



Procedure Committee

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From the Rt Hon Karen Bradley MP, Chair of the Committee

Rt Hon Mark Spencer MP
Parliamentary Secretary to the Treasury and
Government Chief Whip
House of Commons

18 March 2020

Dear Mark,

The Procedure Committee has had intensive discussions on the possible impact on the House of any measures taken in response to the COVID-19 pandemic. You will have seen the paper from the Clerk of the House which the Committee received and published on Monday.

The Committee recognises that a number of practical measures have already been taken through the usual channels to manage the House's business and the participation of Members in line with the developing medical advice. It appears to us that the informal modifications on participation in House business agreed between the parties have been generally effective in handling the business likely to be taken up to 31 March, the date on which the House has already resolved to adjourn for Easter. I expect that the House authorities will wish to review any requirement for procedural modification at the end of the Easter adjournment, and the Committee is ready to advise on any changes which might then be necessary in the light of the medical advice.

The Committee has considered the proposals in the Clerk of the House's paper in relation to the operation of select committees. Many Members are likely, as a result of medical advice on self-isolation or the general Government advice on social distancing, to wish to participate in select committee business from locations away from Westminster. The House has made no provision for remote participation in the private or public proceedings for select committees, and there is no established practice in this area recorded in *Erskine May*.

We consider that, as a strictly temporary measure, the House ought to make explicit provision for forms of remote participation in select committee proceedings, to provide certainty for any select committee which finds difficulty in proceeding with its work by reason of the number of its members obliged to be away from Westminster.

We have proposed a temporary order of the House, a copy of which is enclosed. The effect of the order, which is strictly time-limited and subject to conditions on its renewal, is:

- to allow select committee members to participate in formal proceedings of the committee by electronic means which have been pre-approved by the Speaker
- to allow a select committee chair, when satisfied that he or she has consulted all members of a committee and has secured the agreement of the majority of committee members, to make a report to the House, or to report a resolution or order of a committee to the House.

We do not favour a formal reduction in select committee quorums: allowing remote participation is a more satisfactory means of facilitating committee business to proceed.

Members of other select committees invited to participate in a select committee's proceedings would be able to do so remotely, using the existing "guesting" provisions in Standing Order No. 137A(1)(e).

We understand that the House's current capacity to support large numbers of select committees wishing to meet at the same time while using remote access video or telephony solutions is limited. Additional technical capacity may be available following the Easter recess, but the overall staff complement available to operate such equipment is likely to be limited. It is therefore likely that the initial takeup of remote working powers will be limited and subject to negotiation between Chairs.

You will understand that, in the absence of the Liaison Committee, there is no formal mechanism for select committee Chairs elected by the House or chosen by their committee to consider modifications to select committee procedure. The scope for formal consultation with all Chairs on these proposals has therefore been limited. In drafting these proposals, we have had the benefit of the advice of the Clerk of the House and his senior colleagues in the Committee Office management team. They advise that these measures provide greater flexibility for select committee working, and will permit essential committee business to continue in the present exceptional circumstances.

No select committee will be required to use the measures we propose: each Chair will of course have the discretion to decide whether the measures are appropriate to meet the specific requirements of the committee concerned and their planned programme of work. As we note above, the takeup of these measures will be limited by the availability of the necessary equipment and the staff to operate it.

We trust that the Government will be willing to table a motion for agreement by the House in similar terms to those proposed in the enclosure to this letter. While the way in which the House structures its business is a matter for the House itself, this proposal would provide welcome clarity about the ways in which select committee business can proceed in current conditions. I would be very happy to discuss these proposals further if that would be helpful.

I am copying this letter to the Speaker, the Leader of the House, the Clerk of the House, the Clerk Assistant and the Clerk of Committees.

Yours ever —

A handwritten signature in blue ink that reads "Karen Bradley". The signature is written in a cursive, flowing style.

Karen Bradley MP

Enc.

Draft motion

Select committees (Participation and Reporting) (Temporary Order)

(1) That for the period specified in paragraph (4) of this Order, the following measures shall have effect in relation to the proceedings of any select committee which has the power to report from time to time.

(2) Members of any select committee to which this Order applies may participate in select committee proceedings through such electronic means of communication as have been approved by [the Speaker].

(3) The Chair of any select committee to which this Order applies may report to the House an order, resolution or Report as an order, resolution or Report of the Committee which has not been agreed at a meeting of the Committee, if satisfied that all members of the Committee have been consulted about the terms of the order, resolution or Report and that it represents a decision of the majority of the Committee.

(4) This Order shall have effect from the date that it is made until [date], save that the Speaker may extend its effect by notifying the House that in his opinion it is expedient that these arrangements continue in force until a specified later date; more than one such notification may be given, but each such notification shall be given no less than a week before the expiry of this Order or any subsequent extension to it.