dunleavy: Every day?

Chair: If we could just go quickly on, because—

Professor Dunleavy: I would imagine that it would be about—

Q157 Mrs Laing: Do you suppose that members of the public do not send e-mails and letters on a Sunday? That is part of my question. Is that your supposition? Do you suppose we do not get phone calls at 2.00 am?

Chair: Eleanor, you have to let the witnesses answer.

Mrs Laing: I beg your pardon, Chair.

Chair: You have asked a very long question there that is going to take forever to get an answer from every witness, so you really have to let them reply.

Professor Dunleavy: I would think it would be about 35,000 pieces of communication.

Mrs Laing: Per day?

Professor Dunleavy: Per year.

Chair: Alexandra?

Alexandra Runswick: I have no idea about numbers, but I would expect it would be—

Mrs Laing: No. Thank you.

Chair: Peter?

Peter Facey: Same.

Mrs Laing: No idea.

Chair: Richard?

Sir Richard Mottram: Probably 100-plus a day.

Chair: Roger?

Roger Dawe: I would guess a bit more than that. 300.

Q158 Mrs Laing: Mr Dawe’s is the nearest. It is well over 100. Listening to the evidence being given to us earlier, there appeared to be an assumption that people do not contact their Member of Parliament. Sir Richard was right in saying that people who are very serious about a matter tend to put pen to paper, but most people—and somebody made the point about under-40s—do now e-mail. A well set-out e-mail is just the same as a handwritten letter. Taking that forward, there appears to be a misconception about the extent to which people already engage with their Members of Parliament. It is hundreds and hundreds of e-mails every day.

On ways in which matters can be brought forward for debate in the House of Commons—my colleague talked about pernicious anaemia—are you aware that

individual Members of Parliament can apply for an Adjournment debate or a Westminster Hall debate?

Alexandra Runswick: I would question whether somebody who does not do the job I do but lives in my constituency would know that, but yes, I know that.

Q159 Mrs Laing: They would not exactly, but do you think it is likely that there could be an issue about which 100,000 people who might sign a petition were concerned, and about which no single Member of Parliament was willing to request a debate? Is it possible that there could be an issue that 100,000 people care about but no Member of Parliament cared about?

Alexandra Runswick: You asked about whether or not we knew about Adjournment debates and Westminster Hall debates. One of the problems from a general public point of view about that kind of parliamentary procedure is that it is not necessarily clear how they go about requesting their MP get one, and what the process is for their MP getting one. For example, there are all kinds of different roles that Members of Parliament can take on if a constituent raises an issue. They can do a presentation Bill, or they can do a private Member’s Bill. However, it is not always clear to somebody who does not understand parliamentary procedure what the different stages are and how they can go about—

Q160 Mrs Laing: Why would it be? If somebody goes to a doctor or a lawyer asking for professional advice, they are going to ask, are they not?

Alexandra Runswick: Yes, but—

Mrs Laing: If you go to a doctor with a sore ankle, you do not know what the doctor is going to do. That is why you go to the doctor. If somebody cares about pernicious anaemia and they come to their Member of Parliament, and it matters—

Chair: Let Alexandra answer, please, Eleanor.

Alexandra Runswick: One of the challenges that you face, I think, is whether or not people see that their interaction either with their MP or with Parliament more generally is likely to have an effect, and the point I was making about whether or not they understand the different stages of the process is this: with a petition, however flawed it might be—and I do think it is flawed—there was a perception that if you got 100,000 people to sign it, you got an outcome. It is not always clear, if you take other measures, what that outcome is. For some MPs, it is very clear. Lots of people have said, “In this instance, I do x, y and z.” For other constituents, that is not the response that they get.

One of the reasons why I talked earlier about the importance of a petitions committee is that there is an open and transparent process about what you can expect at each stage and what the likely outcomes of your interaction with Parliament will be. If you look at something like the Hansard Society Audit of Democratic Engagement, only about 30%—certainly under a third of people—felt that their engagement with national politics would have any effect. It is not whether or not people can take the time to Google

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who their MP is. It is whether or not they think that them doing that, writing the letter, is going to have an effect, and I think that is the real challenge we have, not the fact that they do not Google the MP. It is the fact they do not feel that their engagement is going to change anything.

Q161 Mrs Laing: A lot of them do. That is why we get hundreds and hundreds of e-mails and letters and phone calls every single day.

Peter Facey: We get equally large numbers of e-mails back from our supporters, saying, "I have written to my MP on numerous occasions. I have never had a reply, other than a holding note in effect".

Chair: This not helping. I am going to going to come back to you at the end, Andrew.

Peter Facey: That is not saying all MPs.

Chair: Peter, if you do not mind. Eleanor, if you can stick to the questions that we are addressing around the Wright Committee, rather than—

Mrs Laing: I am, Mr Chairman. I am very interested in the evidence that is being given to us about the way in which people engage with the democratic process. If we have misconceptions, then it is not going to get us anywhere. If the idea that is put about is that MPs get 50 or 60 e-mails and letters every day, then we are not exploring the right issues.

Going specifically to the way in which a business committee might work, do you consider that having a votable agenda might help to increase public influence on and public interest in the proceedings of the House?

Sir Richard Mottram: I do not think it would greatly influence public perceptions of the House, no. I think it would probably greatly influence the effectiveness of the House, so it is sort of second time around. Yes, I think over time it would improve the reputation of Parliament. The reputation of Parliament at the moment is, I think, seriously damaged by people's perception that it is dominated by Government, and that might impact on how they see MPs. I do not wish to dispute anything you have said about the role of MPs, but it might be that people have an insufficient appreciation of the role of MPs because they see that Parliament is under the control, effectively, of the Government. A votable agenda would be part of that process.

Q162 Mrs Laing: Thank you. Perhaps other people want to answer the same question.

Alexandra Runswick: I would say basically the same thing. I think it would be a very good thing for Parliament. I do not think it would make a significant impact in terms of public perceptions.

Mrs Laing: Thank you. I think, Mr Chairman, on the issue of personalities and culture, we have already dealt with that in the general questions, so I will not go further with that. Thank you.

Chair: Andrew, did you want to come back on—

Q163 Mr Turner: Yes. I think one of the problems is that in perhaps a lot of constituencies, certainly in some constituencies, a lot of people are, as Sir Richard Mottram suggested, unable to write a letter, unable

to write a serious letter, and therefore frightened of contacting their Member of Parliament. I know we have great difficulty—it is a small minority, but they are nonetheless there—contacting those people, and more importantly, getting a sensible discussion going over whatever very serious issues they are trying to discuss. The trouble is the petition does not do anything for those people.

Sir Richard Mottram: Can I just make a point, Chairman? We are talking about, inevitably, a range of different types of issues here. Some individuals have serious problems that they cannot get the system to tackle, and there are plenty of examples of that—you know I used to be the Permanent Secretary of the Department for Work and Pensions, for example, and I am acutely aware of this. Some people would find it very difficult to deal with their Member of Parliament in relation to those sorts of things, but there are intermediaries who can help them there—things like Citizens' Advice, which has very good contacts with the relevant Member of Parliament. I think there are ways in which you can encourage people to see that they do not necessarily have to do it themselves. Some people cannot write a letter, after all, and I do not mean that cruelly. They can use intermediaries.

What I think is very interesting is where it is a more generalised issue of public policy, so to speak. Why do people want to petition, rather than use their MP? There, I think there may be issues around whether people have confidence that if their MP is a Minister, they can follow up a constituent's interest. They can. However, where you are part of the governing party, or indeed an Opposition MP, are they credibly going to believe that you will get anything other than the bog-standard party line? Again, some of this is about a perception of how far Members of Parliament are—of course they should be closely associated with parties, because that is our system—capable of independent thought. There I think the reputation of Parliament has grown. I personally would not say that the way to deal with this is, "I cannot go to my Member of Parliament. I will sign a petition", but that is probably because I am very old-fashioned. I do think we need to distinguish between different sorts of things that individuals might want to pursue and break it down a bit.

Chair: Sheila, I am conscious you have chipped in, but is there any contribution you would like to make?

Q164 Sheila Gilmore: I do not know to what degree, but we are starting to talk about House business and so on. That is not the same, necessarily, as improving legislation. Is it possible to balance those two out through just procedural means, or are we looking at something much more fundamental here?

Chair: Patrick, I think you were going to come in.

Professor Dunleavy: I just wanted to echo Richard's point that there are different types of issues. The House is very well set up, and MPs themselves do a fantastic job in terms of processing individual citizens' issues, particular issues with public services. If we look at the figure of, let's say, 100 letters a day, that cashes up to about 20 million letters a year, which is a tremendous total. However, I think that people see

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MPs in that way, very much as sort of dealing with very specific individual issues and grievances. If they know the MP or they feel that the MP is sympathetic, they will raise issues with them that are broader. Modern life is increasingly less organised on a spatial, local level. We have to recognise that there are lots of different communities of interest in the country, and they may find it quite tricky to think who would be sympathetic in Parliament. It might be that their individual MP is interested in one set of issues and that does not include their concerns, so I do think it would be well worth while not trying to over-fetishise the local constituent link. It is important and it is very well developed, and the House does a great job of it, but that does not mean it is the only way in which Parliament should be linking its citizens. In the evidence that I submitted, I say that there is strong evidence that anything that improves the visibility and independence of Parliament, which the Select Committee reforms and the Wright reforms have clearly done, has worked. I would think a House business committee and those sorts of things would be further small changes in increasing the visibility of Parliament as an independent body to citizens.

Sir Richard Mottram: I think a House business committee along the lines that we were discussing earlier would be a very significant change. It would not in itself tackle the problem we are discussing. In order to tackle the problem that we are discussing—not the one that Patrick was just discussing, but the issue around the relationship between the Executive and the legislature—the mentality of the Executive has to change. That is why—we are here with the Better Government Initiative—we are focused on how the Executive needs to change, as well as how Parliament itself needs to change.

Roger Dawe: Just to follow that, we made a lot of recommendations directly to the Executive to get its house in order properly in the first place, and then to

Parliament to scrutinise whether that is happening, but it has to be on both fronts. That is the importance of what we said about legislative standards, which I know you are producing a separate report on, so I think it all does go together.

Can I just add one point that has not come up? Whatever happens on the House business committee—let's say we get a super House business committee set up, at the optimistic end—we still think it is very important that the Backbench Business Committee continues. There might be a temptation to say, "Let's absorb it." I do not think we should. I think you could have a super House business committee—exactly the kind that Wright wanted—but we still need a Backbench Business Committee to prioritise the use of Back-Bench time.

Chair: I think that is a very good point, a consensual point, on which to finish, and I would just underline this point again: I think we have all experienced Members around the table here, but certainly when you talk to some of the new Members, they assume that we have always elected our Select Committee Chairs, and that the parties have always elected their representatives on the Select Committees. On one level, that is wonderful, and it is people looking to the future. On another level, we are all old-timers around this table, particularly myself—sorry, Sheila; there is one new girl—and we really have to be vigilant, because unfortunately what we have managed to achieve so far needs to be built on, and we ought to be really careful that it is not eroded if we want Parliament to be ever stronger. I congratulate the Members and the witnesses this morning. It has been very difficult with a large number of Members present, which is wonderful, but also a large number of witnesses, all bursting with ideas, and we have all been pretty disciplined this morning to get us to this point. It has been a very, very helpful session. Thank you all for coming this morning.

Thursday 9 May 2013

Members present:

Mr Graham Allen (Chair)

Paul Flynn
Sheila Gilmore

Mrs Eleanor Laing
Mr Andrew Turner

Examination of Witnesses

Witnesses: **Mr Clive Betts MP and Pete Wishart MP.**

Q165 Chair: Pete, Clive, welcome. Thank you so much for coming again. Once again, thank you for helping us out with a little procedural hiccup. Sir Alan is on the Floor cross-examining Chris Grayling, so he is going to come a little later. We really appreciate you helping us out by coming in a bit earlier. Is there anything that you would like to kick off with or should we jump straight in?

Pete Wishart: Go for it.

Mr Betts: We expect nice easy questions as a reward for coming early.

Chair: They are always easy. Our questions are designed to get the best out of witnesses rather than embarrass them. Very much like your own Committee, Clive.

Q166 Mr Turner: Do you think confidence in Parliament has increased since 2009? Why we have chosen 2009 I cannot imagine. If so, do you think that Wright reforms are responsible for this increase in confidence?

Mr Betts: It is difficult to say, isn't it? I suppose in the end confidence is a matter on which the public would have their say. We second-guess what the public might think. I think the reality is that we were in a pretty low position in terms of public esteem in 2009 for pretty obvious reasons. I hope that we have taken a number of actions which have moved us in the right direction since then. I think the Wright proposals and their implementation have contributed towards that. Select Committees can seem now to be genuinely independent. Parliament can have a say in what it talks about and discusses, which it did not have prior to the Backbench Business Committee. They are important steps forward.

There are other things as well. For example, the Speaker should be congratulated on his ability to give a significant number of urgent questions, which again means that Parliament is talking about things that are relevant to the day and not about something that was decided a month before. There are a number of ways. But it is a stark reminder of where we were. Only a few years ago Parliament did not have any say in who chaired Select Committees. Parliament did not have any say in what subjects were discussed and Parliament did not have any say about the money that was spent in its name in this place. All those things happened somewhere else. I think there has been a move forward in a number of ways, which to the public may not seem revolutionary but in terms of the pace at which change normally happens in this place, it probably is.

Pete Wishart: It has not got any worse. Those of us who went through the experience of 2009 will remember it with absolute horror and are just relieved that all the nonsense and all the things that we were exposed to have gone away. I don't know how much of an impact all this has on the public. I think they recognise and identify changes such as online petitions. That is something they are aware of because there will be 100,000 people who take an interest in trying to secure those parliamentary debates.

In terms of Select Committee Chairs and other structural and procedural things that we innovate here in Parliament, I doubt very much whether the public pay much attention. What they pay attention to is us and our behaviour and what we do. They are looking out for all the negative, nasty and bad stuff. That is the thing that tends to get the headlines. The improvements and the innovations do not tend to secure the same type of interest or attention.

Q167 Paul Flynn: How do you think the Wright reforms have changed the vitality of the House of Commons and helped to rebalance the relationship between the House of Commons and the Executive?

Pete Wishart: Maybe I should have said this in my initial remarks. Graham knows this: the Wright reforms have been an absolute disaster for the minority parties. What we have effectively got now with the Wright reforms is two constituencies: the Government and the Labour Opposition. There is no place for us at all practically in any of the structures of the new Committee procedures in the House of Commons. We have to do something to resolve that. It surely can't go on with regard to the minority parties. We represent a huge constituency throughout the rest of the country and our voice is not heard in the Committees of the House.

When the Wright reforms were going through—the Chair will remember this—Elfyn Llwyd was there for us and played a constructive part in ensuring the process went through. All the way through that process we were told, "It's all right. We'll take care of it. We will ensure that these are resolvable. We will ensure that the minority parties do have a place in the new Wright era." That has not happened. Two Select Committee reports looked at that, and they have failed us. I hope that this Committee may be the one that convinces the Government—because the Government blocked it—to give us a place. We cannot even elect Select Committee Chairs. Isn't that ridiculous? Nobody in the minority parties can be part of the process of electing a Select Committee Chair.

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We are not on the Backbench Business Committee. I assume we are not going to be on the House Business Committee. We have to get this resolved because I don't believe it is any longer sustainable that the new Wright era is all about two constituencies: the Government and the Labour Opposition.

Q168 Paul Flynn: I am not clear why this is such a problem. The fact is that nine Chairs of Select Committees went in unelected. There was one person by default. It has not been brilliant for the rest of the House. You get your places on the Select Committees; I assume you get an allocation. Is that not disproportionately favourable to the minor parties?

Pete Wishart: It is pure arithmetic. If that is the way the House wants to operate that is what it has to do. If it is all about the arithmetic, we are effectively excluded. We have looked at this, and most other Parliaments ensure that smaller parties are over-represented. We are not over-represented. In fact, we have lost about three—

Q169 Paul Flynn: Can you explain to me what you get now?

Pete Wishart: We were going through it just now. The Plaid Cymru/SNP group has nine Members of Parliament and we are on two Select Committees. Previously, before the Wright era, there were five of us on departmental Select Committees. We effectively lost three places.

Q170 Paul Flynn: Which Committees are you on?

Pete Wishart: I am not on any Committee.

Q171 Paul Flynn: Which Committees are the others on?

Pete Wishart: We've got Stewart Hosie on the Treasury Committee and Elfyn Llwyd on the Justice Committee. We have a place on territorial Committees, for English and Scottish affairs, because we have to. We have helped out with some of the smaller Committees where it is always difficult to find members. We have Hywel Williams on the Science and Technology Committee. I helped out on the Works of Art Committee. People come to us. We also helped out with the EFRA Committee because there was a difficulty securing a place on it. When it comes to the allocation of places, people like me who have been in the House for 12 years cannot get a place on a Select Committee. It is down to the arithmetic. That is what you have to do.

Q172 Paul Flynn: The problems are not limited to Members in the minority parties, I can assure you. With regard to the prestigious Committees you have listed, there are people who have been here for 26 years who never managed to get on any of them.

Pete Wishart: The point I am making is that since the Wright era we have fewer places. That is the point.

Mr Betts: Regarding the people on Committees, speaking from my own Communities and Local Government Committee, I think the fact that I am elected by all Members across the House and that colleagues, members of the Committee, are elected by their own parties, gives a degree of independence.

They are clearly not beholden to anybody other than the people who elect them.

I think it is important that Select Committees have that complete impartiality. It shows that we take our job seriously, of deciding what we are going to inquire into, taking evidence and producing reports on the basis of the evidence. Every single one of our reports has been agreed by all members of the Committee right the way through Parliament. That is how we have approached things. That does give status to the reports.

It does not always mean that the Government do anything about them or respond positively to them. That is the next stage. Should there be more ability for the key recommendations of a Select Committee, which get nothing more than a ministerial, "We'll have a look at that in due course," to be debated, with maybe a vote on that sort of issue?

Q173 Paul Flynn: But you would agree on the second part of the question, that the Wright reforms have helped to shift the balance more in favour of the Commons rather than the Executive on these Committees.

Mr Betts: I think so, yes, absolutely. We have been around long enough, of course, to remember the arguments about the Executive trying to manipulate who were the Chairs of various Select Committees, and you got a Back-Bench reaction at the time, but we should not be in that position. It should not be the Executive's job to decide who is on and who is chairing Select Committees.

Q174 Paul Flynn: I think that another witness is going to explain to us how the Whips now act in order to control the membership of those Committees. Are you aware of that, or are you sensitive to that?

Mr Betts: There can be a case. As you go longer into a Parliament, you find that new Members who have come in and been on Select Committees then get given positions, so they come off, and bright people who have had positions and have lost them do not want to go on a Select Committee, so your constituency of possible Select Committee members starts to diminish. At that point, it is not necessarily a matter of the Whips trying to decide which of various people who would like to go on a Select Committee can go on it; my experience is of the Whips trying to find somebody who might be willing to go on a Committee where there is a vacancy. As Parliament goes on, you find more Select Committees end up with more vacancies. That is clearly the case if you look around.

Q175 Paul Flynn: The qualification to be on a Select Committee, as far as the Whips are concerned, is that Members should have had the full loyalty lobotomy beforehand—before they are admitted—and are signed up to 101% loyalty to whatever comes from the Whips Office. That is as it always was. That has not changed.

Mr Betts: All I would say is that the Members on the Select Committee that I chair have come to a view. Of course, it is very obvious that people from different political parties would probably take different views

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on Government policy—that is pretty obvious—that the fact that Members in the ruling parties, the Conservatives and Lib Dems, can sit down and, after hearing the evidence, say, “We think that the Government, who we generally support, have got this wrong and we are prepared to make a recommendation,” shows that there is that degree of independence and freedom from Executive pressure.

Q176 Paul Flynn: But those who are caught out in possession, occasionally, of intelligent ideas would clearly be unsuitable to be promoted by the Whips to major Select Committees.

Mr Betts: What the Whips do, after members of a Select Committee have come to a reasoned judgment and agreed to a report based on the evidence, is up to them. I hope that we are not in a position in which the Whips control Select Committees. I think we are moving away from that significantly. Equally, on the other hand, Select Committees cannot control the Whips in the future, can they?

Chair: I think, Paul, that you are being unduly harsh on yourself, saying that you are an intelligent lobotomised member of this Select Committee. I am delighted that you are on the Committee.

Paul Flynn: I am under the influence of the Chairman, I think.

Chair: Clearly, we are now in the position where parties put people forward for election, which is done in a secret ballot. You have to distinguish that from the casual vacancies. I would support Clive very strongly, because we are in that position at the moment: we have had two people promoted to the Front Bench, and we are looking for people. It is not a case of people being planted on the Committee, which would not be acceptable; it is a case of finding whether there are willing volunteers, in our case. We find that on the Liaison Committee. Perhaps Sir Alan will comment later about the actual numbers of people we can draw on to fill those casual vacancies.

Andrew, I know that you had a follow-up question related to what Pete was saying about how we treat the minority parties at the moment.

Q177 Mr Turner: I would like to look at that, because you appear to believe that you have been under-represented since 2010, Pete.

Pete Wishart: No, we are totally under-represented.

Q178 Mr Turner: Okay. How would you correct that under-representation?

Pete Wishart: A first step would be to make sure that the minority parties are on the Backbench Business Committee, with full membership.

Q179 Mr Turner: Yes, but how do you intend to do so? You have told me the principle, but the difficulty is finding how to fill those spaces in the right proportion. Let us start with this question: what proportion will be right for the SNP and the Welsh?

Pete Wishart: I think what Select Committees would have to do is to say that there are two choices. First, to accommodate minority parties, some of the Select Committees that we are on are larger than other Committees, which is to ensure that they are properly

represented on those Committees. We are in that situation, because it is obviously a feature of the new structure of Select Committees that they are smaller, more functional and tend to be able to do much better. No doubt that is all true, but the only thing is that none of us is on them. What Select Committees may choose to do is just to give us a place, perhaps an Opposition place on a Committee, and then try—

Q180 Mr Turner: I am sorry, but I am trying to get down to the nuts and bolts. You said, I think, that there were 10 representatives of yourselves and the Welsh.

Pete Wishart: Nine of us.

Q181 Mr Turner: Nine. That is less than 1%, isn't it? How many places would there have to be to occupy one SNP or Welsh representative?

Pete Wishart: There are 31 minority party and independent Members in the House. I do not have the figures for how many are on Select Committees, but I suspect about six or seven of those 31 Members are on the big departmental Select Committees, which are non-territorial. To accommodate them, the Select Committees have had to be bigger. That is the arithmetic; there has to be a balance, where the Government have a majority on a Select Committee, and the Labour party always makes the claim that it has to have its arithmetical proportion of Members on a Select Committee. There is no elegant way to do this, other than to increase the size of the Select Committees or to give us one of the places that are available on them and to upset the political balance. That is the only way to do it.

Q182 Mr Turner: Do you think that is fair to Members in the majority parties, which have larger numbers, presumably, of people who are also not on Committees? I think especially of the largest majority party, because we do not get the people we want on Committees.

Pete Wishart: No, it would not be fair at all, but that is where we are. You are asking me to come up with a solution to a difficulty that was created by the Wright reforms and that we warned about when we went forward with this exercise. You are absolutely right: there is not really anything that can be done if there is to be a Government majority and if Labour has to retain its right to however many seats on a Select Committee.

If there is to be a minority party Member on a Committee, its size would have to increase. That is the only way to do it, unless a place is given to us, which would upset the political, arithmetical balance in the House. But that is a feature of Select Committees in the Wright era, and we knew that was going to happen.

Q183 Mr Turner: So there is no way of doing this, apart from the two options you have just mentioned.

Pete Wishart: I cannot think of any other way to do it. Either you increase the size of the Select Committee, or you forget about the political arithmetic on the Committee, and I do not think that is acceptable to the Government or the Labour Opposition; I just do not think they would accept that

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as a solution. The only other way, therefore, is to increase the size, and that is what happened on the Select Committees where we have a place. But, again, from what the Chair said, that is not an option, so we are effectively excluded. That is the problem we have. It is not up to me to resolve it.

Q184 Mr Turner: I realise that, but I thought you were suggesting that there were ways of doing this that gave you, rather than the Labour party, the decision. Am I wrong about that?

Pete Wishart: Yes. At the beginning of every parliamentary Session, we get an arithmetical proportion of members of Select Committees, which was reduced after the Wright reforms because Select Committees were smaller. We nominate people to be on those Committees. To accommodate those Members, some Select Committees had to be slightly larger than others. That is the way it happens.

How do we get more minority party Members on Committees, if that is what the House wants? I do not even know whether that is what the House wants; maybe it is quite happy for most of the Select Committees to have exclusively Government and Labour Opposition Members. That is a question for you guys; I do not know the answer. I presume that that is what the House is happy with and that it does not want any input from minority parties, even though we represent a huge constituency. But that is where we are in most of the Select Committees of the House. If you want to hear the views of minority party Members—whether Northern Irish Members, Welsh Members or Scottish nationalists—and the constituents we represent, you have to do something about reforming your Committees. The only thing you have done so far to do that is to increase the size of some Select Committees to accommodate the arithmetical allowance we are due. The only other thing, other than increasing the size, would be to forget about the political arithmetic, but I do not think that is acceptable to you. I do not have a solution. I do not know what you can do, but it is a feature of where we are.

Q185 Chair: That was a helpful exchange. Clearly, there is a problem. There is anxiety about this—quite rightly, in my personal opinion—but at the moment we do not have a clear way to work through it. I think this Committee should spend a considerable time trying to see whether there is a way. We have had very helpful written evidence from the minority parties. I think we need to look at that again, maybe with you and maybe with the group, and I would be very happy to come along if that was at all helpful.

Hopefully, if we do this seriously, we can come up with a proposition that might find favour in the House to ensure that all parts of the House feel that they are properly represented in the Select Committee system. It was no part of the Wright Committee, and I speak as a former member, to make the situation more difficult. We would need to come up with something that the Government, the Leader of the House's Office and all the Whips Offices felt was practicable, and I do not think it is beyond our wit to do that. What I

will undertake to do is to give it a damn good try and see whether there is a way forward.

Pete Wishart: I am very grateful for that, Chair. I do not think there has ever been any lack of enthusiasm to try to resolve this, from yourself, from members of the Backbench Business Committee and from others who have looked at this.

Q186 Mrs Laing: I totally sympathise with the points that you are making, and minority parties need to be treated better in this respect. The one Select Committee in which the Scottish National party obviously has a considerable interest is the Scottish Affairs Committee. Am I right in thinking—that is a genuine question—that the Scottish nationalist member of the Scottish Affairs Committee has taken a conscious decision, along with your party, not to attend that Committee?

Pete Wishart: That is absolutely correct, and I think you know the reason why we do not take our place. There is a dispute with the Chair of the Scottish Affairs Committee which we cannot resolve, and we will not take our place as long as the current Chair is kept on as Chair of the Scottish Affairs Committee. That is where we are with that. I do not think we need to go into the reasons and the history of that dispute, but that is the position. It is because of the dispute with the Chair of the Scottish Affairs Committee.

Q187 Mrs Laing: Actually, I did not know the answer, but my knowledge does not matter. The Committee did not know the answer, and I was just concerned that that is the one Committee in which one would have thought your voice as a party is really important, and yet it is never heard.

Pete Wishart: Such was the seriousness of that dispute that we had to take the decision not to attend the Scottish Affairs Committee as long as the current Chairman remains in place.

Q188 Chair: I have no knowledge of this dispute, and I do not particularly want to tread on anybody's toes in another Committee, but I am sure there must be ways forward. I do not know whether the Chair of the Liaison Committee is aware of the dispute and could help to think about that. It is not my place to suggest that, but the Chair of the Liaison Committee may, through the ether, pick up that message and make some response.

Talking of things going through the ether, when other witnesses come forward, they may wish to pick up on points that have been made so that we do not duplicate all the questions that we have asked the current witnesses. That could be done in some sort of opening statement, if they were to feel that that was appropriate.

Q189 Sheila Gilmore: My question is a more general one about how successful you think the changes have been to Select Committees. I think Pete is going to say that they have not been as successful as he would have liked in terms of representation, but you may have views on other aspects of the changes and whether they have been successful, or what other things we could do to improve them further.

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Mr Betts: They have given Select Committees independence. I think that the people who are interested in Select Committees and who monitor what we do and report—that is probably not always the popular tabloid press, but the more serious press that focuses particularly on the operations of a Committee, including bodies such as the *Municipal Journal* or the *Local Government Chronicle*, in my case—would feel that the Select Committee is addressing very relevant issues in a very considered way. I think that they would think that we have moved on and improved, and that we have that degree of independence, which means we get genuine cross-party reports.

I think that it is absolutely right that the public do not see this happening on as regular a basis as we would like them to. They do not pick up on things; perhaps the national press do not always report, although I think that there is a lot more reporting, including of some of the less high-profile inquiries that we do. Obviously, the phone hacking issue was one on which Select Committees really came into their own—their investigations made the news. That is a clear example of the independence and weight of a Select Committee being used to absolutely good effect.

As a bit of anecdotal evidence, I was sat having a coffee with a constituent in Sheffield the other day, and someone came up to me and said, “I don’t like it when you’re shouting at each other across the House of Commons; that is not how MPs should behave. But when I look at you in Select Committee, what you are discussing is quite sensible.” So there is perhaps a recognition that there is another way of doing politics, which is quite important.

Coming back to the point that I made, it is about how we can move on and ask how we can get a bit more weight given to some of the key recommendations of these independent reports. It is about votable motions in the House and finding a way of doing that. That maybe leads on to the whole House Business Committee approach, which is the other issue recommended by Wright that has not yet been done.

Q190 Sheila Gilmore: You mentioned phone hacking and so on. Where there have been high profile investigations and sessions, one of the criticisms that some outside observers make is that we as MPs are not necessarily all that wonderful at asking questions or pursuing the right issues. Do you think that more could be done to improve the quality of that?

Mr Betts: We can always learn, can’t we? I do not think that that is a fair general criticism, but sometimes you have to adopt a different technique. As the Chair said at the beginning, most witnesses simply want to come and tell you what they think. You have to try to get the information out of them and help them to do that. Sometimes you can get community representatives—we did on our regeneration inquiry, and we could almost see that they were terrified to come in. We had to help them to get the information across. Sometimes you can get very hostile witnesses, so perhaps we could sharpen up our technique occasionally.

As a Committee, we are actually going to do a bit of training in how we ask questions; we can always learn

from that. I remember that we brought in some witnesses for our park homes inquiry, and we had a lot of evidence about how badly people in park homes were treated. I think that some of the questioning of those witnesses by my colleagues on the Committee was very pointed and very effective at puncturing some of the information that we were given that probably was not wholly accurate. Getting behind that enabled us to do a better report. Some of our questioning is very effective, but I am sure that we can always learn and improve it.

Pete Wishart: I think that what Select Committees are doing just now is fantastic. In the last few years, some of the reports have been dominating the news. For example, when we had Rupert Murdoch coming into Portcullis House, that was the only news item on show for that full day. We are seeing Select Committees producing really meaty reports.

Those of us who have been in the House for a long time will remember that, years and years ago, the only thing we heard about Select Committees were the disputes about the Chairs. That meant that there were parliamentary debates on that issue on several occasions, particularly regarding the old Foreign Affairs and Transport Committees. However, now it is about the reports—certainly about what the DCMS, Treasury and BIS Select Committees have done. We are seeing that because of the effective leadership of the Chairs. When you have an effective leader in the Chair of a Select Committee, we find real dynamism and energy. There are really worthy reports that the public are definitely interested in.

Q191 Chair: Pete, could you just answer Sheila’s question to Clive about what happens next, taking on board the points that you have already made about the minority parties? Do you see, as Clive does, the answer being votable motions on the Floor—relocating and re-linking Select Committees back to the Floor in a stronger way?

Pete Wishart: I do think that that would be useful. Several Select Committees are able to ensure that their reports are debated on the Floor. More of those types of debate would be useful. Select Committees are producing better and more newsworthy reports, so it would definitely be useful for the rest of us in the House to get an opportunity to debate them and consider the issues.

Mr Betts: That is something that Select Committees will have to think through as well. We had a talk about how we do our reports as a Select Committee. It would not be possible necessarily to put forward all the recommendations of Select Committee reports—there can be quite a lot of them—for voting en bloc. What we will have to think about is what are the two or three key recommendations. If the Government do not address those in their response then those are the ones that we pick out for debate and maybe a vote. We will have to look at how we structure things as well.

Q192 Mrs Laing: Could we consider the Backbench Business Committee? What do you think are the most effective aspects of the work of the Backbench Business Committee?

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Mr Betts: The fact that Back Benchers can decide what is debated.

Q193 Mrs Laing: I realise that it is a very simple and straightforward question. That is a very straightforward answer. It gets it on the record.

Mr Betts: It is staggering, isn't it, that until recently the House of Commons could not decide what we discussed. The public would not understand how we could have allowed that to be the case. That is the most important thing now: Back Benchers can decide what is discussed in this place. That is a really important thing.

Pete Wishart: I think the Backbench Business Committee has been a fantastic innovation. I would not say it has revolutionised the House, but it has certainly transformed the House in so many different ways. The idea that Members of Parliament could turn up and pitch for a debate and explain why they want it and why there is a merit in holding a debate, whether that be on the Floor of the House or in Westminster Hall, is excellent. Again, it allows inclusion. It allows Members to put forward their ideas for debate sometimes on the back of what constituents are demanding.

When we get mailboxes full of particular issues, we want to ensure that those will be debated in the House. The only thing is that we minority parties want to play. We want a place on the Committee. Come on, let us on. We will contribute. We will bring a voice which isn't heard in the Government or in the Labour Opposition. We represent a huge constituency throughout the United Kingdom. Let us on.

Mrs Laing: You need to canvass the votes of other people. There are some who are more sympathetic. You need to canvass their votes. It is not for me to make these points. Can I take you further? You are clearly enthusiastically positive about the Backbench

Business Committee. Do you consider that establishing a House Business Committee could damage the gains that have been made by the Backbench Business Committee?

Mr Betts: I don't think so. The Wright proposals were that we started off with the Backbench Business Committee and eventually we moved on to the House Business Committee. It does seem sensible that there is a place where the balance of issues to be debated between Government, Opposition and Back Benchers should be discussed in a proper and transparent format. That is where we have to get to. Governments always have a right to time to get their business through—of course they do. That was part of the clear Wright proposals. That would be a basis and the Opposition have a right to have their time, too.

I was just thinking about the last few months. We have not exactly had a lot of Government business around, have we? We have come here some weeks and not had a vote on Government business. We finished two weeks before the Queen's Speech because we had run out of business, effectively. That is not because MPs don't want to work and somehow we all want to go off on an extra holiday. If we had had a proper House Business Committee, couldn't we have decided that there were more things that Back Benchers could have been given time for?

As Parliament goes on and the Government have fewer legislative programmes couldn't we find more time for private Members' Bills? I should have thought that, with a proper joined-up approach, those sorts of issues could be properly discussed and the time used more effectively.

Chair: Colleagues, thank you very much. I will bring in Paul Flynn in the next round because I am very conscious of the time. Pete, Clive, thank you so much for your help today.

Examination of Witnesses

Witnesses: Rt Hon Sir Alan Beith MP, Natascha Engel MP and Graham Brady MP gave evidence.

Q194 Chair: Good morning. Welcome. Thank you very much for sparing the time to come to see us.

Sir Alan Beith: My apologies that business in the House caused you to re-jig your agenda. It is a problem that Select Committees face all the time.

Chair: Totally understood. Thank you for coming this morning. We have broken the panels down just to make it a bit more manageable, but in essence the questioning will be pretty much as you heard, and Natascha part-heard, this morning. There will be no surprises.

Given that you have heard some of the questioning this morning, would it be helpful to open up with a brief statement? Feel free, if that would be helpful from your point of view—a statement about where we are on the Wright Committee proposals and where we might go from here.

Sir Alan Beith: Perhaps I could say very briefly, as Chairman of the Liaison Committee, that it is my view, and I think the view of my colleagues on the Committee, that the key aspect of the Wright

proposals that has strengthened the position of Select Committees has been the election of Chairs by the House as a whole and the election of members of the Committees within their parties. That has had indirect as well as direct effects on the self-confidence of Committees and on the way in which they are recognised by bodies outside this House, and there is the sense among Members that their Committee role is one to which they have been separately elected and which they can conduct with a sense of independence. It does not remove, and has not at all removed, the problems of clash between commitments elsewhere in the House and on Select Committees—indeed, if anything they seem to get worse. I haven't measured them, but the problems of Committee members being placed, for example, on Bills or Statutory Instrument Committees are no doubt as serious for you as they are for all other Select Committees.

That, in my view, is the central consequence of Wright, but Wright also gave us work to do. The Liaison Committee has published a report and had a

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Government response to it and is still working on how the Committees can better discharge their responsibilities.

Natascha Engel: I have restricted my evidence to the House Business Committee proposals, simply because a lot of work has already been done in reviewing the work of Select Committees, and also the work of the Backbench Business Committee, which the Procedure Committee looked at.

For me, the House Business Committee is all about what it is that we are trying to fix and what kind of model it is that we are looking at. So when people ask the question, “Do you support a House Business Committee or not?”, the answer always has to be, “Well, tell me what the powers are, what the membership is and what its purpose is, and then I can tell you whether I support it.” I think that you set yourself a big task in outlining what those different models can be and what the consequences are of each.

Mr Brady: The starting point for all of us has to be that our Parliament is remarkably weak compared with the Executive in this country. The Wright proposals—you and I, Chair, were both members of the Wright Committee, as was Natascha—and their implementation has been a very important step in the right direction. The changes that led to elected Select Committees have been very important and have, I think, improved the standing of Select Committees. Whether that has yet rubbed off on the rest of Parliament I am not sure, but I think that Select Committees are getting more coverage and attention and are held in higher regard.

The Backbench Business Committee has led to some very important changes. Critically, there are debates that have been held that the Government would not have wished to hold, and that has opened up the process and has opened it up to public opinion far more. That is a very welcome thing, but there is much, much further to go.

The only other opening observation that I would make is that we have now seen all these changes operating for three years and the sky has not fallen in. Parliament has had considerably more responsibility for its own affairs, and that has worked pretty well. I think that it demonstrates that the House of Commons can be trusted to make some decisions for itself and doesn't always need the Government to tell it what to decide.

Q195 Mr Turner: To what extent have the Wright reforms succeeded in increasing the vitality of the House of Commons, specifically the House itself, and in rebalancing its relationship with the Executive?

Sir Alan Beith: I think I answered the first part of the question earlier, but not the second. I answered the first part in terms of the self-confidence of Committees. The second is perceptible, certainly to me as a Committee Chairman. The way in which the Executive now feels that it has to engage with Select Committees has certainly changed. Ministers and, for the most part, senior civil servants now realise that Select Committees are a significant part of the landscape in which they are travelling. Although the departmental procedures do not always rise to the occasion, there is a general sense, first, that they can

no longer ignore Select Committees. Secondly, it is not a thing that is often said, but it is the case that wise Ministers see that a Select Committee can often be an ally in an internal battle within Government or even within the Department to draw attention to particular issues. The relationship is not simply one of Ministers and civil servants on the one hand wondering what mischief the Select Committee is going to cause them next.

Some Ministers will find that the direction the Select Committee is going in is more to their liking than some of the advice they are receiving either from ministerial colleagues or others in the Department. It becomes part of the internal argument of Government, without Committees in any way becoming part of the Executive, and without changing their role, but the way in which their influence is exercised is not confined to a report at the end of the day leading Parliament to decide that the Government got it wrong. It also has a continuing effect on internal arguments in the Department.

Q196 Mr Turner: Do you think public confidence has increased since 2009?

Sir Alan Beith: The notion of public confidence in Parliament is not one you can rest heavily upon. It is my view that all Parliaments will always incur a great deal of public unpopularity, public dislike and public cynicism. Only when faced with the alternative would people say, “Actually, it's quite good that we've got a Parliament.” Only when law and order is collapsing and democracy is denied do people start to see the merits of a Parliament. I exaggerate slightly, but I think looking for a good opinion poll rating for Parliament is not really how we should view this issue.

On the other hand, I think that public engagement with Parliament has been significantly increased by Select Committees. I can give examples from my own Committee. There are many members of the public who come to us as witnesses, with whom we engage, who go away saying, “At last somebody in Parliament has listened to us.” In the case, for example, of a report we did on prison officers, we did an online consultation in which hundreds of prison officers took part. The report we produced at the end of the day was generally accepted by prison officers as giving a more realistic presentation of their jobs and the difficulties they faced than they had ever expected Parliament to offer.

I think that public engagement with Parliament probably will increase public confidence, but I do not think we should judge our success by whether people think that all our MPs are great.

Q197 Chair: I offer that also to Natascha. On public participation, not least through the e-mail effort and petitions, do you feel that it has been a success or could be improved?

Natascha Engel: In terms of public engagement, the Government always cites numbers of people who have signed an e-petition, and that is no doubt true. Since e-petitions were introduced, the number of people who have signed e-petitions is absolutely phenomenal. I do not think that translates into positive, active

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engagement with Parliament. That is where we have really failed. We raised expectations that if an e-petition reaches 100,000 signatures, not only will there be a debate, but there will be a vote and a change in the law—the instant that the 100,000th signature goes on to the e-petition—and that obviously is not true and is not something that we can deliver, but that is what the public perception is. I think that has been quite damaging.

I think that people who have signed e-petitions have, on the whole, found it unsatisfactory. That is a good example of the Government imposing something without it having gone through the House for a debate and a vote when issues could have been raised. We could have made the decision about whether it is Parliament that people are petitioning or whether it is the Government that people are petitioning. They start by petitioning the Government and they end by petitioning Parliament. That fundamental confusion is something that makes the system quite flawed. It is something that we are faced with now, but there are solutions that are relatively straightforward that could make the system work very well, just by bringing the whole thing into Parliament. Although it is not satisfactory at the moment, it could be in the future.

In terms of public engagement and the rebalancing of the relationship with the Executive, the fact that Back Benchers can now table votable motions on the Floor of the House has given them a bit more muscle. Government cannot now choose, in a compact with the other Front Bench, that Europe will not be debated on the Floor of the House. We also have the power now to table a votable motion, and that has made the Government rethink some of their choices of debates and Bills, and that was a very good thing to have happened in Parliament. Moreover, those are the debates that engage much more with the outside. Debates on subjects such as the European referendum or wild animals in circuses—Hillsborough is another very good example—have a lot of public engagement.

Mr Brady: In terms of the elections for Conservative Members of Select Committees, most of the vacancies have been quite hotly contested. There have been exceptions, but there have also been some very interesting elections with a lot of candidates.

Q198 Chair: The casual vacancies where someone gets promoted.

Mr Brady: Yes, sometimes. The major departmental Committees get more attention. There certainly have been some pretty interesting contests, even to fill the casual vacancies.

Q199 Chair: You would resist any effort from the Whips of all parties to take the power to fill casual vacancies themselves if there were more than one person interested in the vacancy?

Mr Brady: Absolutely. We have moved on in a very important way. In my view, it is obviously and necessarily wrong that the Executive should pick the people who are most intimately involved in scrutinising what the Executive does. It would be a serious retrograde step.

Q200 Mr Turner: How can the Select Committee play a greater role in the work of the Chamber? In particular, what improvements could be made to the system of Chairs' statements in the Chamber on publication of particular reports?

Sir Alan Beith: We have a degree of agreement with the Leader of the House—Natasha and I had a meeting with him quite recently—to get the procedure right so that we no longer have to pretend that someone is making a speech that people intervene on. We can have a proper statement procedure, with some flexibility about the day on which it is done within the Backbench Business day allocation, and the Standing Orders will be amended accordingly.

We have not been able to resolve all the issues to our full satisfaction but we have found ways, for example, to enable statements to be made when it is a Backbench half day if the Backbench Business Committee agrees to do it. We think that is something that needs to be developed. It is a little bit slow getting off the ground; not many Committee Chairs have used it, partly because of some of the inflexibility in the arrangements. It is a good opportunity—sometimes more appropriate than a long debate—to get a statement noticed and to allow a number of people to intervene with questions and comments on it. Of course Select Committees also need the opportunity to get votable motions so that the authority of the House can be put behind a conclusion of a Select Committee. That is only necessary for some things, but it is desirable for some.

We have had some argument about how you could do that with the Westminster Hall debates, given that the general assumption is that you do not have votes in Westminster Hall and you might change its character if you did. That is an ongoing discussion, and obviously the Backbench Business Committee is fully engaged in that discussion.

Natascha Engel: Having the Backbench Business Committee working so closely with the Liaison Committee on reports and issues where the Liaison Committee feels that they really should be debated with a motion on the Floor of the House has been very successful. When you introduce something new, you just have to see how it works. Sometimes it goes a bit wrong and then you make adjustments in order to correct it, but that is just the nature of introducing new things. I think, on the whole, that it has been very successful, and it has raised the status of the Select Committees and the work that they do.

Q201 Mr Turner: What was your view about the length of the Backbench Business Committee? It started being for the whole Parliament and then it suddenly changed.

Natascha Engel: The Backbench Business Committee was always intended to fall at the end of each Session and then be re-elected. That was in the original Standing Orders. I cannot remember exactly what the reason was—I think it was one of those things where the Government and everyone thought, “Well, let’s see how it works and then do it Session by Session.” It has not really impeded our work so much. We understand that our Committee works from June and July up to the beginning of the Budget. After

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that, it is the Budget, then the Queen's Speech. There are so many days when the Backbench Business Committee cannot schedule business anyway that it has not been that difficult. It has always been the case that it goes Session by Session.

Chair: Andrew, is the import of your question that this might be regularised, in the sense that it should become a full-term Parliament Committee like others?

Q202 Mr Turner: I thought it had been regularised in the opposite direction, but I may be wrong.

Natascha Engel: No, it has not. In fact, the Procedure Committee looked at it and left it as it was. As I said, it does not impede our work. It would probably be easier if it were for the Parliament, but it is quite important, since we are a Committee that is supposed to represent Back Benchers, that Back Benchers have a regular opportunity to replace us if they want to. That is important and it is much more for the benefit of Back Benchers than it is for the benefit of the Executive.

Q203 Chair: As a Member of the Wright Committee, I recall that it was, in a sense, to reassure the Government—it was not to frighten the horses. Now the horses do not seem unduly frightened by the Backbench Business Committee, maybe we should look again at making it on all fours with any other Select Committee, or is that more trouble than it's worth, Natascha?

Natascha Engel: I would say that it is to the benefit of Back Benchers, and I think they really need to have the opportunity. Once a Session is okayed, it certainly does not have an impact on us, but if Back Benchers felt that the people who were making decisions on what debates were being scheduled were not representing their views adequately, they would want a way of having their say. It is not really about the horses in the Whip's Office, but much more about the people on the Back Benches.

Q204 Mrs Laing: To follow up on exactly that point, for the sake of clarity, am I right in thinking that the first election for members of the Backbench Business Committee took place in 2010, and at the end of that Session, there was another election after the opening of Parliament in 2012? Can you remind the Committee whether there was a considerable change in the membership of the Committee, and might it be an example of the fact that Back Benchers did want to change the Committee's membership?

Natascha Engel: Yes, there was a change in the Conservative membership of the Committee, but that was an internal Conservative matter, but the membership did change from the first Session to the second.

Q205 Mrs Laing: I appreciate that you cannot answer the question as to why, but it is very useful to have it on record that the membership changed quite significantly, and that the electorate that changed the membership did so deliberately.

Natascha Engel: I have to add, though, that that was one of the issues that came up after the Government tabled motions that altered the way that the

Backbench Business Committee was elected. That was done at a time when the Procedure Committee was reviewing the workings of the Backbench Business Committee. It was not done in consultation with anyone on the Backbench Business Committee, and that changed how we voted for members, from being whole-House elections to being internal political party elections, like other Select Committees. It also changed how the Chair of the Committee was elected from being open to any Member from any political party to having to be someone who was not a member of the governing party.

Those were quite dramatic changes and my only objection was that the motions were tabled by the Government in consultation with no one while a review was going on of how the Backbench Committee worked. It seemed very odd at the time.

Mrs Laing: That is an important point to note.

Mr Brady: I have just one observation on that. I do not have a particularly strong view about how these things should be done, but there were particular circumstances at the beginning of this Parliament: a large proportion of Members of Parliament were newly elected and the Session went on for two years. There was a mismatch between the electorate and the available candidates at the beginning of the Parliament, and a period of expectation developed.

Q206 Paul Flynn: Sir Alan, in your evidence you say that the selection of members of draft Bill Committees is an example of the old mentality of the usual channels. Why is that damaging and what improvements can be made?

Sir Alan Beith: It is not in accordance with the direction in which the Wright Committee took us, which was of Members of the House as a whole choosing who was in the Chair, and the parties choosing members through election by ballot processes within the allocation for each party. Draft Bill Committees are done under the old system, whereby the Whips put the names together and there is a Government motion.

A number of things arise from that. One is when the Government decide—to deal with problems they have at the other end of the building—to have a Joint Committee, even though our understanding as the Liaison Committee is that pre-legislative scrutiny of a Bill is the primary task of the departmental Select Committee, if it wants to do so. Although there are circumstances in which Committees think it is a good idea to have a Joint Committee, the first option should lie with the departmental Committee, which has the elected authority of the House.

If there is agreement that there should be a Joint Committee, it is not satisfactory that the old system is used. The two alternative options are that the relevant Select Committee is able directly to nominate members of that Committee, and/or that some or all of the members of the Committee are elected by a similar process to that used for Select Committee members. Without that, the old system is still operating.

Q207 Paul Flynn: What are your suggestions about smaller Select Committees? Select Committees can

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now make themselves smaller and do so regularly. Would we end up with the problem of hardly anyone turning up if the Committees were even smaller than they are now?

Sir Alan Beith: I shall turn in a moment to attendance at Committees but, first, how big should Committees be? There was strong support among the members of the Liaison Committee and the Chairs of Committees for the original Wright recommendations that membership of Committees should not usually be larger than 11, and could be smaller than that.

At the beginning of this Parliament, we faced real problems, particularly—you were looking at this matter earlier—with the incorporation of minority party members, because that led the larger parties to say, “Oh well, if there is a Scottish Nationalist member, we will have to have another two members.” The other side would say, “In that case, we will have to have another three members.” We were getting suggestions that the Treasury Committee should have 16, 17 or 18 members, merely to preserve a precise party balance that, frankly, is not relevant to how Select Committees operate. It seems to be taking us back to looking at Select Committees as we might look at Standing Committees, where the balance is relevant to the voting outcome on a Bill. We keep all that out of the Select Committee process.

On Committee attendance, in some ways if the Committee is smaller there is more pressure on members to make sure they maintain its activity by attendance. Being larger does not help. And, of course, your quorum goes up with your size anyway, so if you have a problem meeting your quorum on a particular occasion, it is not helped by the Committee being larger. We have the 60% rule, which has not yet been formally invoked, but is used to draw to the attention of members the need to keep up their attendance. Of course, they face the problems that I mentioned earlier of being placed on Bill Committees, which may mean that they miss six weeks of attendance at their Select Committee because the Bill Committee meets at the Select Committee’s regular time.

Q208 Paul Flynn: Natascha, there was a broad-based request to your Committee from Rory Stewart, Bob Stewart, Caroline Lucas and several Labour Members for a debate on the anniversary of the Iraq war. It was made in a timely way so it could have been held on the anniversary of the war. That didn’t happen, although the Committee seemed well disposed towards it. Was the delay the responsibility of the Committee or the Government?

Natascha Engel: It was the responsibility, ultimately, of the Committee, because we had only one day to allocate. We made the decision to schedule a debate on health that could include something on the Francis report. Even though we felt that the Government really ought to schedule something on that, we knew that they were not going to. Because the Francis report was such an enormous issue and so many Members were asking us for a debate on it, we took the decision that, because the Iraq war was an all-year anniversary, we would do that the next time we had time to allocate once we were a new Committee. It is definitely

something that we still have on our list to schedule for debate, but it was a choice of, on that one day, what we were able to schedule.

Q209 Paul Flynn: Is your time so short that an application submitted in February—

Natascha Engel: Yes.

Q210 Paul Flynn: We are now in May and there is still not a date.

Natascha Engel: What I was saying to Andrew Turner just now is that our time allocation goes from June, when the new Committee is up and running again. It only goes up to what works out to be the middle of March, which is when the Budget statement starts. At that point, our allocation runs out. We have almost no time to allocate in those days. I think 11 June is the earliest that the Committee will exist again, and our allocation will not start until that point. But it was absolutely our decision. These are the choices that are very unpleasant for schedulers. If you have only one day, you disappoint one group. But it was definitely our decision.

Q211 Paul Flynn: Is this a major defect in the working of your Committee?

Natascha Engel: What’s that?

Q212 Paul Flynn: That you can’t have a debate on a subject of major interest. The inquiry into the Iraq war has been delayed, it seems endlessly. The responsibility for that war is a matter of paramount importance.

Natascha Engel: With absolute respect, I totally agree that it is of major importance, but at the time there were more people on the Back Benches lobbying us to have a debate on the Francis report than there were people asking us for a debate on the anniversary of Iraq. Absolutely, without a shadow of a doubt—

Q213 Chair: These are decisions that are entirely for the Backbench Business Committee.

Natascha Engel: And they are very difficult decisions.

Chair: We are not going to take the opportunity for each of us to press our particular thing.

Q214 Paul Flynn: What do you think is the most effective part of the work of your Committee?

Natascha Engel: The most effective part? I think the way that the Committee has evolved into taking representations from Members, and being guided only by those representations. It is not the Committee membership itself that makes a decision on what debates are brought before the House; rather, it is entirely guided by the Members who come to us. That is very successful. I think also that we work now as Back Benchers, rather than as individual political parties. That has been a real success.

The first time that I heard a cross-party group on this side of the table calling each other “hon. Friend” I thought I would fall off my chair, but it is now quite common practice. That is something that certainly would never have happened in the last Parliament. It means that we get the opportunity to debate issues in

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great detail and depth that we would otherwise not have done because we would have debated where our particular political party stood on the issue, rather than the issue itself. I think that has been the greatest success.

Q215 Paul Flynn: Why do you think the debates sponsored by the Backbench Business Committee are better attended than those sponsored by the Liaison Committee?

Natascha Engel: I don't know whether that is true. The Liaison Committee tends to have debates that are in Westminster Hall and they tend to be around reports or narrow issues, whereas the Backbench Business Committee debates tend to be very broad, such as your debate about the anniversary of Iraq. That will incorporate any number of issues, from war to peace; whereas, if you are talking about a very narrowly framed report, I would not expect so many people to be interested.

Sir Alan Beith: If I could comment on that particular point. By definition, a Backbench Business Committee-chosen debate is one that a lot of Members have asked to be debated, and is perhaps on a topic that a lot of their constituents have raised with them, and we would expect that to be well attended. Some of the work that Select Committees do, which the Liaison Committee brings forward by way of reports, is work that the House needs to do and ought to do more of, but which does not necessarily attract a large number of Members or pressure from constituents.

Discovering serious deficiencies in the way that the finances of a Government Department are being administered or spent is the kind of work that Select Committees need to do more of. When they have done that work they need from time to time to bring it before the House. There are other aspects to the work that Select Committees do and bring forward in reports that need to be put in front of the House, but that do not attract the numbers that have led to the Backbench Business Committee having to make the kind of difficult choice Natascha has just described.

Q216 Paul Flynn: What improvements would you like to see in the work of the Backbench Business Committee?

Natascha Engel: I heard the end of Pete Wishart's evidence. We really feel the lack of the minority parties on the Backbench Business Committee. I think we should find a way to accommodate one Member from the minority parties. They can decide for themselves who should serve on the Committee—as a full voting member, not as an observer, as the Government have allowed them. That would be the one improvement I will keep pressing for.

Q217 Sheila Gilmore: One of the things this House does not do as well as it could is monitoring the effectiveness of legislation, although Select Committees do that to some extent. Could that be one of the ways we could expand and improve the work?

Sir Alan Beith: Yes. It is already a duty of Select Committees to review legislation and do post-legislative scrutiny; indeed, there is a process. The Government produce a memorandum and then the

Select Committee considers whether to embark on an inquiry. Several Select Committees are currently engaged on such work. It is blindingly obvious that the House keeps passing legislation and from time to time we ought to look at whether it works. Select Committees increasingly recognise that; mine certainly does.

Q218 Chair: Natascha, going back to the original Wright Committee proceedings, I don't think it was ever intended or expected that there would be votes on the motions that the Backbench Business Committee put forward. I think the reason was that that would in a sense lure Government into Back-Bench business, and they would start whipping the business. While Members will obviously want to have their say and check how many people support them, do you feel that votable motions need to be looked at again?

Natascha Engel: I know that we disagree on that. I think that having the power to table votable motions is what has made the Committee a success. We don't always table votable motions. We schedule plenty of general debates as well. Some debates need to have a decision taken by the House. It has also given voice to the House in a way that not having votable motions would not have done. Also, at the beginning it was different from how it is now, when the Government and the Opposition whipped heavily on votable motions. But it took a while to readjust to the changing culture in Parliament.

Now the Government and the official Opposition recognise that this is about allowing the House a voice. Whether they do anything on the back of that or not is then down to the Government; and it is up to us as Back Benchers to press the Government, saying, "There was a vote and you agreed you would do x". That has, in itself, altered the relationship between the Executive and Back Benchers. It has been an important power for the Backbench Business Committee to be able to table votable motions.

Q219 Chair: You don't think it could mean that people feel that, even if they win a vote—let us say, 70 votes to 10—they have validated their position, in that Parliament has spoken 70 votes to 10 in favour of the thing they got on the agenda, rather than everybody knowing there was going to be a vote and parties making their decision about which way they were going to go? Does not it allow some over-claiming in terms of poorly attended votes?

Natascha Engel: It is different now from how it was. There tend not to be votes now. It tends to go through without a vote. Actually, it is about Parliament having a voice and distinguishing Parliament from Government. That in itself has been important, in terms of how we project ourselves as a Parliament.

Sir Alan Beith: As a matter of observation, it has become rather interesting, in that you can see Government thinking, "I don't think we can resist this one". That sort of process is going on; and to some extent Back-Bench Members are reflecting on how far they want to take the risk of bringing in the Government Whips and maybe having their motion

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defeated. But at the end of the day, the House is able to reach a conclusion on matters and express a view.

Q220 Mrs Laing: I should like to take us further forward, to the potential clash between the Backbench Business Committee and a possible House Business Committee. However, first, although the Government stated that a House Business Committee would be set up in the third year of the Parliament, the Leader of the House, who came before this Committee a few weeks ago, wrote to us to say, “Work on the development of proposals for a House Business Committee within Government is ongoing”. Why do you think the Government has not brought forward proposals for a House Business Committee as yet?

Chair: We will give Graham a go.

Mr Brady: I think Governments always like to control Parliament. That is the crucial point at issue. As has been said earlier, on the Wright Committee we recognised that in our system, where the Executive does sit in Parliament, it is appropriate and necessary that the Government should be allowed the time that it needs for its business. That is a given.

The question of how you allocate the rest of the time is something which I think Government should be more relaxed about. There was a good instance from Mr Flynn concerning a debate with considerable demand and a particular timetable issue. As we have noted, in the Session that has just concluded there was quite a lot of time that could have been made available.

Obviously, major legislation on reform of the House of Lords, rightly or wrongly, did not proceed and did not take up all the time it was going to. It is odd that the outcome of that is that the Session ends earlier, rather than the business time which is freed up being made available to Parliament. I think a House Business Committee might have come to a different conclusion, recognising there was some time available and some demand for ways in which it might be used. I can understand why Government might have reservations about that, but I think it would be a good thing for Parliament.

I return to the point that I made in my opening observations. The changes that we have made have worked pretty well and we have not seen grossly irresponsible behaviour from Members of Parliament sitting on the Committees that now have additional responsibility. I suspect that a properly constituted House Business Committee, with Government time properly protected, would similarly come to entirely responsible, intelligent, common-sense judgments about the allocation of time.

Sir Alan Beith: I very much agree with that view.

Natascha Engel: To answer your question, obviously the Government at the moment control all the time, and they won't want to give any of that control away. That is a straight answer to your question why Government have not done anything about setting up a House Business Committee.

However, I think we need to look at it from another perspective. I have put in my evidence that there are models of a House Business Committee which would actually make things worse for us, and I think we need to be very careful about saying we want anything, and

calling it a House Business Committee in order to have that as a gain. If we ended up having a formalisation of the usual channels and called that a House Business Committee, that would allow Government to say, “We have done a big reform. Here's a House Business Committee,” but it would actually block off any future developments for Back Benchers.

Most crucially, it would not address the problems that we are facing at Report stage—the Chope amendment problem—in that we don't get to amendments that the Government find awkward. On Second Reading, sometimes even a small Bill will have a whole day, as will a very large Bill. It would benefit the Government, because they would end up making better laws, if we had better scrutiny of how the Government schedule business.

One idea that came out of the Wright Committee and that was raised in your inquiry was a votable, amendable business motion. That would be real progress, but how would we make it desirable to the Government, so that we could get a business motion debated on the Floor of the House? That would then give Members an opportunity to question what the Government are doing and what scheduling decisions they are making, but I don't see that we necessarily need a House Business Committee in order to produce a votable business motion.

Really, my question to the Committee is this. What model are you looking at that you think would make a House Business Committee something we would want, and that would improve the legislative process and how Parliament works? Do we want some of the power of scheduling, or do we want a better ability to scrutinise what Government are doing when they make scheduling decisions?

Q221 Chair: We will obviously be looking at the various alternatives. I think you can trust us not to come forward with something that makes things worse, but with something that makes them better, as Wright did with the Backbench Business Committee. I have one question to pick up on with you, Natascha. Have you had, or do you feel, pressure from Government? Do they say, “We now have a Backbench Business Committee, and we have debates coming forward on issues like the Iraq war. That's not us. You've now got your own time. You should be allocating it.” Are you under stress because Back Benchers have always pointed to you, and Government feel they have “got out from under” and do not need to recognise significant events or have proper debates, because they can blame the Backbench Business Committee?

Natascha Engel: Not so much any more. At the beginning, that was definitely true. At business questions, the answer to every question became “Go to the Backbench Business Committee.” That is not so true any more. In fact, the negotiation that takes place on time includes what is Government business and what is Back-Bench business. One thing I would say is that under the Wright Committee proposals, the allocation of time was done by wrapping up all the set-piece debates. Some of those set piece debates are definite losers under this new system, because we take

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everything on topicality and its own merits. We do not have five Defence days any more, and we have not had a Wales day debate every year. Some of these things have definitely been losers.

No, I certainly do not feel that there is any pressure, but I do worry about the model proposed in the Wright Committee of having a House Business Committee grow out of the Backbench Business Committee. I would want my Committee to have nothing to do with any sort of model of a House Business Committee, in order not to threaten our independence and our role with Back Benchers.

Sir Alan Beith: I agree with Natascha's last point: the Backbench Business Committee should be protected in the role it carries out. That is not an argument against having a process that no longer confines decisions about the rest of the House, i.e. Government business, to an exchange between the usual channels but opens it up so that Back Benchers and other parties and groups within the House can be involved in it through a House Business Committee.

Q222 Chair: Just for the record, in the Wright Committee, as many round the table will remember, much of what we did was designed at that point to reassure Government so as not to frighten the horses. Now we have had a highly successful Backbench Business Committee. Evolution has taken place. Evolution of thinking will also have taken place. I think people are very conscious that the next step should be something that does not lose any of the gains that we initiated in order to get through this whole set of processes to set up a Backbench Business Committee and a House Business Committee. I thought it was helpful to put that on the record.

Let me flip the question, Natascha. Okay, so they are not putting a lot of pressure on now, thankfully, but have you put pressure on Government—for example, as Graham Brady said, when the House of Lords thing fell out of the agenda? Did you have a channel through which to address Government and say, "We could use that extra time. We have got Mr Flynn, Mr Turner and Mr Allen and everybody else lining up to ask for debates. Could we have that time, please?" If so, what was the response?

Natascha Engel: Yes, we do have that now. I explicitly asked for that during business questions one week after the House of Lords collapse. There are also days when the usual channels see quite far ahead that there are debates that are less likely to run the full course, so we do have a very good relationship now. It depends on having a debate that can go down to as little as half an hour. There are some debates that are like that. They just need a Division at the end. It is not so much the debate that matters as the Division. There are a couple of examples of people going to various conferences on different countries where the conference takes place on a certain day and they just want to mark that conference and Parliament's relationship with it. So they just need a small amount of time to raise that issue on the Floor of the House. We have a lot of those things, which we can then slot in when people are flexible. We do not have the flexibility that the usual channels do, though. We have no organisation. When we make those decisions we

cannot suddenly change the business. We do need a little bit of notice, but that is working very successfully, using the ends of the days when business folds early.

Q223 Mrs Laing: We have moved on to the issue of a votable agenda. I wonder whether Mr Brady or Sir Alan have anything to say on that issue.

Mr Brady: I think the agenda should be votable and amendable. In response to Natascha's point, if there is a House Business Committee with a significant elected element—it may be that the Government and the usual channels retain a majority but there is a significant representative element on the Committee—it makes it less likely that we will end up with weekly votes and amendments on the programme. It is more likely that we will arrive at an agreed outcome through the Committee engaging properly with the House and seeking to allocate business in a sensible fashion. I would anticipate that it would become an unusual thing for there then to be amendments or votes on the programme. That would be a safety valve for the House if the Committee got it wrong. If it remains a matter for the usual channels handing down the business in the way that currently happens, then allowing a votable motion is likely to trigger votes and amendments on a weekly basis.

Sir Alan Beith: The safety valve expression is the right one to use. Voting against your own party in Government on a motion of that kind would be seen as a significant rebellion. It is not something that is going to happen every day of the week unless the Government is mismanaging its affairs. What that means is that there has to be some preceding process, like a House Business Committee, in which difficulties can be resolved, so that it doesn't go to a motion which, on the whole, Governments would tend to win, and so the House's position has not been strongly enhanced. Therefore it is nothing new, as Graham Brady points out.

Week after week we are voting on programme motions, in fairly time-wasting, ineffective, unproductive votes—partly, I think, because of deficiencies in the way the programme motions are arrived at. We shouldn't make the same mistake with the agenda of the House as a whole. We need a good procedure, but with a safety valve, so that the House can vote it down if it doesn't deliver.

Q224 Mrs Laing: What has come out of the last little bit of evidence is the relationship between good scrutiny, proper debate and time. I cannot recall when it became normal to think that not a word could be uttered in the Chamber of the House of Commons after 7.30 in the evening. The Chamber is still there. Members of Parliament are still alive and capable. I particularly have to ask Sir Alan this, because I am going back a long way: do you recall that before the 1990 reforms—and I remind the Committee that in 1990 it was normal for the House to sit till 10.30 every evening—there was, then, business that was taken after 10 o'clock? It was referred to as after 10 o'clock business. In 1990 or thereabouts, maybe 1991, that business was transferred to a Wednesday morning. At the time that was thought absolutely revolutionary—

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that people would be in the Chamber of the House of Commons on a Wednesday morning and deal with this business.

Chair: I feel a question coming.

Mrs Laing: The question is coming. It occurs to me: do you think that there is a case for saying that non-contentious, non-votable business could be taken after 7.30 pm on Tuesdays, Wednesdays and Thursdays?

Sir Alan Beith: I do recall these things, and I recall them vividly, because my early years in Parliament were characterised by frequent 1 am and 1.30 am conclusions to the day's business; and I am glad I was 30 then and not the age I am now. It was a punishing schedule and most people, when they discovered that this was how Parliament did its business, were horrified at the idea that having sat for much of the day we would then be sitting till 1 o'clock in the morning making significant decisions, which were often voted on. There were frequent Divisions at that time. I do not want to go back to those days.

Also, although I am very conscious of the pressure on time, I do not really want to get us into a situation where we think we have improved the hours of Parliament, certainly for some Members, by adjusting the timetable, and sitting in the mornings, and then say "But we can carry on," leaving people under an obligation and feeling that maybe they ought to have stayed for that debate that goes on till 10 o'clock on the same night. When you add that to the pressure on Select Committees of Members feeling they need to be in the Chamber, there is less time during the day. There is now very little time during the normal day hours when the Chamber is not sitting and in a Committee you can say, "We can have a Committee session. We won't have to adjourn the session two or three times with votes when we have got witnesses in

front of us." I think we do have to be conscious that time spent in the Chamber is not necessarily the most productive part of Parliament's work, and we should be accommodating the Select Committee work, which is often more productive.

Chair: I am afraid I am going to have to stop it there, but we have had a very good question and a very good answer, which means we are not going to be short of very fine candidates for the House Business Committee, should such a creature ever exist.

Natascha Engel: Can I just ask one question about where you go from here? Is your idea that you are going to decide, on your Committee, a model for a House Business Committee that you will try and put to the House for a yes/no vote, or will you be presenting the House with all the different kinds of models and all the purposes, powers and memberships of each of them, and the consequences of them?

Chair: It is a little bit early to answer that question accurately, but we are still in the process of taking evidence.

Natascha Engel: I hope it is the latter.

Chair: Then we will obviously consider everything we have heard, and come to a consensus around a proposal; but that will be made to the Government. It will not be made on the Floor of the House. That, in itself, perhaps shows why there is a reason to keep working away on the balance of power.

Natascha Engel: You could always come to the Backbench Business Committee.

Chair: We may come en bloc. We may even ask for a debate on the war in Iraq, but the second one may well be about our report. Natascha, Alan and Graham, thank you so much. We really appreciate your attendance today.

Examination of Witness

Witness: **David Howarth**, University of Cambridge and formerly MP for Cambridge, gave evidence.

Q225 Chair: David, you're on. You have a full half an hour.

David Howarth: Comedians often worry about how much material they have. I do not think I have enough material for half an hour by myself.

Chair: There are going to be no surprises. The questions will be very much to tee you up and get you talking about your views on Wright and where we go from here. Sheila, could you start us off? Welcome, David.

Q226 Sheila Gilmore: I have a general question to start with. To what extent do you feel that the Wright reforms have succeeded in, first, increasing the vitality of the House of Commons and, secondly, rebalancing the relationship with the Executive?

David Howarth: Obviously, the first point to make is that only part of the reforms has been done; that is why you are having this discussion. But the Backbench Business Committee, by itself, has been a roaring success. Part of the object of the exercise was to get debated in the main Chamber, as well as in Westminster Hall, matters that the Front Benches did

not want to be discussed—Afghanistan, prisoner votes, immigration. A lot of these topics are ones that, as a politician—as I was—I would be quite uncomfortable having discussed, but they should be discussed, because Back Benchers want to discuss them. So that is a tremendous success.

The election of Select Committee Chairs and the modified election of Select Committee members is also a fantastic success. As a listener to the "Today" programme, you now far more often hear the news being led by a Select Committee report. Select Committees have taken on a far more confident role in the whole of politics as a result of the reforms.

I do not think we have got very far with the question of how the public could have some influence on the agenda of Parliament; I do not think that has happened much. As a member of the public, I think there is tremendous confusion about the petition procedure; I really do not understand how it works. There is the Government on the one hand and Parliament on the other, and that needs looking that.

The final part of the jigsaw is the House's control over its own agenda; that is the part of the reform you are

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talking about, which has not been done. My impression is that a lot of the old abuses—such as the Government’s ability to mess up Report stages by putting down lots of amendments to be discussed first, to ensure that important matters Back Benchers want discussed never get discussed—still appear to be going on.

Another part of that is Lords amendments, which I always thought were the most unsatisfactory part of the legislative process. It is incredibly confusing; as the ping-pong gets faster and faster, it is unclear what is going on. The rules stop sensible political compromises being done, because the debate narrows and narrows to a point where you cannot really make any sensible decisions. So where the reforms have been implemented, they have been a great success, but there is a long way to go.

Q227 Sheila Gilmore: Do you think they have had any impact on the public perception of Parliament?

David Howarth: I think, indirectly, that they have. You took evidence from Patrick Dunleavy about this, and he is the expert, rather than I. Simply having more Select Committee reports leading the news and more Select Committee members—not just Chairs, but members—being interviewed has an influence on how Parliament is seen. Having debates about matters that people, including Back Benchers, want debated, and debated in a more timely fashion—Back-Bench time helps that to happen—is not the only thing that matters, but it helps gradually to change views about whether Parliament is relevant to politics. The big aim of the report was to shift perceptions about how relevant Parliament is to public debate, and that is worthy.

Q228 Sheila Gilmore: Do you think the changes, particularly to Select Committees, have been successful, and should we be going further with them?

David Howarth: It is a question of how far you can go. The compromises that were made with the election of Chairs and internal party elections of members were probably as far as you can go, and they have had a really important effect. If you went further and had what I wanted, which was just straightforward election by the whole House on a proportional basis, would that really make any difference? Would it make a big improvement? I am not too sure. I think the big improvement has happened already, and other things are more on the margin.

You have to look at Select Committee powers, which is quite an interesting area in itself—the power to demand that witnesses turn up and to make sure that witnesses who are in contempt of Committees feel the full force of parliamentary ire. There are some reforms there. But I am not too sure whether further reforms would have the big impact that reforms have already had. I think we have made the big change.

Q229 Sheila Gilmore: One thing that has been helpful is that for some Members of Parliament, being involved in one or more Select Committees can become almost a recognised career path. Do you think that is beginning to happen?

David Howarth: It is difficult to tell from the outside, because you need to be in the Tea Room and hear what people are saying about where they see their lives going, but it does seem possible. The big question, I suppose, is not whether it is a career path; the big question is whether it is plan A rather than plan B. Plan A still seems to be a ministerial career, and then if that does not work out, maybe plan B is a Select Committee scrutiny-type career. I do not think we have got to the point where people think, “I will become a Member of Parliament because that is a good way of becoming a Select Committee member or a Select Committee Chair.” I think the motivation is probably still ministerial, on the whole. I do not know, however; that is a question for you rather than for me.

Q230 Sheila Gilmore: One problem that arises now, which the Chair has mentioned to previous witnesses, is that at the outset in 2010, with the elections that took place there was undoubtedly a lot of interest and a lot of competition, particularly for certain Select Committees, but as time has gone on, partly because people go on other tracks—they get promoted, or whatever, so they cannot be on a Select Committee—turnover can be problematic for building up expertise. How do we ensure that the election process continues, rather than simply filling up gaps?

David Howarth: You have to have a brutally objective understanding of politicians’ motives to do that. The big question is: what do people want as part of their parliamentary activities? How is that going to help them with what they want to do? There are two parts to that. One is getting things done that they want done, so actually affecting decision making. That is a matter of the relationship between the Select Committees and the Government, and about how seriously the Government takes Select Committee reports. On the other hand, there is, “How do I get re-elected?” which is largely to do with the media and largely to do with how effective being on a Select Committee is in getting you in front of the cameras and in front of the local journalists.

Those are the two things you need to concentrate on. On the first, I think there might well be reforms you could make to make Government more responsive to Select Committee Reports. To answer that question, you have to understand political motives rather than simply having a technical debate about how the rules work.

Q231 Sheila Gilmore: In terms of the Backbench Business Committee, have you got a view on the most effective thing it has done?

David Howarth: Two things. I have already mentioned debates about things that those on the Front Benches do not want debated, which I think is excellent, and which was the main purpose of the reform. The second one—I think the Chair might disagree about this—is that one of my motivations on that Committee was to return to a situation where the Commons had some control over its own Standing Orders. That power was lost in 1990 after a bizarre spat about Ann Widdecombe and her private Member’s Bill. A motion was passed to deny to

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private Members' motions the ability to change Standing Orders. Alan Beith—I praise him in his absence—was one of the few people to complain about that because it meant that the Commons could no longer control its own rules. In 1995, when all time was removed for private Members' motions, all possibility of doing that was lost.

One thing I wanted to see coming back was the ability of private Members' motions to change the rules of the House. That has actually happened. In early December 2010, two minor changes were made to Standing Orders. One was, I think, about the PAC and one was about the Parliamentary Commissioner for Standards. Those changes to Standing Orders were made on a Back-Bench motion in Back-Bench time. You must have the ability to consider votable motions in the Commons if you are to exercise that power.

The 2010 change was quite small and in a way symbolic, but it was restoration of a power the Commons had had until 1990, and in the long-term it is an important one. The Backbench Business Committee can put forward Standing Order motion changes and it can put forward the Procedure Committee's business, which is very important, but the one thing it cannot do is to propose changes to Standing Order 14 itself and to its own powers. There is a restriction on what it can do in that respect, but beyond Standing Order 14 it can propose changes to Standing Orders, and that is really important.

Q232 Sheila Gilmore: Do you think the Backbench Business Committee should have more power over the timing? One criticism of some Back-Bench business that is coming forward is that it ends up being allocated to the fag-end of the week—Thursdays and so on.

David Howarth: I think that was deliberate. I do not know whether Natascha would say so, but I think the Government were deliberately allotting Thursdays to Back-Bench business as a way of discouraging the Backbench Business Committee from proposing votable motions because the pressure would then be on to say, "We want to go. It's Thursday. Why hold us here for a vote? Surely you should be having general debates rather than votable motions." It was admirable that Natascha and the Committee resisted that pressure and continued to put forward votable motions until the Government gave way and started to allocate other days to Back-Bench time.

The central question about the allotment of days and which days get allotted to which business is a matter that requires further reform. The votable business motion has a very important role in that respect. It is interesting historically, but I am not entirely convinced that the power the Government claim to have to allot Back-Bench time and Opposition days by fiat and not by resolution is in fact legitimate. I think it happened by accident and that everyone assumed that the Government had that power so they took it on themselves. If you look at the allotment of Fridays to private Members' Bills, I am pretty sure that that is still done by resolution and not by Government fiat.

There was a problem with the 1995 reforms when Supply days were replaced with Opposition days.

Because the Government could obviously allot Supply days—supply is, by definition, Government business—I think it was just assumed that they could allot Opposition days, which is a different thing altogether. The same applies to Back-Bench days. It was just assumed that the Government could allot them. I don't think they can, but everyone assumes they can. They should be doing that by resolution, not by fiat.

Q233 Paul Flynn: It's good to see you back, David. You have been missed.

Part of the coalition agreement was to set up a House Business Committee in the third year. We have passed that now, and it has not happened. Why do you think the Government have not set it up?

David Howarth: Presumably because no Government like to give up power, and my fear at the time about that part of the coalition agreement was that the longer you leave these things, the less likely they are to happen. If a Government want to give away power, they must do so quickly before they get used to having it.

Q234 Paul Flynn: There is a suggestion that the House Business Committee, if it is set up, should be consultative, rather than decisive. Do you have any views on the merits of that?

David Howarth: I support the original Wright Committee position. In that report, we said that the House Business Committee was not an important reform in itself; it was simply a way of delivering the votable agenda. The votable agenda motion was the crucial reform: it changes relationships in the House; improves the position of Back Benchers as a whole, especially of Government Back Benchers; and it reduces the power of the Government to manipulate the agenda.

If you accept the case for the votable agenda, the next question is: how do you construct the weekly motion? The method that we happened upon—the Chair is largely responsible for this method, which I think is a good one—was that the House Business Committee is a way of consulting on and negotiating a weekly motion. It would not be a Committee that had votes or that acted in a particular way to put forward a motion. The motion itself would be put forward by the Chair of that Committee, who would be Deputy Speaker, and the sessions of the House Business Committee would largely be discussions to try to persuade the Deputy Speaker to go one way or another that particular week. You can conceive of this as a process of arbitration or mediation, with the Deputy Speaker—not the Government—putting forward the motion. That way, you need not have a vote in Committee at all; it is simply a consultative committee, which is consultative about what is in the votable agenda motion.

Q235 Paul Flynn: Yesterday's pantomime was judged to be so vacuous that it was eclipsed in news terms by the resignation of a football manager. Do you think that it is sensible to devote several days of parliamentary time probing its infinite vacuity?

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David Howarth: Oh, the Queen's Speech—I think that that probably goes beyond my pay grade these days.

The Queen's Speech debate was always rather odd. Of course, there are all sorts of traditions about it—you cannot have supply before it is finished or Question Times for about a week—and all sorts of peculiar things; there are just these set-piece debates. It seems to me that this time-wasting thing does have one function. If it was not clear whether the Government had a majority and the vote on the Queen's Speech was a real test of the confidence of the House, it might be a good idea to delay that test for a few days, but if you do not have that, why have day after day on this, as you say, most of the time purely formal debate? But I would not want to have a rule that says that we have no debate on the Queen's Speech, because it might be useful in some particular circumstances to delay.

Chair: We are running out of time, so I am going to move on to Eleanor.

Q236 Mrs Laing: David, I have just realised, on seeing you there, that I miss our arguments.

David Howarth: Yes, they were great.

Mrs Laing: We would not be allowed to argue now, because we are on the same side.

David Howarth: Oh, is that true? I had not noticed.

Q237 Mrs Laing: That is a question that the Chairman will not allow me to explore.

We appreciate your being here, because you have seen the House both from the inside and the outside, and you are able to observe it now. You heard what our previous witnesses have said on these matters. Do you think that there is a danger that establishing a House Business Committee could undermine the gains that we have achieved by having a Backbench Business Committee?

David Howarth: Yes, there is a danger of that if people were to forget the main purpose of the House Business Committee, which, as I said, was simply a means of delivering the votable agenda. An interesting question in itself, but one that I have not really thought about and which the Committee did not really think about, is what the point would be of a House Business Committee without the votable agenda. If you have the House Business Committee without the votable agenda, the question is: what does it do? At that point, it might start to eat into the gains made by the Backbench Business Committee.

It is very important to isolate out the Backbench Business Committee's time and role, so that that is an important gain and stays on one side, and then to think about the next reform, which is the votable agenda and the best way of delivering that.

It is interesting to listen to Natascha talk about whether she would want to be on the House Business Committee and whether there should be an overlapping membership. We originally thought that there should be because we wanted the Backbench Business Committee to have access to that discussion, but you could imagine circumstances where they have access to that discussion even without membership. It seems to me that it is really important to remember

why we are moving to the next stage and what the purpose is, rather than just imagining that having a House Business Committee is a good thing in itself.

Q238 Mrs Laing: Indeed, would it be a good thing in itself? Would it be likely to make decisions different from the ones that the business managers currently make if it had a majority of Government Members?

David Howarth: That's why I came back to our original model. Having a majority does not matter, because it is simply a way for the Deputy Speaker to consult Government, Opposition and Back Benchers, and so on, in order to put forward a motion constructed by the Deputy Speaker. Again, you could have representation from the minority parties without any problem, because the Committee does not vote. It always goes back to why we are doing this.

Mrs Laing: That's a very good exploration. Thank you very much.

Q239 Mr Turner: I have just one question. Do you believe that a votable agenda would help to give the House greater control if the Whips continue to dominate?

David Howarth: Every time there is a vote, the Whips get worried. Anything that worries the Whips is probably a good thing. If you look at the programme motions, which are a similar sort of thing, the Government almost invariably win programme motions. But when they cannot win a programme motion, really important things happen. The Government couldn't carry a programme motion on the House of Lords Reform Bill, which was absolutely crucial politically to what happened on that issue. So, yes, it does. It is mainly the threat of rebellion, rather than the actuality of it, and it is mainly a problem with the Government's own Back Benchers, rather than the activities of the Opposition, but it is important and it will deliver, I think, some important changes in the balance of power between the Front Bench and the Back Bench.

Q240 Chair: David, has anything been left unsaid?

David Howarth: Not really, apart from this one crucial point. I noticed from earlier evidence that there was some question about whether the votable agenda motion was plausible politically when there was a coalition Government. We need to think about that. I think it is even more important when there is a coalition Government, but I think that even more crucial is what happens with a minority Government. Do you want a minority Government to have all the powers that Standing Order 14 gives a Government regardless of whether it has a majority, or do you want the House to maintain control over Parliament's agenda under a minority Government? People have different views on that. People who are very Executive-minded will want a minority Government to have all the Standing Order 14 powers. People who are more parliamentary minded will want that not to happen.

Q241 Chair: One thing you would find fascinating, David, having had a break from us for a while, is

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that when people put forward things in the Wright Committee, they felt they were quite radical and reforming, but we now have a Parliament where, with such a large new intake of Members, this is just standard practice—"What are these old guys going on about?" The reason why I raise that is that those of us—it is probably everyone around this table—who think that the proposals that have now been enacted are a good thing and the House is much better for it look at our younger colleagues sometimes and worry that they take it for granted, because it was only three years ago that it was standard practice that the Government appointed Select Committee Chairs and that Whips appointed members. There was no such thing as a Backbench Business Committee. We need to be vigilant for the gains that have been made, but also to continue with the programme that came as a package through the Wright reforms.

David Howarth: Thanks. The tendency is always for Government to try to take more power and more control over the legislature. That is the natural condition because of the way the political system we have works, so eternal vigilance is really important.

Q242 Chair: It was very interesting to hear witnesses today talking about a parliamentary interest, as

opposed to a Government interest. Rather than talking about one party or another, people now seem much more conscious that there is a parliamentary interest, a legislative interest, which—

David Howarth: If you remember, that was a really important division in the House when the Wright Committee was discussing these matters. There are some people—this is a Chief Whips' view of the constitution—who think that the British constitution does not really have a Parliament; it has only parties, and there is nothing but party. Parliament is simply a place where the parties do battle before the majority wins. What we were trying to say was yes, party is very important, but there is more than that. Parliament exists in itself. It has an interest, a democratic interest, that goes beyond party. Carrying on with the reforms also carries on that different view of the role of Parliament.

Chair: Wise words, David, and a good point on which to end. It has been lovely to see you back in the House of Commons. It appears there is life after the House of Commons.

David Howarth: There certainly is.

Chair: Thank you so much, David; and thank you, colleagues.

Thursday 16 May 2013

Members present:

Mrs Eleanor Laing (Chair)

Mr Christopher Chope
Paul Flynn
Andrew Griffiths

Fabian Hamilton
Mr Andrew Turner

Examination of Witness

Witness: Ms Angela Eagle MP, Shadow Leader of the House, gave evidence.

Q243 Chair: Welcome to this morning's Political and Constitutional Reform Select Committee. We are considering this morning the revisitation of the Wright reforms and the reform of Parliament. I am delighted to welcome Angela Eagle, the Shadow Leader of the House. Thank you very much, Angela, for coming to see the Committee this morning. Is there anything you would like to say to start with, before we begin the general questions?

Ms Eagle: Not really. I submitted written evidence, as the Committee requested. I certainly welcome the work you are doing. I think it is timely, halfway through this Parliament, that you should be looking to see how the Wright Report implementation that has happened so far is going and consider those issues. At this stage I do not really want to add to the evidence that I have already submitted to the Committee.

Q244 Chair: We are very grateful for that evidence; thank you very much. Would you like to consider, because we would be interested in your opinion, to what extent the Wright reforms have succeeded in, first of all, increasing the vitality of the House of Commons, if you think they have, and also to what extent they have rebalanced the relationship between Parliament and the Executive, if they have?

Ms Eagle: Sometimes it is difficult to distinguish whether a Parliament is lively or not because the majority is smaller or there is Coalition Government, so there are other tensions and sources of liveliness to be looking at, rather than perhaps a Parliament where there is a very large majority. I think this Parliament is livelier, certainly on the floor of the House, but I suspect that might be because of the changed circumstances rather than directly because of the Wright Report.

I think it is fairly obvious that the Wright Report has strengthened the Select Committee system, given its more legitimacy, and from that point of view the changes that were made to directly elect Chairs, with the whole House, and having elections for members, have definitely strengthened the Select Committee system. I am a big supporter of the Select Committee system and the way that they can challenge the Executive. If you look at some of the evidence submitted to your Committee from organisations like Democratic Audit, who track the number of mentions of Select Committees in media and reporting of Parliament, it shows an upward trend. I would say that the successful bits of the Wright Committee reforms that have been implemented so far have been positive.

The balance between the Executive and the Legislature is quite a difficult issue for us to consider in our own Parliament, because we do not have separation of powers and the Executive exists in the Legislature as well as outside it. I suspect that the changes in balance of power again are more about majorities and interparty controversies—and intraparty controversies as well, perhaps—than as a direct result of the Wright reforms—

Chair:—of the structure. That is an enlightening answer. Thank you very much.

Q245 Paul Flynn: What effect do you think the reforms have had on the standing of the House in the country? We know we have severe problems with the status of the House in the eyes of the public and the media. Do you think there has there been any perceptible change as a result of the reforms?

Ms Eagle: I think there has and I think it has been positive. The Backbench Business Committee in its existence has contributed positively to that as well. But I do not think it is massive. Although I think objectively there have been improvements, we are living in the middle of a very anti-politics era. I have perceived in the 21 years that I have been a Member of the House that there has been a decline in understanding of our procedures. There has been a decline in understanding of the processes by which we come to arrangements and do our politics in the House. I think that is partially because some of our procedures can be obscure, and we have begun to try to change some of those, but I do not think that it is easy to say that the public perceive Parliament in a more positive way, although those who watch our proceedings more closely rightly think there have been improvements.

Q246 Paul Flynn: In spite of reforms, we still have a Remembrancer, we still have a Silver Stick-in-Waiting and a Cap of Maintenance.

Ms Eagle: Yes, I mentioned the Cap of Maintenance this morning in my Business Questions.

Paul Flynn: Indeed, but we get this detritus from the past that clogs up the system and acts as a barrier to an understanding of the House.

Ms Eagle: Yes, it does. Some people like the ceremonial at the beginning of the state opening of a Parliament and find it quaint. I am more proud of the fact that we have made some of our procedures in the Chamber more up to date. In the 21 years I have been here we have got rid of the top hat that we used to have to fling across the Chamber because you could

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not make a point of order during a division without wearing a top hat. I for one am very pleased about that and I was not certain when I first came into the House that we would be able to do that, but I would not disagree with you that perhaps we have further to go.

Q247 Paul Flynn: It seems incredible that there were members of the Modernisation Committee who fiercely opposed the elimination of the top hat. It does give an idea of where we are.

Ms Eagle: It makes you wonder about the definition of “modernisation”.

Q248 Paul Flynn: Indeed, absolutely. How do you think this Parliament will be remembered? I think the last one is probably, “They have been a rotten Parliament—the expenses Parliament.” Do you think this one is likely to be known as the lobbyists’ Parliament because of the way they have flourished?

Chair: Mr Flynn, I think that is going a little wide of the mark in asking the Shadow Leader of the House to give an opinion on that.

Paul Flynn: The witness can agree or not. She may have her own idea.

Chair: The witness is not required to answer.

Ms Eagle: I think there is an issue with lobbying and I am disappointed that there was not a Bill in the Queen’s Speech. I agree with the Prime Minister; I do think that that is potentially a scandal waiting to happen and I would like to see it addressed.

Paul Flynn: The problem is the Prime Minister does not agree with the Prime Minister on what he said in March 2010.

Chair: Mr Flynn, if we start going into the conflicts within the Prime Minister’s own perception of the Prime Minister, then we could be here for a very long time.

Ms Eagle: I fear we would.

Chair: This is not the purpose of our meeting this morning. Thank you, Angela, those have been helpful observations. Can we turn to Select Committees?

Q249 Mr Chope: In your evidence you imply, although you do not expressly say you support it, that it would be good if Parliament could take control over whether or not a Bill was subject to pre-legislative scrutiny as a draft Bill. Is that something you are really going for and actively support or is it just something you think is a good idea? How would you think it would work in practice, bearing in mind that the decision as to whether or not to have a draft Bill or a full Bill is ultimately one for the Government?

Ms Eagle: I think I said in my evidence that it might be an idea if Select Committees could choose whether they wanted to do the work on a draft Bill or not. They have their own list of things that they wish to look into and I would not want to force Select Committees to do the pre-legislative scrutiny of a Bill. However, if they felt that they wanted to, I do not see why they should not have—

Q250 Mr Chope: You would like to give them the first option?

Ms Eagle: I think that might work quite well. You ask me how that might work in detail. I have not worked out how that might work in detail. I just think we should start looking at other things that we could do to strengthen the Select Committee system, which includes also, when resources allow, giving them more resources. I have always been attracted to the idea that the Select Committees should be better, more coherently resourced, perhaps even by a body that is a bit like the National Audit Office that could offer them a centralised pool of support. However, we are in difficult times financially and I am not sitting here saying we could do it tomorrow, but I think we should be looking at things like that that would make it easier for Select Committees to retain expertise, sometimes take expertise across the Select Committee system, and modernise some of the ways that they are resourced, so they can be more effective scrutinisers of the Executive.

Q251 Mr Chope: You put this forward in your evidence in the context of it being able to help the Wright Report principle of ensuring that the House has a greater say over its own affairs. In that context, the Joint Committee to look at the draft prisoner voting Bill was not selected by backbenchers. That was effectively selected by the usual channels and rubber stamped by the House. Is that a procedure that you would like to see reformed so that more power was given to the backbenchers over the appointments to a Joint Committee?

Ms Eagle: I think Joint Committees are good in some circumstances and not others. I would not say that Joint Committees are always the best way of doing pre-legislative scrutiny. Pre-legislative scrutiny is a relatively new thing in terms of what this Parliament does, so I think we should be quite open-minded as we proceed about how it is done. I worry sometimes about Joint Committees and how they do scrutiny, simply because we have one House of Parliament that is not elected. That is a personal view. We should be quite careful about how Joint Committees spread, but at the same time we should be quite open to look at new ways of doing pre-legislative scrutiny. It is a wholly good thing that pre-legislative scrutiny is happening. When I was a Minister I was pretty frustrated at the way that Bills were drafted by Parliamentary Council sometimes. It is almost like you feel your way to the right way of doing it, several hundreds of amendments later. Large numbers of Government amendments, because Bills have not been written properly in the first place, clogging up time that is meant to be for scrutiny is not my definition of scrutiny. We need to look at how pre-legislative scrutiny works, but we also need to look more carefully at how Bills are drafted to begin with. We need to be open minded as we go forward and our experience of pre-legislative scrutiny develops about how the House might wish to organise that.

Q252 Mr Chope: What about the principle as to whether a Bill should come forward as a draft Bill or not? Ultimately, that is for the Government. What is your view about that?

Ms Eagle: Yes, it is.

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Q253 Mr Chope: If there ever comes a time when you are in Government, what will your policy be?

Ms Eagle: I think that there is a tension in the Wright principles between the Government always getting its business and the House scrutinising that is not always talked about, given that, as I said earlier, the Executive also resides in the Legislature. We have to get a balance between giving Parliament enough time to scrutinise and the Executive enough time to get its business. I agree that the Government should get its business. That is the way that our system has worked. If a Government has a majority—the Queen asks a Government to form because of its majority in the Commons, or however it is made up—it is then expected in our constitutional system that that Government will be able to get its business. We have to facilitate that, but in a way that maximises the effectiveness of the scrutiny that the Legislature gives to Government Bills, and there is no perfect way of doing that. I do not think that we have it perfect yet.

Q254 Mr Chope: No, but if I may say so I think you have ducked my question, which is about are you in favour of more Bills being subject to pre-legislative scrutiny by being published as draft Bills?

Ms Eagle: Definitely. I think that having pre-legislative scrutiny is a good idea. It has always been something that personally I have been in favour of since before I was elected to this House, but there will be some circumstances where any Government might have to respond quickly to something and I do not think we should be rigid about everything always needing to have pre-legislative scrutiny.

Q255 Mr Chope: To take a specific example, do you think the Same-Sex Marriage Bill, which was not in anybody's manifesto and is not time sensitive, should have been subject to pre-legislative scrutiny?

Ms Eagle: That would have been one way to have done it. I do not know the reasons why the Government decided not to do that, but I do know that the Standing Committee did a good job in listening to representations from those that it called to give evidence before it began its detailed consideration of the Bill.

Chair: Thank you very much. We will move on to the subject of the Backbench Business Committee, about which we have been speaking a lot on this Committee.

Q256 Fabian Hamilton: Angela, what do you think has been the most effective aspect of the Backbench Business Committee and how do you think it can be made more effective than it is at the moment?

Ms Eagle: I think it is good that it has existed and it has changed the way in which backbench business can be brigaded. I hinted in my written evidence that I think it is regrettable that backbench business day has come to be Thursdays every week because that has meant that quite a lot of people have discovered that they have things to do in their constituencies, and the House tends to be less well attended when there are no three-line Whips. It was for that reason that the Wright Report itself recommended that backbench business day would be Wednesday, which is not where we have ended up. I think that is a difficulty, but the

Backbench Business Committee itself has been a refreshing addition to our structures.

Q257 Fabian Hamilton: Should the Backbench Business Committee have a say over which days it is able to sit, or is that strictly something for the Government? If so, do we need a House Business Committee for that kind of distribution to be fairly done?

Ms Eagle: The Wright Committee did say that there should be a House Business Committee and the current Government, in the Coalition Agreement, said that the House Business Committee would be brought into existence in the third year of the Parliament. We are now in the fourth and we wait in the deafening silence that has engulfed us. I would like to think that in any system the Leader of the House would not be completely deaf to the points about always having backbench business on Thursdays. I do not know whether the current Leader of the House, who is sat behind me, has been totally deaf and whether Natascha Engel, who has just been triumphantly re-elected as Chair of the Backbench Business Committee without even a vote, by acclamation, today, has actually been on at him about this. Perhaps you should ask him.

Fabian Hamilton: I am sure we will.

Ms Eagle: If there was a House Business Committee with votes, then it could be that this would be something that could be the subject of a vote. Natascha's evidence to your Committee demonstrates this very well. It would depend on how the House Business Committee was constituted, whether it had voteable motions, how you would sensibly reconcile the Government always getting its business with it not having a majority on the House Business Committee if there were to be a vote, and therefore how that would make a lot of difference.

Q258 Fabian Hamilton: However, isn't that the essential dilemma here?

Ms Eagle: I think so, yes.

Fabian Hamilton: The Wright reforms quite correctly wanted to see the Backbench Business Committee formed. It was formed. We will discuss the House Business Committee shortly, but the issue is exactly as you said. The Government needs to get its business through the House because the Government is present here in the House of Commons as well as outside; however, Members of Parliament, backbenchers, need to be more effective in their scrutiny and in holding the Government to account. How do we get the right balance?

Ms Eagle: I think there are different ways. For example, programming and the way that sometimes works can have a detrimental effect on scrutiny if it is done wrongly. The Agricultural Wages Board is the most obvious example I can think of off the top of my head. Something that affects a quarter of a million low-paid rural workers was put into a Bill in the Lords after it had gone through the Commons, so it was not even on the agenda when that Bill went through the Commons. It was then brought back to the Commons for the reconciliation between the Lords and the Commons versions of the Bill and it was put in a place

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on the order paper that meant there was not a debate about it in the Commons. I think it is very difficult to justify that as decent scrutiny of a measure, because the House of Commons simply had no chance whatsoever to debate or vote on that issue when the matter was before the House.

Q259 Chair: Taking that forward, has the official Opposition been pressing the Government to bring forward proposals on a House Business Committee that would change that?

Ms Eagle: First of all, we have been waiting to see how the Coalition Agreement will be put into effect. I have mentioned it a couple of times at Business Questions and had an interesting stonewall kind of response from the current Leader of the House and his predecessor. I am sure we will learn in due course what the Government's intention is in this respect. The point I was trying to make was that that kind of scrutiny is not only about whether there is a House Business Committee in existence or not. It is how we manage to ensure that things that are put into Bills after they have gone through the Commons can come back and be properly scrutinised when the Bill returns.

Q260 Mr Chope: Surely if you had really wanted to put the pressure on on that particular issue and ensure that that Lords amendment was debated, for the very good reasons that you put forward, you could have, through the usual channels put a lot more pressure on and achieved your objective, couldn't you?

Ms Eagle: Well, no. With all due respect, the usual channels work very well in my view a lot of the time, but sometimes if the Government does not wish to grant an Opposition time to debate a particular thing, it just makes a decision and says no and there is not an agreement on usual channels. There is just an instance where the Opposition is told what is going to be happening. Thankfully, that does not happen very often, but there are examples where I am sure Governments of all colours have done that.

Q261 Mr Chope: However, then you can engage in reprisals, can't you? If you are done over by the Government like that, then you can engage in guerrilla warfare, which no Government wants to countenance because they want the usual channels to work.

Ms Eagle: Christopher, you are a past master at guerrilla warfare and probably one of the House's experts. You are right, but in general mutually assured destruction is not the approach that the usual channels take.

Q262 Chair: I think Mr Chope has finished that line of questioning. Would the process of scrutiny be improved by having more time on the floor of the House in the Chamber?

Ms Eagle: It could be. Time has to be effectively and efficiently used, though. There are many experts in this House, some of whom I suspect will start appearing with Private Members' Bills given today's news, who can talk at great length and scrutinise nothing. It is a question of how effectively time is used as well as the amount of it.

Q263 Chair: You expressed some concern about backbench business seeming now always to have fallen to a Thursday. Do you think it might be a possibility that ought to be explored to use the Chamber on Tuesday and Wednesday evenings, say from 7.30pm until 9.00pm? I am not talking about having incredibly late sittings again as we used to have, but to use the Chamber from 7.30pm until 9.00pm on Tuesdays and Wednesdays for non-contentious business?

Ms Eagle: That time is there. I know the Procedure Committee are examining both the timetable and the use of the timetable sittings of the House at the moment and they are also looking at the Backbench Business Committee and the way it has been working. I will look at their reports when they are published with great interest, but clearly that time is there.

Q264 Mr Turner: How might the House Business Committee strengthen the hand of the official Opposition?

Ms Eagle: I do not think how it might do that is obvious in certain scenarios. It would depend how it was constituted. If there was a Government majority on it, which frankly would be consistent with the Government getting its business, I am not sure how in extremis the House Business Committee would make too much difference. In the end there could always be a vote that forced the Government's particular requirement to be the House's decision. Short of there being constant rebellions among the Government side, I can't see that that would necessarily make any difference to the situation we are in now.

Q265 Mr Turner: I assume we are accepting the House Business Committee being separate from the Backbench Business Committee and that will continue.

Ms Eagle: I am assuming that as well. I noted Natascha's evidence saying that however a House Business Committee is constituted, it should leave independent the existing Backbench Business Committee, but then you have an issue of composition of the House Committee and what that might be. Do you have backbenchers on it if they have their own Backbench Business Committee? That would be a moot point. How do you deal with the issues among the smaller parties who are already pretty alienated from the Backbench Business Committee because they do not have their own representatives on it? Do you then have an unwieldy size that takes account of all of the smaller parties or none? These are not easy questions to answer. I don't think it is easy always having to be in a circumstance where the Government should get its business so in the end it somehow has to reconcile the decisions that the House Business Committee would make with that principle of right.

Chair: No, it is not easy. I think the entire Committee would agree with you on that. Thank you very much.

Q266 Andrew Griffiths: Angela, Natascha Engel has said that she thinks that the House Business Committee might work a little bit like a Select Committee—that on a weekly basis it would have the Leader of the House before it and interrogate them

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about the timetabling of business coming forward and the scheduling. Do you have any thoughts on that?

Ms Eagle: It is an interesting idea and there are all sorts of different ways that these sorts of things could be done. I think it is worth looking at other parliaments to see how they do things, but again there are not that many parliaments that have the Executive/Legislature mix in the same way that we do and the view that the Government should always get its business—that is why it has become the Government: because it has a majority—in that way. That would be one way to work, but I am not certain it solves the problem of composition that I was talking about before. Would it be elected by the whole House, for example? How is that consistent with the Government getting its business if it does not actually select? Do you have people who are co-opted on it? Is the Leader of the House co-opted? Is there a Leader of the House? These are all pretty big issues. I suspect it is a bit like a ball of string; if you see something and you pull it, lots of other things unravel.

Q267 Andrew Griffiths: You will remember, Angela, that the Wright Report specifically highlighted that the report stage was a contentious issue, and in fact we saw recently in the Crime and Courts Bill that this could be a contentious issue. Do you have a view on whether the House Business Committee could have a role in solving this problem in relation to report stage and timetabling? Do you think that it might help Ministers in overcoming the frustration that is often associated with report stage?

Ms Eagle: I think that the report stage issues are sometimes about timetabling and programming. You could maybe deal with some of those by the Government being more flexible about how it wishes Bills to be programmed. If there were a House Business Committee and it had potential voteable motions, you could have an argument about time, but again we come back to composition then. It is no good having a House Business Committee that is just a rubber stamp because it has a Government majority on it. It is the same way of doing what we do now just for the sake of it. I would hope if we were going to move to a House Business Committee that somehow we would get some value added out of it and it would not just be doing what we do now but with an extra meeting.

Q268 Andrew Griffiths: In which case, what is your solution to solving that issue of report stage?

Ms Eagle: I do not think it is easy at all to solve it. I looked at the Leader of the House's evidence to you and he set a series of tests, which are very good tests and I shall be interested if he is going to enlighten your Committee on what his answers to those tests are. It is not easy and I do not think that the Wright Committee went into enough detail about how it might work.

Q269 Chair: What about having a voteable agenda? Would that work?

Ms Eagle: You could have a voteable agenda. I wonder, with the current Conservative parliamentary party, whether that would allow the Government to

get its business. It is a fissiparous thing. In our system, in general the party system works to give coherence to the particular Government of any colour. I am not sure that breaking that up and re-creating a kind of Edwardian, 19th century, Arcadian kind of Parliament would help give us any more coherence.

Q270 Chair: I think you are suggesting, as many wise people have suggested before, that democracy is an inefficient form of government.

Ms Eagle: It is, but it is a damn sight better than any alternative I can think of.

Q271 Chair: I was hoping that is what you were going to say and I am very happy to agree with you on that, but inefficient it is. This Committee agrees with the points that you are making, that it is not easy to solve these inconsistencies. Governments have been trying for a long time, or not, to do so. If there were a voteable agenda, would the official Opposition employ a Whip?

Ms Eagle: It is so hypothetical I am not sure. I suppose it would depend what it was—as often with these things, you have to see what you are considering. The answer would be: I could foresee places where they would and places where they would not. You would have to show me the agenda before you could ask me a question like that.

Q272 Chair: I think you are giving a very constructive answer there. Thank you very much. Finally, if we could turn to petitions. We talk quite a lot about petitions. How can the House encourage public involvement without laying itself open to manipulation? What role should the Backbench Business Committee play in that, if any?

Ms Eagle: I think the Backbench Business Committee is irritated, with good cause, that the Government decided to attach what was then the No. 10 petition website to its allocation of time and give a promise that the Backbench Business Committee would find time for debates. As I said in my written evidence, I do not think it is right to have a petition system that applies to Parliament on the No. 10 website. I note that it has moved to Directgov now, but that is still not Parliament. If we are going to have a petition system and an e-petition system, it should clearly be hosted and dealt with, with appropriate funding, by Parliament rather than by the Government. There is enough confusion out there in the public about the difference between the Executive and the Legislature without compounding it by having this confusion.

Chair: That point has been made to the Committee by several of our witnesses and I rather assume that it will be one of the points that the Committee makes to Parliament and to the Government when we produce a report.

Q273 Andrew Griffiths: Just to come back on that, Angela, would you not accept that actually in some cases the e-petition system has worked incredibly well?

Ms Eagle: Yes, I would.

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Q274 Andrew Griffiths: My own experience with the beer duty escalator campaign is it started as an e-petition, ended up as a debate on the floor of the House, and resulted in Government scrapping the duty escalator and those who signed the petition getting the Government to listen, to do what they wanted.

Ms Eagle: As an ex-Exchequer Secretary I might have been rather irritated by that, but yes. It clearly worked extremely well in the case of the Hillsborough families, where we had an extremely moving and very influential debate on the floor of the House as a result of the petition. I would not want to give the impression that I think that people should not be allowed to e-petition. I think it is a good thing that the public can have a direct effect and at least have a voice in what their priorities are. We have to be careful to analyse whether there is manipulation, but I think we are sophisticated enough as politicians and parliamentarians to know when something is being generated spontaneously and when it is being generated in other ways. I would not want to give the Committee the impression that I thought that e-petitions are a bad thing. I don't.

Q275 Chair: Thank you very much. Are there any other points that members would care to raise with the Shadow Leader of the House? No. Angela, are there any points that you would like to make to us that we have not covered in this morning's questions?

Ms Eagle: All I would say is I look forward with a great deal of interest to how you square the circle of the House Business Committee.

Chair: Well, if we can do it that would be quite miraculous, but we will try. Thank you very much indeed for coming to us this morning. I should have said at the beginning of this session that the Chairman of the Committee, Graham Allen, sends his sincere apologies for not being here this morning. The other hat that he wears is the work that he does on early intervention and he has had to go to deal with early intervention today, so apologies from him.

Ms Eagle: He was courteous enough to intervene early with me and tell me last night that he would not be able to be here today.

Chair: Oh, good. Thank you very much indeed.

Examination of Witness

Witness: Rt Hon Andrew Lansley CBE MP, Leader of the House, gave evidence.

Chair: Now we are very pleased to welcome to the Committee the right hon. Andrew Lansley, Leader of the House of Commons. Good afternoon, Andrew.

Mr Lansley: Good afternoon.

Chair: Thank you very much for coming to the Committee this morning. As I just said in winding up with the Shadow Leader of the House, Graham Allen, the Chairman of the Committee, sends his sincere apologies. He has had to go to an early intervention meeting today. He would have liked to have been here and he is very sorry that he is not. We also appreciate that Thursday morning is a busy time for you, as it is for the Shadow Leader of the House, and we are happy to have changed the time of this meeting today so that it did not clash with your duties in the House. While mentioning that, I apologise on behalf of members of this Committee who assiduously attend this Committee and therefore can very rarely come to Business Questions and watch what is going on at that point on a Thursday morning. The fact that you do not see us there is not that we are not interested, it is that we are doing other things.

Mr Lansley: It is one of the things we constantly had to think about when we decided upon sitting hours of the House, wasn't it? The opportunities for the House to collide with Select Committees is greater now than it used to be.

Chair: Far more so—being in two places at once.

Mr Lansley: Forgive me, I am nursing a bit of a cold so I am sitting at a suitable distance from you. Forgive me if I snuffle a bit.

Chair: As long as you stay over there, we will forgive you and we will sympathise with you. Thank you very much.

Mr Lansley: Thursday afternoons are actually, in a funny sort of way, my best time of the week, because Business Questions are over.

Q276 Chair: Well, we will see. Before we begin to quiz you about the Wright reforms and the impact they have had, are there any points that you would like to make to the Committee?

Mr Lansley: Yes. Thank you very much, Madam Chair. You will recall that when I came before the Committee in January, I explained that in considering the case for a House Business Committee I was keen to take account of and build on the changes that we have introduced since the start of this Parliament in line with the Wright Report. The changes are pretty significant: the election of Select Committee Chairs, the success of the Backbench Business Committee in enabling backbenchers to secure debating time on the floor of the House, the ability to debate substantive motions in backbench debates, the provision of time for e-petitions to be debated, increased time for consideration of legislation at report stage and, of course, September sittings. I have been struck, when reading the evidence you have received, by the extent to which these improvements have been welcomed and helped to increase the standing and effectiveness of Parliament. On Tuesday, I think it was, I was at the launch of Lord Norton's second edition of *Parliament in British Politics*, and Peter Riddell and Philip Cowley were there, illustrating in their various ways how in many ways the impact and sometimes the effectiveness of Parliament has clearly been substantially improved in the course of this Parliament.

Back in January, I said I believed the proposed Business Committee should be able to operate

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effectively and add value to our current arrangements. As you know, I set a number of tests I thought would help us to evaluate different options. Since January I have given the matter further detailed consideration, including on a visit to the Scottish Parliament, and canvassed the views of colleagues across the House. In doing that, I have not been able to identify a proposal that meets those tests, nor have I had suggested to me a means of doing so. Such is the diversity of views on the composition and role of a House Business Committee, I do not at the moment see the possibility of establishing the level of consensus necessary for a proposal to have a realistic chance of success. I wanted to tell you upfront that I do not have any proposals to give you today—ones that would meet the tests that I believe are required to be met before a House Business Committee can be established. Equally, I am afraid I cannot say that I am able to proceed with the establishment of a House Business Committee by the third year of this Parliament, as has been our intention.

I am happy to elaborate on that in response to your questions if you wish, but I do hope we might also—I know it is your intention—look at how we can move beyond the achievements since 2010 and consider what further reforms we can make. I want to see established a joined-up, transparent, accessible e-petition system. I want to improve public engagement with the legislative process. I want to develop the impact of post-legislative scrutiny and financial scrutiny by Committees and consider the greater use of Westminster Hall. I do hope that we might work together on what I think are our shared objectives on these of further improving the standing and effectiveness of Parliament.

Chair: Thank you. As a Committee we can't disagree with your aims, but perhaps we might probe the way of achieving those aims.

Mr Lansley: My methods.

Q277 Chair: There will be some disappointment in some areas of parliamentary opinion that progress is not being made on a House Business Committee. You said that you consider that the vitality of Parliament has been improved by the reforms that have been brought in so far, but what about the rebalancing of the relationship between Parliament and the Executive, which we appreciate is something that you as Leader of the House have to deal with every minute of every day?

Mr Lansley: As the Shadow Leader rightly said, one of the aspects of this debate is that the Executive and the Legislature live together; we do not have separation of powers. I must say some of the discussions I have had with some Members about the proposals for a House Business Committee were clearly proceeding from the assumption that the constitution was other than it is—that the House was capable of having a life completely separate from the Executive and the Executive would not seek to exercise its majority in the House. Of course that is not the case, never has been the case, and I see no prospect of it being the case.

However, you are right that what we are looking to do is to secure, consistent with the Government

having the opportunity to secure its legislation and its business, the maximum opportunity for scrutiny and engagement by backbench Members, to give the Opposition that opportunity, which is the essence of a democracy, and to engage the public as fully as we can. I think it is incontrovertible that in this Parliament Select Committees have—not least by virtue of the election of Chairs of Select Committees and, within parties, the members—secured greater independence and effectiveness. I think we can take that as read.

Q278 Chair: We have taken evidence from many people who have said the same thing and were very much in concurrence.

Mr Lansley: When you look back to the Wright Report, they were sceptical about the Backbench Business Committee and quite what it would turn out to be. I think it has exceeded expectations. In particular, when you look at the resulting opportunities for backbench Members not only to have debates to influence the agenda and future issues, but through substantive motions sometimes to take direct part in that, I think it is quite striking and it has made a big difference. I am hoping we can build on that. I do not think this is a fixed point, but when you look overall at the 150-plus days that Parliament sits and the allocation of time on the floor of the House, when you have added together time for the Opposition, for the Backbench Business Committee, for the Liaison Committee and time that is in that sense already pre-committed in terms of debates on the Queen's Speech and the budget, Government's control of legislative time is now down to about half of that total. In a sense, when you look at what have been the requirements for legislation and, from our point of view in this House, our wish to improve scrutiny through, where appropriate, having two days on report, we are probably at about the right balance in terms of the allocation of time.

Q279 Chair: I asked this question of the Shadow Leader of the House. Would a greater amount of time in the Chamber improve scrutiny and improve the workings of Parliament?

Mr Lansley: Clearly the view at the time of the Wright Report was that the absence of scrutiny on report was a very important issue to them. As it happens, the number of multi-day report stages, two-day report stages, has been 14 in the first two sessions. Indeed, this morning I announced that not only is the Marriage Bill going to have two days on report but so will the Energy Bill. I would not like to encourage anyone to believe that all Bills should routinely be scheduled for two days on report. It is a matter of making sure that we secure the scrutiny that we are looking for, but it has certainly been a substantial increase as compared to preceding sessions. I think in the last session of the previous Parliament there were no Bills that were considered over two days on report.

Q280 Chair: Given the difficulties you obviously have in finding enough time in the Chamber for necessary work to be done, would it make sense now

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to revisit the use of the Chamber on Tuesday and Wednesday evenings?

Mr Lansley: Well, the House made a decision on that, didn't it? Of course, the purpose of that decision was not to reduce the amount of time available for consideration on the floor of the House but to change the time that was available. Some of the commentators on our proceedings rather erroneously imagined the consequence of the change in sitting hours was that there was less time available in the House. It was not, it was just a different time. I am not arguing that we have too little time; I am saying the balance is about right. Even with the legislative programme we have in this particular session, which I think is pretty full, I am hopeful that we will nonetheless be able to secure the scrutiny that we are looking for.

Q281 Chair: I should have been more explicit about the use of time and use of the Chamber. You might recall that before the 1990 reforms there was business that was routinely taken that was called "after 10 o'clock business", which in 1990, I think, was changed to a Wednesday morning and that was the beginning of using the Chamber before 2.30pm. Now that we routinely use the Chamber in the morning and finish at 7.30pm or 8.00pm on, say for the sake of discussion, Tuesdays and Wednesdays, would it make sense to put some backbench business on Tuesday and Wednesday evenings rather than on a Thursday or a Friday?

Mr Lansley: Of course, we do take business after the moment of interruption, not just the adjournment debates but on occasion we take House business after the moment of interruption. I think it is often convenient to do so. We quite regularly take European scrutiny debates after the moment of interruption and use that time notwithstanding. The change in sitting hours means that to that extent we have a degree of flexibility. I know there was plenty of controversy about the precise mechanics of it; nonetheless, when we were considering the Crime and Courts Bill on report, we did give, by way of a supplementary programme motion, two hours after what would otherwise have been the moment of interruption.

Q282 Paul Flynn: It is encouraging to hear that these academic commentators on Parliament think that the Wright reforms have been effective, but do you think it has got through to the country generally? Do you think the status of the House has been affected beneficially since 2009?

Mr Lansley: I think it is a very fair question. One has to ask the question to what extent has the public's view of politics and Parliament changed, and they are not necessarily the same thing, in the same way as the public's view of politicians is not the same thing as their view of their Member of Parliament. They are often quite different things. The Hansard Society's *Audit of Engagement*, which was published yesterday, demonstrates that overall we are not really making the progress we would like to see in terms of the public's engagement, or indeed their trust in politics. We need to do more and I hope we can.

Where Parliament is concerned, for those who want to assess it, I think there is a stronger sense of the

share of voice in our overall political system that is being exercised by Parliament as distinct from Government. In this respect, that is a very good thing. That is what we were looking for—we were looking for the voice of Parliament to come out, and I think that is happening. Is it improving the standing of Parliament? I think it is, because I think the public are looking to Parliament more. In that respect I would regard probably the Select Committees as the most significant impact; the Backbench Business Committee and the debates arising from that are also important, but I would not discount completely the impact of the e-petition system. From the public's point of view, because they see greater access, because they see more response from all of these mechanisms, I think that, to that extent, the standing of Parliament and its effectiveness has risen, notwithstanding that the public have a very disparaging view about politics in general.

Q283 Paul Flynn: In March there were debates throughout the country, in television studios and pubs everywhere, on what might well have been the worst decision this Parliament has taken in the last 50 years, and that was the decision to join Bush's war in Iraq. There was a timely application made to the Backbench Committee by Bob Stewart, Rory Stewart, Caroline Lucas and a group of Labour MPs and the Backbench Committee was sympathetic to that, but no debate took place in the House of Commons, where it should have taken place because it was we who took the decision that led to the deaths of 179 British soldiers. The explanation that the Chair gives is a lack of time—that they had the debate on the Francis Report rather than the Iraq War. Is this a failure of the Backbench Committee or is it a failure of the time that is available to them?

Mr Lansley: My personal view is it is not a failure on the part of the Backbench Business Committee. It is their job to balance what they regard as the priorities for debate in the time available between the competing considerations. I think, as it turned out, the debate on transparency and accountability in the health service was a very timely debate. I do not want to get into the detail of the debate on Iraq, but from my point of view they took a perfectly reasonable decision. As we said in Business Questions more than once, from the Government's point of view, the importance of the anniversary notwithstanding, the time for Parliament to debate the issues surrounding the decision to go to war in Iraq would, in our view, be better informed in the wake of the publication of the inquiry.

Paul Flynn: Which is delayed and delayed and delayed.

Mr Lansley: Nothing to do with me. I am not in charge of the timing.

Chair: That is not a matter for the Leader of the House to deal with.

Paul Flynn: Could I just take him up on something he said about e-petitions?

Chair: Just one moment, Paul. To clarify, the Chairman of the Backbench Business Committee did come before this Committee and explained in great detail the reasons for the Backbench Business

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Committee having come to the conclusion that they came to about which debate to have. Part of her explanation was that, of course, it was at the time of the Budget, when much of the House's time is taken up not by backbench business but by Government business, which is the Budget. It just happened to be that same time and she gave a very good explanation to this Committee. I do not think it is for the Leader of the House to give a further explanation.

Q284 Paul Flynn: Can I follow up on what the witness has said about the e-petitions? There were great expectations that these would be successful, and certainly, as the Deputy Leader said, probably the most successful was the Hillsborough one, which was a genuine one. The others that have come through and been successful are mostly the ones that are being supported by the tabloid press. If a petition can get the support of the tabloid press they can build up their 100,000 signatures. Isn't there a danger in two ways that very little has happened in practical terms as a result of e-petitions and the following debates, and the effect has been not to increase the power and influence of the public but to increase the power and the influence of the tabloids?

Mr Lansley: I do not think I would agree with that. I think in the main the petitions that have attracted the largest number of signatures have quite clearly been led by campaigners, often supported by Members of this House, and then often they have been supported by local and national media. I do not think in the main they have been instigated by local and national media. It is not that way round. We have heard reference to some of the important debates that have taken place—things as straight forward as the debate on cycling back in February of last year, for example, and the impact that had, or the debate on mental health today and the impact that has had. I do not think that was derived from the national media in any sense whatsoever.

I think it would be a mistake also to focus only on the number of petitions that reached 100,000 and ignore the very large number of other petitions that have an impact anyway. I instituted in the autumn a process by which the Government responds to all petitions that reach 10,000 signatures. I am very happy to work on the basis that the petition system is as yet not where we want it to be. We are doing a good job on moderating the petitions, on giving people access, on responding to them from Government, but I think the point that you were discussing with the Shadow Leader was that the public's expectation is that they can petition Parliament. Of course, when you look at most of the petitions, their expectation is that they can petition Parliament asking for a response from Government, and actually that is where I would like to be, so that the public can do that. They can petition Parliament, expect the kind of response we now give them from Government, but giving Parliament a more substantive opportunity to take charge themselves in Parliament of how petitions are then to be taken up and considered in this House.

Chair: We appreciate what you said to us at the beginning of this session about the House Business

Committee, but you will understand, I am sure, that we would like to probe the matter rather further.

Q285 Fabian Hamilton: Andrew, you answered the question about why the Government failed to carry out its pledge made in the Coalition Agreement to have the House Business Committee established within the third year of this Parliament, so thank you for that. Could you enlighten us as to why it took so long? I appreciate your reasons and I know you were not Leader of the House at the beginning of the Parliament, but why were those investigations, that research that you did, not carried out in the first year? If I had a three-year timetable, I would want to start immediately so that I stood a chance of achieving that timetable, not in the third year or at the last minute. Can you tell us whether any investigations were done?

Mr Lansley: There is a very simple reason for that. It is because it was immediately apparent, with the establishment of the Backbench Business Committee, that the relationship between the Backbench Business Committee and the House Business Committee, in whatever form it was established, would be instrumental to the question of its effectiveness. It was actually very difficult. To be fair to my predecessor, the idea that he could have shaped a House Business Committee while still trying to understand what the impact of the Backbench Business Committee is and how it works was not practical. We have simply arrived at a point where what I am expressing to you is a practical proposition. We have looked very carefully at trying to ensure that the House Business Committee adds to the effectiveness and the value of what we do here. I just do not see at the moment how we can do it and I have looked at a range of mechanisms for how it might be done.

Q286 Fabian Hamilton: You mentioned you went to the Scottish Parliament. Who else did you speak to? Did you go to any other parliaments? Did you talk to any other European countries?

Mr Lansley: I have not been to other parliaments with this objective in mind but I talked to Meg Russell who has done work, from whom you took evidence yourselves, and I have talked to the Chairman of this Committee. I am saying this frankly to this Committee because the question to you as a Committee is: can you see a way through this? Frankly I am not offering one to you. I am being practical.

Q287 Fabian Hamilton: Are you laying a challenge down to us, Andrew—

Mr Lansley: To some extent.

Fabian Hamilton:—that we should offer some possibilities?

Mr Lansley: To be fair, to help you as best I can, the Scottish experience was nonetheless a very interesting one because I went with the expectation, drawn from what some people had said to me, that there was a sense of the Scottish Parliament having created innovations in terms of parliamentary scrutiny and control that were not the case here. Where petitions are concerned, I think we can learn something. Where the Parliamentary Bureau in the Scottish Parliament is concerned, which is their equivalent of the House

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Business Committee, their experience is rather instrumental and we should learn a different lesson. It was constructed in the expectation that there would never be a majority in the Scottish Parliament and that, therefore, people would sit round this table, they would bring their respective parties' agendas and voting weight to the Parliamentary Bureau and establish a consensus. It reads a bit like the Wright Committee. They reach a consensus and they put forward what in their terms I think is an amendable motion. What in practice, of course, has now happened is that there is a majority in the Scottish Parliament.

Chair: It is that pesky democracy again.

Mr Lansley: The Parliamentary Bureau literally rubber stamps what has been decided beforehand, but not just Government business; it actually controls the backbench business. It has a substantial control in relation to the selection of Members for participation in debates. There is a degree of control happening in the Scottish Parliament that would not be contemplated here. To that extent, we have far more autonomy for backbenchers and for backbench contributions in this House than they do in the Scottish Parliament.

In all of these things, you have to say if we had set up the model of the Wright Committee as it is, I think there would have been a risk that it would have had completely the contrary effect. It would undermine the decisions made independently by the Backbench Business Committee by subjecting them to what is effectively another control, which the Whips of the main parties might be held to have control over. Putting forward amendable motions in the hands of a less scrupulous Government—I would never dream of this—would give that Government the opportunity, on a regular basis, to substitute their choice of business for whatever else would otherwise have been on the agenda, not just the Government time.

Q288 Fabian Hamilton: Do you think then, Andrew, that this is a good example of the dangers of making very worthwhile reforms, with all the best intentions in mind, that have consequences far beyond those that were intended, because that is effectively what you are saying, because we do not have a written constitution? This is an example of how our unwritten constitution can't be easily changed.

Mr Lansley: The House has a constitution. It has the Standing Orders and we are debating it in that context. I think we have a perfectly well understood constitution in the sense that in our constitution those who command a majority in the House of Commons can exercise that power through the House. I thought it was quite interesting because our former esteemed colleague David Howarth, in his written evidence to you, looked particularly at that question. He said about the Government and the House, let us construct an argument about what happens if there were a minority Government. He said the situation is unsatisfactory because under those circumstances the Government would still control the business. Well, it would control the initiation of business, that is true; but the moment you begin to think about the allocation of time, it would be perfectly possible for

motions to be put down or Government motions for programmes and the like to be amended. There is nothing to stop that happening. A Government that did not have a majority in the House of Commons would effectively lose control of the agenda, but a Government that has a majority in the House of Commons, if we are not careful and we do not have a proper structure, could ride roughshod over the rights of minority parties, the Opposition and backbenchers. We do not want that to be the case. We want this reform to be positive and progressive, so to that extent I think we have to build on something that has clearly established, very solid boundaries. The Backbench Business Committee are operating with that boundary and I think it is positive they should do it. One of the starting points for our test, as I point out, is not to impinge on the success of the Backbench Business Committee.

Q289 Fabian Hamilton: So you are challenging us as a Committee to come back to you with some reforms that are workable and balance the issues?

Mr Lansley: I am happy to talk about the kind of options and why. What we almost have to do is to say if it is not a decision-making body in that sense—because even the Wright Committee frankly said the Government are going to come bringing their agenda and we have to accept it; the Opposition will come bringing their agenda and we will have to accept it; the Backbench Business Committee should bring their agenda and we should accept that. Once we have done all that, what effectively has been decided? If it is things like programme motions, I think we have made very good progress. If you look at the number of programme motions being divided against in the House, that number has dropped dramatically. If it is allocating time for scrutiny, I think we are doing that much better. If it is securing pre-legislative scrutiny of legislation, I think we are doing that. I am at a loss, therefore, in terms of decision making to know what the benefit is. If it is in terms of scrutiny, you had a conversation here a minute ago with the Shadow Leader about should it be a committee where the Leader comes with the agenda and they sit and they ask questions. I do that. I do that on a Thursday morning for an hour and I guess this morning probably there were about 40 or 45 questions. Technically speaking, all of them were about the business, but in reality probably no more than two or three were about the business as such.

Q290 Chair: However, you think that the opportunity is there for 40 or 50 questions genuinely about the business to be raised?

Mr Lansley: Yes. I am not sure I understand in what sense I would be able to say anything different in a Select Committee from I would say in response to questions in the House.

Q291 Mr Turner: What you are saying is that you have had plenty of ideas—yourself and others. Which are the most meritorious of those ideas?

Mr Lansley: Let me put it like this. Of course, the starting point was not my ideas but what was in the Wright Committee report. The conclusion I have

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reached, and which I think is reflected in much of the evidence that has been given to you, including from those who were directly involved with the Wright Committee, is that as it was presented in the Wright Committee report the model of a House Business Committee is not practical and workable.

I think technically when you were listening to Natascha, she was talking about a scrutiny model. In a sense a scrutiny model is practical; the question is: to what extent does it add value? I suppose the question I am asking you is in what sense do you envisage that creating another committee—and the Wright Committee said we should have fewer committees; we have not done that yet—that simply replicates what existing scrutiny processes to which the House has access adds value? There are other tests. I co-ordinate, together with my colleagues in the Lords, the business between the Commons and the Lords. There is absolutely nothing in the Wright Committee model, or anything anybody has said to me, that demonstrates how the scheduling of business, the future planning of business, between the Lords and the Commons could be achieved. We do that. We do it in a complex but nonetheless flexible and practical way. We engage with all of those who we think need to be engaged with, including the Opposition and minor parties.

People say to me, “There are things that the Wright Committee held required reform, so let’s think about what they are and see to what extent we have done it.” We have done a lot on Select Committees. We have done the Backbench Business Committee. There is a sense of the transparency of the usual channels. That is quite tricky, but from the point of view of giving access to people in the House to their view of what is required in terms of business, I am perfectly happy to listen to any suggestions that you as a Committee might like to make, informal as well as formal—and informal might be the answer for how group opinion in the House, whether represented through parties or otherwise, is listened to in the process of trying to shape business.

Q292 Chair: Would it be accurate to say that, in effect, there is a House Business Committee, indeed a Parliament Business Committee, but it is called the usual channels?

Mr Lansley: That is true, yes, absolutely, although strictly speaking the usual channels is between the Whips and I am party to this, as is the Shadow Leader and my opposite number in the House of Lords. We do not regard ourselves as the usual channels. There is a sense in which it is the business managers. From our point of view, the terminology is business managers. The collective business management system, to that extent, is meant to deliver this.

To give a current example, I remember when I announced business some time back earlier in the year, there was clearly strongly held opinion at Business Questions from Members that they wanted there to be two days available on consideration of the report for the Marriage (Same Sex Couples) Bill, so we took it away and we provided it.

Q293 Chair: So your answer to my question is that the current body that fulfils the role of a House Business Committee or a Parliament Business Committee is not the usual channels, but the meeting of business managers?

Mr Lansley: In a sense, yes, but it is an iterative process.

Q294 Chair: That is what I am exploring. There is an iterative process. There is a process; it works currently and I am guessing that you would suggest that it works satisfactorily or reasonably satisfactorily at present. Would you therefore argue that there is no need for the formal putting together of a House Business Committee as such, because, in effect, there is a grouping of representatives of the parties that currently fulfils that objective?

Mr Lansley: I would not characterise it like that. There are a lot of conversations and discussions that take place between the parties through the usual channels and from my point of view, and indeed my opposite number in the House of Lords, on a basis of discussion with Members across the House, I try to establish where expectations in the House lie in business. That includes, for example, meetings with the Chairman of the Backbench Business Committee and meeting the Chair of the Liaison Committee and so on. From that point of view, I see my role as achieving that, and sometimes I do not get it right and sometimes the Members have a bit of a go at me about it. Sometimes, like they did on the Crime and Courts Bill, they say, “Actually, you got it wrong.” We put forward a motion to the House and fortunately the alternative approach did not secure the majority.

Chair: Thank you. That is a good explanation.

Q295 Mr Turner: I understand perfectly what you are saying, and I suspect it is probably right in a number of ways. Let me give you an example of where something was promised and has not been delivered, and that was to abolish or substantially reduce timetables. We Conservatives promised in the election to get rid of them, and then after the election the Liberals and Conservatives decided not to. I suspect that is why the reduced number of those things happened. It is because we, who supported getting rid of those measures, were in Government and so there is nobody, except troublesome backbenchers like myself, who wanted to prevent the timetable continuing. Am I right about that? Was this a Conservative majority that had to go because it was in a coalition, or was it a coalition that decided to do these things?

Mr Lansley: I think the intention was to avoid the use of knives, the effect of which was to effectively close out debate. You could almost say our objective was to try to minimise the number of occasions upon which Richard Shepherd had to make his speech that he makes. We have not eliminated it but we have reduced it a lot. I may be wrong about this, but I think it would have been slightly utopian to have imagined that business could proceed without any form of programming. Programming in itself in the House is not regarded as an evil thing, as long as it delivers what Members are looking for.

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On those, the figures are getting progressively better. For example, 79% of Public Bill Committees finished early last session, so by definition had an opportunity to consider the whole of the Bill. As I said, we have had 14 Bills allocated two days on report, which is a big increase compared to zero. Average time devoted to scrutiny of each Government Bill in the 2010–2012 session is 68 hours, which is 34% higher than the average of 45 hours per Government Bill in the whole of the last Parliament. There was an exchange at Business Questions earlier this morning, when the Labour frontbench were saying, “That is because you have fewer Bills,” but technically not much. We have made sure, however, that there is more time for scrutiny. We have today 10 new Bills—ignore the carryovers; I am talking about Bills published, introduced in this session—and six of those have had pre-legislative scrutiny in whole or part. When you add all those things together, and the fact that in the last session only one in five programme motions at second reading were divided on, that is just four Bills, and previously it had been something like 43% or 44% divided, all of that says to me we are making progress.

Mr Turner: Thank you. We have spoken about the committee and who might join it and who might not join it. I think I will leave it there.

Chair: All right. I think we have covered that by now.

Q296 Mr Chope: Andrew, can I take you up on a couple of those statistics you have just referred to? You say that very few programme motions are divided on. That is because the Government now rolls up the programme motion in the overall timetable so that division on the programme motion takes time out of the rest of the day’s business. That is why fewer are being divided upon.

You say that 79% of the Public Bill Committees finished early. That is because the Executive has much tighter control over the membership of those committees, through the Committee of Selection, than it used to have, which means that there are fewer what one might describe as maverick backbenchers on those committees moving amendments. I would suggest that those may be two counterpoints to those statistics you have produced.

Mr Lansley: You would not argue, though, that the fact that a Public Bill Committee has completed early—often just an hour or two—means by definition at least there is an opportunity for scrutiny of the whole Bill. I have been on Standing Committees, as you will have done in previous Parliaments, when whole swathes of the legislation that went into Public Bill Committee were not considered and all the Government amendments were taken and everything else was dropped.

Q297 Mr Chope: I am happy to agree to that proposition. However, my main point is that almost my first intervention in this Parliament was on the basis that I was sceptical about the commitment in the Coalition programme that said a House Business Committee to consider Government business will be established by the third year of the Parliament. I said that I did not think that would ever happen. From what

you have said today, I was right. I do not know whether I am pleased with that or disappointed. However, it seems to me that there were two separate propositions. One was to have a Backbench Business Committee, and that is fine, I think it is working well and I think you agree with that. There was a totally different proposition, which was to have a House Business Committee to consider Government business. It seems to me that you could still set up such a business committee, given the will so to do. Yesterday the Speaker exercised his discretion to interpret standing order 33, which had the consequence that an issue that was of importance to a lot of backbenchers was able to be divided on in the debate on the Queen’s Speech. Do you think that that was a welcome development?

Mr Lansley: If I may just detour. What I have said today is that the Coalition programme commitment to the establishment of the House Business Committee in the third year of Parliament will not be met. From my point of view it is not the abrogation of the commitment to pursue the principle of a House Business Committee, but what I am saying is we are now exercising a reality check and recognising we are not in a place to do this yet. In that sense I am looking for further guidance, not least from the report of this Committee.

On the point of standing order 33, I did not express any view. I raised a point of order for the purpose. Let me just say what I think about it. I think it is possible but very difficult for standing order 33 to bear the construction that the Speaker put on it. I do not think for a minute it was about the question of whether an amendment that had a lot of signatories was able to be considered because standing order 33 expressly allowed for a further amendment to be considered after the first amendment, which is conventionally from the official Opposition. The issue was not whether the amendment with 100 and whatever signatures on was considered; the issue was whether the Welsh Nationalists’ amendment was considered or not. My personal view—I do not express it as the Leader of the House, I do not have any mandate for doing that—is that it was not necessary for that amendment to be considered. It would have been consistent with standing order 33 to have taken a further amendment, to have done it on the basis of there were signatories from a number of parties, including the minor parties, who were signatories to the amendment relating to an EU Referendum Bill. The issue was not about that. It was about there being three amendments rather than two.

Q298 Mr Chope: I obviously think it is a jolly good idea that the concerns of the House were reflected in the decision to allow both those amendments, because obviously minority parties’ interests have to be looked after by the Speaker, and so have the interests of backbenchers.

Mr Lansley: Quite, and the original standing order 33 in 1979 came from the proposition that not only the official Opposition but the third party should have an opportunity for their expression of view in relation to the Queen’s Speech. I am just being old fashioned about this, I freely admit. If we want something to be

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different in terms of the management of business that is governed by standing orders, we should review that particular standing order and come forward with an amendment to it. I am not necessarily against that but the standing order is what it is at any given moment.

Q299 Mr Chope: However, surely the Speaker is the ultimate person to judge and interpret the standing orders.

Mr Lansley: In practice he did.

Q300 Mr Chope: He did, yes. However, in a sense what happened yesterday was something that could have happened if we had had a House Business Committee, because a House Business Committee could have said, "We think that it is desirable that the cross-backbench amendment which has the largest amount of support should be able to be put to a vote as well as an amendment from one of the minority parties." That is something that a House Business Committee could have considered, isn't it?

Mr Lansley: The difficulty I am working with, which I will freely acknowledge to you, is that there are many views as to what a House Business Committee could do. The Wright Committee did not contemplate that a House Business Committee would be engaged in the selection of amendments. They regarded that as best left to the Speaker, and I am not proposing otherwise. I think it would be immensely difficult to see how that would work because the party engagement of the members, inevitably, of a House Business Committee would probably make for a less effective system than the non-partisan, dispassionate judgment of the Speaker and the chairs of panels.

Q301 Mr Chope: Going to report stage, and you are asking for suggestions, it is good that we have more time for report; I think that is an important step forward, but what happens when you get, for example, an amendment like Dominic Raab's amendment to the Crown and Courts Bill, which was well supported and for which there was no time for debate? Would you think it reasonable that the Speaker or the Chairman of Ways and Means should be given more discretion about the order in which the business for report stage can be dealt with, taking into account the number of signatories to backbench amendments, the priorities of the official Opposition and the minority parties and so on? Do you think that that might be bringing to report stage a similar sort of set of circumstances to those which prevailed yesterday evening where lots of competing interests could be accommodated under the impartial guidance of the Speaker?

Mr Lansley: It is an interesting procedural question and we have a mechanism for considering that. That would be through the Procedure Committee to consider whether one would try to do that. I think it is quite difficult to construct a general proposition from a very particular case. On the face of it, right up until—I think it was literally the day before—the Monday on which the Crime and Courts Bill was in on its first day of report, our expectation was that the amendments and all the groups would be discussed. It was slightly heroic to want to do five groups of amendments anyway, but we had two days. We had a

very big Bill with a lot of amendments. We were then, to that extent, into uncharted territory in having the Prime Minister applying for a standing order 24 debate. Arguably, we could have said, "Let's not stop at 12.00, let us stop at 2 am or 3 am," or something, but I am afraid practicalities overcame the difficulties of the moment.

Q302 Mr Chope: Another potential example is this session we are going to have an Immigration Bill. It is quite likely that that is the sort of Bill where there will be what might be described as backbench amendments and new clauses that do not find favour with either the Government or the official Opposition. It is just the sort of Bill where those new clauses and amendments might well be squeezed out of report stage by Government amendments or official Opposition amendments unless something can be done to protect those backbench interests. That is another example of a situation that could be considered—we are not talking about determined—by a House Business Committee.

Mr Lansley: I think I can say, with ample evidence over these last two sessions, it is not our intention at report stage to close out debate on amendments. Pretty much right across the board amendments that have been selected and grouped together have been available for debate and votes, and that will continue to be our intention. That is what we are setting out to do, to enable the House. It was true on the Crime and Courts Bill on report. If the House wanted a different solution, they had a manuscript amendment to the supplementary programme motion available and they could have voted for it. In fact, only 40 Members voted for it.

Q303 Mr Chope: With the greatest respect, that is disingenuous because it is rather like saying yesterday the Government could have decided whether or not to allow the backbench amendment and if the Government had a whipped vote on that then we would never have had a backbench amendment available for debate. As soon as you allow the payroll vote on both sides to participate in the determination of business, obviously the Government takes control.

Mr Lansley: However, you are veering, if I may say, to a position that I have heard expressed but I think is constitutionally invalid, which is the proposition that the Government should simply allow the business of the House to be determined without regard to the fact that they have a majority of the House supporting the Government. You are suggesting that somehow the House should make all these decisions and the Government should say, "Nothing to do with us, let them go away and do it," but actually the Government is not in that position. We need to secure our business. We are in Parliament. We have a majority collectively in the Coalition in Parliament. Sometimes we do not choose to exercise it or we do not have Coalition agreement that gives us a basis on which to exercise it, but the fact that there is a majority should not be disparaged. When we are looking for the House to make a decision, it is perfectly reasonable for the House to decide on the basis of parties making decisions with whipped votes.

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Q304 Mr Chope: We disagree, but I do not think I can go any further.

Chair: I am suggesting an agreement to differ at this stage in order that we might move on.

Mr Lansley: You can see it is an illustrative point. I think there is a whole load of propositions relating to the House Committee that start from the proposition that the Whips do not exist or should not exist. Then there are others where they do exist and the usual channels do exist. I am in the latter camp and I think this is possible. It is difficult, but it is a recognition of the constitutional facts.

Chair: The basic fact of democracy, which is that Parliament represents the people and the people, rightly or wrongly, choose the Government of the day and therefore the Government has a right to get its business but—

Q305 Mr Chope: I have not been disagreeing with that proposition. All I was saying was that in getting its business, is it not incumbent upon the Government to ensure that there is an opportunity for amendments that are not supported by the Government but that are supported by a lot of backbenchers? Should there be the opportunity for those amendments to be able to be debated and voted upon? That is all.

Mr Lansley: The answer is yes and we do strive to achieve that.

Chair: It normally happens. Good, thank you. Let us move on because we are drawing to a close.

Q306 Andrew Griffiths: Andrew, we have covered a lot of ground today. I wanted to go back to something you alluded to earlier. You said there is certainly something we can learn from Scotland in relation to petitions. As somebody who is a big fan of petitions and what they can achieve, could you expand on that for us?

Mr Lansley: I am conscious that I do not want to be thought to be trying to lead the witnesses too far. In the Scottish case, to be practical for a moment, there are significant differences of scale between the Scottish parliamentary petition system and what we do on a UK-wide basis—by orders of magnitude, more petitions come through our Directgov site. However, let me just explain that the way the Scottish parliamentary Petitions Committee works is that, essentially, they moderate the system. I personally think we have a very good system for moderating the petitions, but once they have them there the parliamentary Petitions Committee can reach into those petitions.

Q307 Andrew Griffiths: By moderate, you mean wheedle out the petitions that say Jeremy Clarkson should be Prime Minister?

Mr Lansley: Yes, just make sure they are genuine and that the people who are signing them are not duplicated or bogus and all that sort of stuff, and making sure that the answers get put up, because that is what often people are looking for. We are now putting up lots of answers to petitions as well. However, what the Scottish Petitions Committee can do is reach into their petitions and do two things. One is to give people an opportunity to give evidence, and

sometimes that is what people are looking for. They are looking for their day in court, before the court of Parliament. Of course, our petition system at the moment, either the paper petitions or the e-petitions system, does not do that. Their Member of Parliament can stand there and say what they have said, but here is something that people would really quite like and you can imagine is, in a sense, in keeping with the historical traditions of the presentation of petitions to Parliament. However, we could make it happen in a very real time way if the Petitions Committee was able to say, “Right, we are going to take evidence and those who are sponsoring a petition can come and give evidence to us.” The Petitions Committee can investigate. It can undertake an inquiry.

There is clearly procedurally a big issue in the Liaison Committee between the committees who would say, “This is our business,” and the Petitions Committee who might say, “We have a petition that we want to inquire into.” How that works, I think, is a procedural issue to be explored very carefully. Although also, of course, we now have in Westminster Hall on Mondays a specific pilot system for allowing access to Westminster Hall. This is not the business of the Backbench Business Committee nor even really the Liaison Committee. This should be somebody who is focused on the petition system saying, “There is a case for this petition or that petition to be considered in Westminster Hall.”

Q308 Andrew Griffiths: I think that is fascinating. Do you have plans to try to come forward with some of those proposals?

Mr Lansley: Yes. I am hoping that you might say welcoming and encouraging things in this regard. I am hoping that the Procedure Committee will help us to iron out some of the problems.

Chair: Yes, we are looking encouraging and helpful.

Mr Lansley: I am talking to the House authorities about how we can create something that is, in that sense, owned by Parliament but where we do not lose the management responsibilities and responsiveness that the system inside Government has provided.

Q309 Andrew Griffiths: Moving on to something we would quite like to get on the record, Andrew, and that is the old thorny issue of the voteable agenda. It was raised in the Wright Report that we should have an agenda that on contentious issues could be voted upon. Do you have a view on that?

Mr Lansley: Yes. I find it difficult to see how it would work. From the Government’s point of view we would not want to interfere with the decisions that the Backbench Business Committee have made about their choice of subjects. We do not want to interfere with that. We clearly would not want to interfere with the Opposition’s choice or the Liaison Committee’s choice. Therefore, the amendable motion would simply come down to interfering with the Government’s choice. We would resist this and, if necessary, clearly we would end up with a situation where it would simply be another opportunity for the House to vote on something but where the Government would defend its position because it has decided what the business should be. I am not sure

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that is good use of time of the House. I am not sure I see much evidence of what it is people would be looking for, other than turning into a vote the argument that could be presented at Business Questions in any case. Where people feel strongly something should be considered, they can do something about it.

Q310 Chair: I suppose it would be a bit like having all programme motions rolled into one on a voteable motion. I am not suggesting that would be a good idea.

Mr Lansley: The programme motions technically are debateable; you can vote on them. What we are really talking about here is issues like even recess dates technically. Somebody could bring forward an objection at the point at which we pass the motion through the House. They generally do not. They did not in October when I published the planned calendar. I think there is a risk because a less scrupulous Government with a majority, with the ability to amend motions, could start moving business about on the basis of a vote of the House rather than, as we do now, arriving at a consensus. The Wright Committee said, "The point of this is to arrive at a consensus," and that is our objective.

Q311 Chair: I take your point. Thank you very much. One last quick question: should members of Public Bill Committees be chosen by the House in the same way as members of Select Committees are?

Mr Lansley: By convention what we set out to do is to ensure that the Public Bill Committees at least have some representative function in relation not only to the composition of the House but the debate at second reading, and we do strive to achieve that. However, fundamentally, the question you have to ask yourself is, how many such votes would there have to be in

order to make this happen and would we satisfactorily recruit to Public Bill Committees at the pace at which we have to do it?

The usual channels, were they here, would say the fact that they engage in this process of recruiting and selecting for Public Bill Committees is not an unalloyed privilege. It involves immensely hard work in getting the necessary people on to these committees and balancing all of that is a difficult task. If you simply had elections, people might not put up because they are not particularly interested in wanting to be on the Hybrid Bill Committee or whatever it might be. We had to recruit to 366 delegated legislation committees. It is a major task.

Q312 Chair: I am not suggesting that I personally think it is a good idea but, for the sake of argument, if there were such elections then sometimes people could be voted on to a committee because their colleagues do not like them, rather than because they do.

Mr Lansley: Yes, that is if you require them to be—

Chair: I understand the point you are making.

Mr Lansley: It is a curious kind of election. It is a bit like a reverse auction, isn't? "Everybody who wants to be on the committee, step forward. Where do you think you are going?"

Chair: Yes, we have got it. Thank you very much indeed. This has been a very good exploration of the Wright reforms, looking backwards and going forward. Thank you very much for the contributions you have given us this morning. Andrew, is there anything else that you would like to say in conclusion?

Mr Lansley: No, I think that is fine. If there were anything I will check and send you a note, but I am not aware of anything at the moment.

Chair: Thank you very much indeed.
