



European Scrutiny Committee

EU Scrutiny inquiry follow-up: scheduling of EU business, HC 1061

Wednesday 11 February 2015

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Members present: Sir William Cash (Chair), Michael Connarty, Geraint Davies, Nia Griffith, Kelvin Hopkins, Jacob Rees-Mogg, Henry Smith, Mike Thornton

Questions [1-43]

Witness[es]: [**Rt Hon William Hague MP**, First Secretary of State and Leader of the House]

Q1 Chair: Thank you very much for coming, Mr Hague. I would just like to open by saying that I do not think that this Committee has ever had the Leader of the House formally before the Committee, certainly not as I can recall in my 30 years on the Committee. Perhaps you will take into account the fact that this is unprecedented, for the reasons that will appear from the questions that we will be putting to you. You will recall that, only a few weeks ago, and on several other occasions in Business questions, I had pressed you on the reasons why matters that we regarded as worthy of debate had in fact not been scheduled for debate, in some instances even in European Standing Committee, let alone on the Floor of the House.

We conduct this inquiry with a background of disquiet, given, for example, the fact that we have a responsibility under the Standing Orders, which comes within the purview of your responsibilities as Leader of the House in general terms, to report on whether a matter is of legal or political importance. When we do that, we do not do it lightly. We examine something of the order of 1,000 documents a year and, when we come to a conclusion, as an all-party Committee, that this is a matter of legal or political importance, and we recommend a course of action, either in Standing Committee or, more particularly in terms of importance, Floor of the House; and then whoever it is makes a decision that it is not important, which really flows from the fact that, for example, as we will be indicating in a moment, some documents have been delayed for such a period of time that the only assumption that one could draw from the delay is the fact that it is simply not regarded as being sufficiently important for the House of Commons to debate it. We take a very serious view about that and you will hear other questions relating to those matters in a moment.

I would also just like to mention that no less a person than William Gladstone referred to the role of the Leader of the House in these terms, which is really what is also understood even today by those who are familiar with Erskine May. What he said with regard to the Leader of the House was, “This is an office the most indefinite of all, but not the least important. With

very little of defined prerogative, the Leader suggests and, in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the actions of his colleagues, takes the initiative in matters of ceremonial procedure, and advises the House in every difficulty as it arises.” There is a background that, as a historian yourself, I am sure you will appreciate, coming from somebody of that eminence, is not to be treated lightly.

The function of the Leader of the House is formulated around a number of conventions. I have referred to what Erskine May has said and also Gladstone, so how are we to resolve the current difficulty, which is of the Government’s making? Why are the Government usurping the function of this Committee, as set out in its Standing Orders, and not scheduling the debates we have recommended? This is serious. If this is not your decision, who is making the decisions? Who is pulling the strings? Is it the Whips or, as we are hearing on the grapevine, Number 10? Is there any truth in that? Do you have discussions with Number 10 about the scheduling of debates and to what extent, I would ask you, are they involved in this process?

Mr Hague: Thank you, Mr Chairman. I do appreciate that the Committee is concerned about this and that there is disquiet, as you say. I appreciate also the definition from Gladstone. I wish it was Disraeli.

Chair: Or John Bright.

Mr Hague: I am happy to accept from Gladstone the definition of the job, and I certainly notice the Committee’s concern, reflected in your questions in the House, Mr Chairman, and those of Mr Rees-Mogg on a couple of occasions as well. I will come on to the difficulty in this Session in a moment, but I want to argue that the Government have a good record overall in these matters. In this Parliament, there have been 51 debates on the Floor of the House on European matters, which is many more than happened in previous Parliaments, and 22 oral statements by the Prime Minister following European Councils, many more than his predecessor, and a major reduction in overriding of scrutiny and scrutiny breaches.

Nevertheless, you are raising a particular concern about recent scheduling or not scheduling of debates. Certainly, there has been a difficulty in this Session, and as you have gathered from the Minister for Europe and the Foreign Secretary, there has not been collective agreement in the Government to proceed with debates that the Committee has recommended. Taking the Gladstonian encouragement, even without being aware of his particular words, in recent weeks since you have raised this we have made a renewed effort to secure such agreement and that has now been secured.

Of course, the Committee will have noticed that some debates have been held in Committee in the last few weeks, but I can tell the Committee now that I have also secured agreement to break the logjam, as it were, and bring to the Floor of the House some of the recommended debates, as well as to deal with more of them in Committee, and that will happen over the short remainder of the Session. Some of those will be able to be considered.

Chair: You will appreciate from the questions to come that we, as a Committee, would be unlikely to accede to your protestations as just demonstrated. We will come on to that. First of all, I will ask Kelvin Hopkins.

Q2 Kelvin Hopkins: Thank you, Leader. The statistics back up our case very strongly indeed, and some of these I shall read out. In 2014, we had four debates on the Floor of the House and in 2013 there had been 12, so there was a 300% decrease. In 2014, there were 25 debates in European Committee. In 2013, there were 35, so there was a decrease of a third. On the other hand, of course, the number of debates, as you have alluded to, has generally risen over this Parliament, which now has debates on EU justice and home affairs opt-ins. Reasoned opinions are that these do not arise necessarily on recommendations of this Committee, but for other reasons. These other debates have been acknowledged by the Minister for Europe. That rise, as I say, is entirely unconnected to our current problem. Can you explain more precisely what is going on? The Chairman has asked fairly directly where the logjam, as you put it, occurred.

Chair: You did not reply when I asked about the Whips or Number 10.

Mr Hague: I will come to that. The figures Mr Hopkins gives are not inconsistent with mine. There have been many debates in the earlier Sessions of this Parliament is the point I was making, which of course is a separate point, but it is the context for these 51 debates on Europe on the Floor so far. In the last year, there were 11 EU debates on the Floor of the House, which is more than double the numbers that used to take place in previous Parliaments, and I took part in many of the debates in the 2005-10 Parliament, but there were not as many as there have been in this Parliament. I am acknowledging there has been a difficulty in this Session and am just informing the Committee of what I have been doing to try to break that logjam, which I think will now be broken. The Committee's concerns have been noted and understood in the Government.

If the Committee is asking me to say who says what in Government or who gives agreement to what, I am part of the collective responsibility of the Government. Having been in and out of ministerial office for 22 years, I am not, in my last six weeks in the House of Commons, going to break with that, so we are collectively responsible. Collective agreement is required, and I do not go into who says what or who stops what or who starts what. There is a thorough and exhaustive process in the Government of collective agreement on parliamentary matters, which includes even on the most minor amendment to Bills, which require collective agreement. That is also true for scheduling European business on the Floor of the House. That has not been forthcoming for much of this Session, but I believe it will be. We will be able to deal with some of this over the coming weeks.

Q3 Chair: Are you saying that it is not just a matter of the Whips and/or Number 10, but it is also effectively the Liberal Democrats in the coalition?

Mr Hague: No, I was not saying that at all. I was not even saying the first part of the premise of your question.

Chair: You were not saying anything.

Mr Hague: No, I was absolutely not saying anything and hopefully making clear I was not saying anything.

Chair: If I could refer you to this excellent document that I have here, which I am going to send you, Mr Gladstone has quite a lot to say in this context of the Leader of the House about collective responsibility as well. Without going into that again, you may have an opportunity to look at that later.

Q4 Kelvin Hopkins: Can I say first of all I am very sorry that you are standing down? I think it will be our loss, even though I am from a different party and have different views off the world. I do think it will be a shame you are going. It looks to me, and to all of us, I think, that the wishes of the Committee and the decisions of the Committee are being frustrated, somewhere, somehow. We are trying to pin down precisely who it is who is trying to stop decisions being acted upon.

Mr Hague: I understand that. What I am saying to you is you are trying to pin that down, which I am not going to help you pin down, but I am going to help you make sure that some of your recommendations are debated, so that you do not have to worry about where the obstacle is. That is what I have been seeking agreement to do and that will now start to happen. Indeed, the Committee of Selection this afternoon will select the Committee on the debate you have recommended on the European Semester. That will take place this afternoon. I think there is a normal process of consulting the Committee about the motions to be put on the Floor of the House. That will take place over the coming days, on some of the motions we can bring to the Floor of the House. I am not going to go into who says what within the Government or within the coalition in general, but I am trying to help solve the problem.

Chair: You know the old poem about the wise old owl who sat in an oak. The more he heard, the less he spoke. I think I will now ask Mr Jacob Rees-Mogg.

Mr Hague: It was a wise owl, right?

Chair: He did not come off too well at the end of it.

Q5 Jacob Rees-Mogg: There was another quotation that was coming to mind that I thought might be helpful to you: that to know all is to forgive all. If we were to know, we might be more forgiving than we have so far been. I would also remind the First Secretary that the Deputy Prime Minister has said that, in a coalition, the whole concept of collective responsibility gets re-defined. That may provide an opportunity for the First Secretary to divert the procedures that he has previously considered to be proper and be more forthcoming with the Committee.

However, if he is not willing to do that, it occurs to me that he might at least be able to explain the structure of decision-making to us, so where it goes when our Committee recommends a debate, who it is passed to, who it goes to from that, and who is involved in

the decision-making, not to tell us that it is Mr Snodgrass who objects, but that it passes through the hands of Committee X and Committee Y and Committee Z, or the individuals concerned, before it comes out at a final decision. To know the wiring of decision-making is a reasonable request for this Committee, even if it is not reasonable for us to ask the decisions of individuals.

Mr Hague: On any re-definition of collective responsibility, it is almost part of the re-definition of collective responsibility that the Deputy Prime Minister and I might have a different view of the doctrine of collective responsibility in itself, but I certainly uphold it. Imagine where we would ever end if we broke that, as I say, the ideal everyday, with the clearance within Government for amendments to Bills. Any amendments moved in either House are coming through the Parliamentary Business and Legislation Committee of the Cabinet that I chair. Every day, I sign or do not sign off on those things. I cannot possibly start opening up collective responsibility so that, on every Bill, on every amendment, we start saying which Department wants this and which did not. These are collective positions of the Government and so, to me, that doctrine, that convention, has to be upheld and I uphold it today.

On the mechanics, the wiring of this, when this Committee recommends a debate, it is the responsibility of the lead Department on that issue then to consider how the Government should respond to that. That is then for discussion with the business managers primarily. As the Committee knows, that includes Whips, the Leader of the House and the Leader of the House of Lords where appropriate, but it is then open also to other members of the Government to comment on that, including all parts of the Government. Collective responsibility really does mean collective, I think to a surprising extent for people outside Government, for commentators outside Government. That can be through holding a specific meeting, but it is often through correspondence. It is often through discussion. It can be a write-round; it can be a ring-round. The wiring takes many different forms. In any of those forums, members of the Government can make clear their agreement or disagreement. We only proceed on the basis of collective agreement.

Q6 Jacob Rees-Mogg: As you know, there are eight debates outstanding for the Floor of the House on important issues—free movement of EU citizens is one I have raised with you a couple of times, because it is the oldest—nine debates of the European Committee, which you have been mentioning, and the scheduling coming forward. There has not been a debate on the Floor of the House since 9 June 2014 and yet, on at least 10 occasions in the last three months, the House has risen early owing to the business collapsing. We had a lot of time on Monday, when some of us would have been very happy to debate European matters, rather than dancing the night away at a ball, successful though I believe that ball was. Why, despite the wide interest of Members across the House in these important issues, have the Government refused to allocate time in the Chamber for these debates or deliberately delayed them, and perhaps this is even more important, until after the relevant decisions have been taken in Brussels?

Mr Hague: Really, it is the same question. I am acknowledging there has been a difficulty within the Government on this, but, as I say, I believe that is now resolved. We will be able to consider, on the Floor of the House, some of those documents to which

Mr Rees-Mogg is referring. I know it is an appealing thought that the House rises early sometimes; therefore, it must be possible to consider other things on those days.

Q7 Chair: That is pretty obvious, is it not?

Mr Hague: It is not as obvious from my point of view. For instance, the House rose very early a couple of weeks ago and was much criticised for it, when we were discussing the Lords Spiritual (Women) Bill. It would be surprising also if we scheduled less than a full day's debate to take all stages of an important piece of legislation. It is not then within the Government's control if the House chooses not to debate that for very long, because it is not controversial. Those things happen. Today, the House will sit beyond the moment of interruption and yesterday it sat beyond the moment of interruption, so there is often heavy business in the House.

Q8 Chair: I am sorry, but if you are talking about proportionality and the importance of matters, and you talk about the Bill you have just referred to, questions like the free movement of EU citizens, the rule of law in EU member states, the ports regulation, the issue of subsidiarity and proportionality, the EU budget, the Commission Work Programme, the EU Charter of Fundamental Rights, these are not small, relatively unimportant questions. These go to the very heart of the way in which the United Kingdom is now being governed and it really is not appropriate, if I may say so, to make a comparison with Bills where every one of these, in fact a paragraph in any one of these, could be the equivalent of a Bill that actually goes through all stages with the opportunity for amendments and full discussion of both Houses of Parliament. That is the context in which we are putting forward not only our disquiet, but our annoyance at the way in which these matters are being treated. It is your responsibility.

Mr Hague: It is the responsibility of the whole Government, as I have made clear, Mr Chairman. I am not saying that these are not important matters. I would not like us to go down to the Church of England Synod and say women bishops are not an important matter. They are important in a different way. These are important matters and the Committee should be able to secure debates on the Floor of the House. That does not mean that the Government can agree or that any Government would agree to all debates that are recommended by the Committee. This Committee has the power to recommend debates, not to require debates to be held on the Floor of the House. It does then require the agreement of the Government to hold the debate, but the Government have to have a good understanding that the Committee does need some of those debates to be held and that is what I am seeking to secure.

Q9 Geraint Davies: I am still not clear what you mean by collective agreement, whether you mean, on the one hand, unanimity or some kind of qualified majority voting. Clearly, there are various interests here: yourself, the Prime Minister, the coalition partners, Departments, etc. I am wondering whether, in a situation where you have something like the free movement of EU citizens, where it may be very inconvenient to show a big split in the coalition on this, it is more convenient to agree not to have a debate to show your dirty washing, as it were. Yet it is in the interests of democracy and scrutiny to have that debate

that we are demanding. Other debates that the Chair has mentioned are of strategic importance to Britain, and should occur, and they are just being managed away by agreeing that it is inconvenient. Surely that is wrong.

Mr Hague: On the specific question, there is no concept of a qualified majority in the British system of Government. It is a European concept.

Q10 Geraint Davies: I know; I was joking partly. Does everyone have to agree or can someone veto a debate occurring in this collective agreement?

Mr Hague: Everybody has to agree. Collective agreement and the collective responsibility of Governments mean that Government agree or are prepared to acquiesce on whatever is before them, and there is unanimity within the Government. That is why all Ministers can be held collectively responsible for all the policies of the Government. As I say, I am not saying that these issues are not important, but I am saying there has not been such collective agreement, but there will be. Some of these will be able to be brought forward, on the Floor of the House, over the coming weeks.

Q11 Geraint Davies: Can I just press on this point? My understanding—correct me if I am wrong—is that where there is not a coalition Government and there are Cabinet decisions, if one Minister argues strongly against a position and everybody else disagrees, normally the Cabinet will agree the majority position, especially if it is an overwhelming majority, and that minority view will accept that and move forward, in the interests of collective responsibility. What you have just said is that, in the new situation that includes the coalition, if everyone does not agree it will not go forward, in which case there could be enormous numbers of very important debates that simply are not debated, because someone does not agree with them. If they do not agree with them, they should argue on the Floor of the House their position.

Mr Hague: Collective responsibility is the same in any Government. It becomes more obvious or sensitive in a coalition of course, because then on whatever issue collective responsibility implies the agreement of both the coalition parties, but it is the same rule within any Government. Collective responsibility means the whole Government agree.

Q12 Jacob Rees-Mogg: Chairman, I just want to follow up on this. I quite understand why you will not say who. I actually believe in the principle of collective responsibility, think it is essential to Government and admire your stance on it. I think it is the right one to be taking, but can you tell us the “why”. Why is there this refusal to schedule these very important debates, because it is treating Parliament with contempt? Our job is to scrutinise, and if the Government just say, “No”, that is really a pretty shameful way to behave. Not to explain why this is being refused seems to me to be compounding that.

Mr Hague: I hope the Committee will bear in mind I have informed it that some of these debates are now going to take place.

Q13 Chair: You will tell us which ones, I hope, before we finish.

Mr Hague: No, not necessarily. Do bear that in mind. Nevertheless, of course it is of interest to the Committee. The best way of answering that is to say the background to that, let me put it that way, is the very large number of debates on Europe that have taken place and they have not always been well supported. They usually are by Members of this Committee, many of whom do their job extremely diligently, but of the 51 debates on the Floor of the House that have taken place in this Parliament just over a third have used their full allocation: 35% have used their full allocation of time. That is the background to this. That is as far as I can go on that.

Q14 Geraint Davies: When you were asked by Jacob Rees-Mogg the chain of decision-making, you suggested that the issue would go to the lead Department, then the business with the Whips, then the Government, and go through that sort of route map. It seems to me that if you have something like—I do not know—the free movement of EU citizens again, would it surely not be discussed at a higher level, at Number 10 and the leadership level of the coalition, whether they wanted to go forward? Would you not end up with a situation where, along the line, everybody agrees that there should be a debate or possibly blocks a debate, and then Number 10 and the counterpart cannot decide what to do? What you said earlier just seems very strange, in terms of the way things are managed, with a strategically important and contentious issue.

Mr Hague: I did say, in answering Mr Rees-Mogg's question, that after the lead Department has decided how they want to go about handling a debate, and business managers have discussed it, there are then wider discussions in the Government. I think I said that can be a meeting, a write-round, a ring-round; it can take many different forms. That was how I answered Mr Rees-Mogg's question. Of course, that can then include discussions within the coalition. It can include discussions at the highest level of Government on some issues, not on others. It is a very flexible system. It would be wrong for the Committee to think there is a fixed linear track of how these things are decided or a number of fixed hoops to jump through.

Chair: What we do know for certain, Mr Hague, is that the Liberal Democrats do take a rather different view on European matters to the remainder of the coalition, so we can draw our own inference from that. I say it with respect, but it is true. I would now like to move on to Henry Smith and ask him if he will ask the next question.

Q15 Henry Smith: Leader, thank you for coming before us. In January 2011, the Europe Minister made a commitment in a written statement to proper parliamentary scrutiny of opt-ins on the Floor of the House. Since that time, as we have been discussing, particularly in this Session, the amount of debates on this has been limited. The European Police College is one example of that. We have heard that, in the remaining time that we have in this Session before Dissolution at the end of March, hopefully that logjam will be broken. Particularly on opt-ins, can you say whether we will get an opportunity for greater scrutiny in that respect in the short amount of time that remains?

Mr Hague: Yes, the logjam will be broken, as I have described, and that will therefore include quite a variety of measures that this Committee has recommended for debate, both recommended for the Floor of the House and recommended for Committee. I cannot give a full list at the moment, but I think I mentioned earlier the Committee of Selection will

select the Committee to deal with the recommendation on the European Semester. The Minister for Europe has already written to the Committee to say that there will be the recommended debate on subsidiarity and proportionality in the Commission's relations with the national parliaments. These things we have already indicated.

Q16 Chair: But not apparently free movement of EU citizens, apparently not rule of law or ports or the EU Charter of Fundamental Rights.

Mr Hague: I am not excluding anything, Mr Chairman. I am simply mentioning those things as early examples.

Q17 Mike Thornton: We have varying views, as you know, Mr Hague, and thank you very much for coming to talk to us. I must say that all round the House would echo Kelvin's view that you have been an outstanding Member of Parliament and an outstanding Foreign Secretary when you had that role as well.

Mr Hague: Thank you. It is not making me anymore likely to stay, but it is much appreciated.

Jacob Rees-Mogg: You might give us some more debates.

Chair: I do not think we want to get too carried away.

Q18 Mike Thornton: I think everyone around here would agree with that. Getting a bit Wittgenstein here, whereof one does not know something, therefore one must stay silent. That seems to be pretty much the answer to one of the questions I was going to ask you, again coming back to that. Instead of why, who or what was stopping anything or starting anything, why do you feel that, in your own self, there was an objection to democratic debate on European matters? As you know, I am pro-European and believe very much in the European ideal, but I also believe in democracy and think that it is absolutely vital that these kinds of incredibly important decisions on our country should be debated in the mother of Parliaments. I would like very much to know why you think this got delayed, without actually naming anyone in particular. What caused the fact that these incredibly important matters were not debated openly and on the Floor of the House?

Mr Hague: I do not think it would be right to characterise the whole experience of this Parliament as a lack of democratic voting on European matters. As I said, there has been an exceptionally large number of debates on European matters in this Parliament as a whole and there will be more, in line with what I have just said, before the Parliament ends. We are already into the 50s for the number of debates on the Floor of the House, in this Parliament. I have acknowledged that there has been an issue over recent months and, as I have explained, I have been trying to put that right. Now there will be a sequence of debates.

As to the why, I cannot expand further on the answer I gave to Mr Rees-Mogg. The background to this is there has been a very large number of debates and they have not always been that well subscribed. Not everybody is as interested in European scrutiny as the

members of this Committee, to put it mildly. I am not saying they should not be interested, but that is the position in the House.

Chair: One minute, Mr Hague. I was going to say that by no reasonable standards could anybody argue that the European issues that arise are not important or not of the greatest importance. It is not just a question of whether you are a eurosceptic, pro-European or whatever. The bottom line is that, actually, they have a huge impact on what is going on, whichever side of the argument you are on. Michael Thornton's point about the question of democracy, transparency and accessibility is absolutely fundamental to our role. It is not just about European scrutiny, which you mentioned in itself; it is about the whole range of matters that are encompassed by the European issue, in its effect on the United Kingdom.

Q19 Jacob Rees-Mogg: First Secretary, that answer simply is not good enough, because the Government have the right to move a request for a Floor debate to a Committee and to put a resolution before the House to say that there will not be a debate in the Committee that has been recommended by this Committee. Therefore, the Government cannot say, "There is not a lot of interest; therefore we will not do it," and completely ignore its facilities under Standing Orders not to have the debate that it thinks there is no interest in. What is at issue is the Government have both failed to schedule the debates and failed to use the instruments available to them. Therefore, I just do not think your answer covers that second part, because those have not been used at all. The debate on free movement has just sat there for a year.

Mr Hague: I have reflected earlier that I understand some of the concerns expressed by the Committee, which is why I am trying to make sure that we are able to deal with that and have some of those debates. The argument I was making earlier was not that these matters are not important, on the point of the Chair. I was making the point, which unfortunately is true, that not all members are seized of the importance of them, in terms of being ready to take part in the debates.

In fact, the Committee is being very frank with me; I can be similarly frank with the Committee. Respecting very much its important work, there has been no respect from outside this Committee at all, from the rest of the House, for these debates to be scheduled. The opposition has not asked for that. Other Members have not asked at Business questions. Other Members do not ask me in the Lobby or the Tea Room. Members of this Committee do persuasively ask for these debates to be scheduled but, sitting in the position of the Leader of the House, I do not receive a general demand, which I do on many issues, for debates to be scheduled. There has to be an understanding, just as I understand the Committee's position.

Chair: I do not want to quibble with you, but we do know that there are certainly Members of Parliament who have raised these matters, but let us not debate that.

Jacob Rees-Mogg: Mr Nuttall raised it.

Chair: Mr Nuttall did. The important point surely is the one on which I think Michael Thornton would like to come back.

Q20 Mike Thornton: I just wonder, Mr Hague. I can understand what you are saying and I can understand you saying, if no one else is interested, it is a bit difficult for you to get too excited about it, but there are things that have come up. We have seen, in the last few years, quite a difference in attitude in the country and in people interested in European matters. Compared to three or four years ago, the country is much more interested in European matters than they were. I would also like to say there are things like the free movement which, whether one approves of it or not, are incredibly important. Perhaps, as Mr Rees-Mogg was saying, that is something that now has come to the fore and has over the last year or so. I think you would find quite a full Chamber debating free movement. I just wonder if that has changed over the last three or four years—the topics and the interest in it.

Mr Hague: There is a good case for it. There is a lot of public interest in these matters. That is undoubtedly true. Nothing I was saying early is meant to imply that there is not. I really return to the general point here that the Committee makes many recommendations for debate. The Government are not obliged to schedule all of those for debate, under Standing Orders or under any rule. Equally, the Government have to understand that the Committee does have to be able to get some of its debates and there needs to be an understanding about that. There has been most of the time, and I hope there will be again between the Government and the Committee, and I will do my best to make sure that there is.

Q21 Geraint Davies: Can I just be clear here? You seem to be saying that you would prioritise a debate that is popular over one that is important. In other words, if something is of strategic importance, like free movement, a constitution, the EU budget or whatever, even though you might accept that this is of primary importance, even of popularity outside the Chamber, if it is not popular in the Chamber, namely you do not think that enough MPs are going to go along, you will choose popularity over importance.

Mr Hague: No, I am not saying that at all. I am just saying there are many different factors and the Leader of the House and the other business managers do try to respond to the demands of the House. We often schedule things that are important that people are not interested in, as it turned out this week, when we scheduled six hours of debate on social security up-rating and guaranteed minimum pension up-rating, but there was only very brief debate on those things. They are important; they have to be dealt with. I am just saying that the demands made from the whole of the House, the requests made by MPs, are one of the factors of course that we take into account. This Committee makes a forceful argument for its matters to be debated, but many of the other Members of the House have different priorities. That is all I am arguing.

Q22 Michael Connarty: Just a slight comment: presumably if the Committee requests a debate that is required to clear a specific document that the Government have to take a position on in the European Union, not one that would allow people on the Floor of the House to take their positions up on the euroscepticism spectrum, that should be given a priority. If you are doing your job as Leader, you would say if this is required to allow a document to clear, therefore a policy position to be taken by the Government, without overriding the scrutiny reserve, which is a Standing Order of the House, of which you have guardianship—that would be your priority.

Mr Hague: There is a lot of force in that and there is internal guidance for Government Departments, which sets out the Government's commitment to arranging debates recommended by the Committee well in advance of the Council meeting in which the proposal is likely to be agreed or adopted. It is also clear, however, that while the Committee may recommend a debate on the Floor of the House, the guidance says that it is for the Government to decide whether to accept such a recommendation. That is also built into the departmental guidance.

Q23 Michael Connarty: You have added "on the Floor of the House". I did not refer to "on the Floor of the House". I referred to a debate, which could take place in a Committee. That process of governance is about the rules that govern the relationship between the Executive, the Government, and the Parliament, when it comes to how we deal with outstanding business to be settled in European Council, which you have had to deal with many times. I am just trying to get clear that we are agreeing the rules of this responsibility. We as a Committee recommend a thing for debate. If it requires to be debated before clearance, which means that the Government are not then put in the embarrassing position of having to override a scrutiny reserve and take a position in Council, I am just asking if you agree that should be given priority.

Mr Hague: Of course there is a strong case for such debates, including in Committee, and we have tried to greatly reduce the number of overrides. We have succeeded in greatly reducing the number of overrides, as I am sure the Committee is aware, which is down by about 40% in this Parliament. There has been an increase in recent months, in the last six months of last year. Of the 49 overrides in that period, from memory, 36 of them were on CSFP matters, due to the fast-moving situation in Ukraine, the need to agree sanctions quickly and confidentially. That perhaps is an exceptional period, but in general we have had a great reduction in breaches of scrutiny reserve. Of course, if we can discuss more of the recommendations of this Committee in Committees, we will be able to keep reducing that.

Q24 Michael Connarty: I see that we have some of these outstanding debates on the Floor of the House from, for example, a recommendation on 22 January 2014. That is a year old. You seem to argue—and I was worried about that—that if no one else outside this Committee was pressing you for this debate, or your predecessor for this debate, therefore it might slip down the priorities. I think you must accept that that is probably a false argument, given that the role of this Committee is to ask for debates on matters that we think are of economic and political importance.

Mr Hague: I am not arguing that.

Q25 Michael Connarty: It should be treated on that basis: that this recommendation from the Committee has, in itself, an inherent value well beyond any demand for a political posture by the Opposition or a popular rising of people in the Chamber to get a debate, which may in fact be referred off for other reasons to a Backbench Committee decision, rather than this decision. We are part of the formal structure of the House. There is a Standing Order, which we could have or you could have, in your Government, got rid of, if you wished to do

so, if you really wanted to treat the Committee with what I would say is such disdain, after a year not scheduling a debate on a key issue of importance to this Committee, in relation to the Government's Parliament role.

Mr Hague: I am not arguing that things should not be dealt with if there is no general demand in the House. Indeed, we have been and will be dealing with a large number of matters, which may not have hundreds of Members requesting, but are an important part of Parliament functioning. As I have said earlier, this Committee ought to be able to secure a number of debates, but that does not mean it can secure every debate that it wants. The Government are not obliged to grant every debate.

Q26 Michael Connarty: You know I have enormous respect for you in every way. I am sure you take the job very seriously and you have explained that there are discussions within Government behind the view of the public. The point is, in principle, how can you justify a debate that has been asked for a year ago on an important issue like free movement of citizens, asked for on 22 January 2014, not being scheduled on the Floor of the House for a debate? In your role and with the position you hold and the high respect I hold you in, how can you allow that to happen?

Mr Hague: The same as before: there has not been collective agreement in the Government on scheduling those debates. The Government are not required to schedule a debate on every matter recommended by the Committee, and I have been seeing agreement on scheduling some of these debates, so I am trying to help out the Committee here.

Q27 Chair: With great respect, Mr Hague, the fact is that, on that matter that Mr Connarty has raised, the free movement issue is at the heart of the immigration question as well. It is a matter of extreme interest to the people outside; it is a matter of extreme interest to the people inside the House of Commons as well. You and the Government as a whole have a clear idea as to how important it is in the national interest. The Prime Minister has been to Germany; he has had discussions with Chancellor Merkel. He has come back. He has made a speech on 28 November, I think it was. I wrote to him actually, on that very issue, on 18 November as well.

The bottom line is, by no stretch of the imagination, could any justification be put up for not having a debate on the free movement of citizens for a whole year, as Mr Connarty has said. It is just inconceivable, so there has to be a reason for it. In other words, the process of democracy on that issue, in this Parliament, is being blocked and that is not a satisfactory state of affairs. It goes straight back to what Mr Thornton said. He and I may have different views about free movement of persons, but the bottom line is, as a matter of parliamentary procedure and of transparency and democracy, not to have that debate when it is a live issue throughout the country and is the subject of a matter that we have put forward as something that is quite obviously not only debateable, but should be debated—it is being blocked by Government. That cannot be right.

Mr Hague: It is the same answer as before, Mr Chairman. The Committee does its job in recommending the debates that it sees as important. The Government are not obliged to accept that, but the Committee makes a good case for debates. I absolutely respect that.

That is why I have been seeking agreement from the Government to have some of the debates. That is well understood.

Q28 Michael Connarty: I want to continue. I think it must be a very hard role for a man of principle like yourself to defend the indefensible, but you are doing your best.

Mr Hague: It has never stopped me before.

Q29 Michael Connarty: Coming to the more mundane, in terms of its political heat, but in terms of how we are perceived by the public in the way we do our business in dealing with Europe, ports regulation—I have a very large port, Grangemouth. Grangemouth is Forth Ports. Forth Ports owns Tilbury. It owns a very important portfolio of ports. Probably everyone sitting around this table has some association with companies involved in that. Now, that was recommended for debate on 2 July 2014. There is an issue that surely the Government are not afraid of, as it might be implied they are afraid of having a heated, rather than an enlightened, debate about free movement.

This issue we have twice had to have voted down in a directive forum in the European Parliament. We put it forward as a regulation. As you know, from your vast experience of European matters and foreign affairs, it is a more difficult thing to control once it is in than a directive. This was sprung through the Italian presidency and there was a chance for the Government to accede to a debate that would allow lots of members to express views and to allow the business community of our country to become engaged in something that was clearly of vast importance to them. It has many ramifications for many other connections with ports. It has not been scheduled since July, since the summer. I just do not understand what is going on.

I know people make comments and call names at Governments in their dying days—“zombie Parliament” comes to mind—but surely this is what undermines people’s interest and credibility in our whole process of governance in relation to Europe, if we cannot have a debate on such an important matter, on the Floor of the House, in an educational and important way. I am sure the Opposition would probably take the same position in relation to how damaging such a regulation would be if it went through unamended.

Chair: By the way, just if I may say, there are 47 ports, as Mr Connarty indicated.

Michael Connarty: I am sure the Leader of the House knows this.

Mr Hague: I take Mr Connarty’s question as well as many of the other questions as being a good argument to have debates, which I respect and understand. That is why I want to see the Committee have some of its debates on the Floor of the House. I would again repeat the overall context here. There have been an exceptionally large number of debates in the Parliament as a whole, accepting there has been this difficulty in recent months. In the Parliament as a whole, there has been an exceptionally large number of debates. Even if we compare different Governments, in the final Session of the last Parliament, there was only one debate on Europe on the Floor of the House. I hope we will be able to do better than that in this Session, if we are going to compare the end of the Parliament to the end of another Parliament. I would not expect the Committee to do anything other than be able to

put very well the case for debates on matters that it has recommended, and that is what the Committee is doing today, so of course the Government have to listen to that.

Q30 Kelvin Hopkins: It seems obvious to me that one or two of these issues, particularly free movement, are just hot potatoes that the Government do not want to pick up, especially in a pre-election period. I suspect also, bringing comfort to the Government no doubt, I doubt the major Opposition party is very keen on this debate either, but there are other areas where there might be yet another conflict with the Commission and the European Union, and there are other areas where Government hope things will just fade away, like the ports issue. All of the time, the best tactic for the Government is not to have these debates, because they are hot potatoes and difficult.

Mr Hague: Some of them are hot potatoes; some of them are cold potatoes, I suppose, but we will be having some of these debates. That is the best way in which I can assist the Committee and I am trying to do so.

Q31 Geraint Davies: Moving on, obviously there has been a massive reduction in the number of debates in the last year and you mentioned the number prior to that. It was suggested to us by a number of Departments, in the lead-up to the hearing we had with the Minister for Europe, that this was due to a new procedure in which Number 10 had to approve the date of every debate on the European Committee. I was wondering whether you could confirm or deny, putting to one side the explanation you gave earlier, whether there has been a new regime with more intervention from Number 10 in the last year, which is the real cause behind the reduction in debates.

Mike Thornton: It sounds like we are going to get the same answer again.

Mr Hague: Well, you are. I am not confirming or denying about the internal workings of the Government. The basic rules of Government that we have talked about earlier remain the same. Those have not changed. Collective responsibility is policed or enforced in different ways, year to year, and in different Governments, but those basic rules remain the same. I am not going to confirm or deny any internal arrangements with 10 Downing Street or anything else within the Government.

Q32 Geraint Davies: You are not going to comment on whether there has been more intervention.

Mr Hague: No, and I have spent years as Foreign Secretary not confirming or denying things. It may be unproductive to spend a long time getting me to do that.

Mike Thornton: You did extremely well, too.

Q33 Geraint Davies: Do you think that the reduction in the number of debates in the last year has been linked to the fact that, this year, there is an election? Obviously, I am thinking directly now of the debate about the free movement of people in Europe and how that is a politically sensitive area. There are forces such as UKIP that have an interest in this.

Is the intention to kick this into the long grass really a political choice to avoid scrutiny, because it could be inconvenient, driven by Number 10?

Mr Hague: I ask the Committee to bear in mind what I had said at the beginning, which is that I have secured agreement to break the logjam, to bring some of these matters to the Floor of the House, and to refer several of the other matters to Committee. If it was the approach of the election that was preventing it, we would not, in the few weeks before the election, have a lot of these debates. There has been a good record over the Parliament as a whole. There has been a problem, which I acknowledge, in this Session, which I am trying to put right. It is not an electoral matter, as I see it.

Q34 Geraint Davies: Finally on that point, you mentioned the importance of having people participating in these debates to give them credence. Would you not accept that the fact that these debates have been delayed now until the tail end of a Parliament, as you run into an election, will inevitably mean that there is low attendance at these debates on what are, after all, very important issues?

Mr Hague: There has been low attendance before. I do not want the Committee to misunderstand me; I am not arguing that that in itself means debates should not be held. If we look at the 51 debates on the Floor of the House, only 18 have used the full allocation of time. Again, that is part of the background to this and that is perhaps a problem in any case with European scrutiny on some subjects. I am not sure it would be significantly different in the final weeks of the Parliament.

Q35 Geraint Davies: Finally, Chair, if I may, if it was the case that the powers that be actually remove the most controversial issues from debate, it is no surprise that the attendance at the other debates, which are non-contentious or boring, are low. Then you come along here and argue, “There you go; people do not want to go to these debates.” That is because you choose the boring ones, is it not?

Mr Hague: I think in those 51 debates there has been plenty of what this Committee and I would find very interesting subjects.

Geraint Davies: That is what I mean.

Mr Hague: Oh, you think those are the boring ones. I do not think there has been any avoidance of controversy in those 51 debates, and it is within those 51 that only 35% of them have used the full allocation of time.

Q36 Kelvin Hopkins: It just reminds me. Mr Davies was speaking yesterday. He was saying that in the rugby match last Friday Wales won the first half but not the second. What you are saying seems to be that you did well early on, but not lately.

Mr Hague: I think the Government have done well for longer than Wales did in the rugby match, which was a sad experience for all of us who support Wales at rugby, myself included. That pretty much ended at the first half, whereas for four Sessions the Government have scheduled a great many debates on Europe in this Parliament.

Q37 Nia Griffith: We have heard about the importance of the ports debate, and the last time that I can remember we discussed free movement was some eight years ago, when we were discussing the regulations for Bulgaria and Romania, and their transition period. You are an absolute master, Leader, at timing and denouement so, in this final question, do you think you could give us a little bit more information as to exactly which debates we can expect now on the Floor of the House? If I may remind you: free movement, ports, subsidiary and proportionality, EU budget, which has always been debated, the Commission Work Programme and EU Charter of Fundamental Rights. These are debates for the Floor of the House. Can you give us a little bit more detail?

Mr Hague: No. I may be a master of timing, but I am also honest, so no. I have secured agreement to break the logjam. I have mentioned one or two that will be brought forward. Others will now be brought forward, but I have to finalise which ones and when.

Q38 Nia Griffith: You are not saying anything further on the debates on the Floor of the House.

Mr Hague: No, but I have said there will be debates plural—also an important choice of word—on the Floor of the House, on some of the matters recommended by the Committee, before the end of the Parliament.

Q39 Nia Griffith: What about the items recommended for Committee debate?

Mr Hague: The Committee of Selection will choose a Committee on the European Semester today, but there will be others—“others” plural—in addition to that.

Q40 Nia Griffith: Any indication of how many or which ones?

Mr Hague: We will see how we go. I will do my best.

Q41 Nia Griffith: When might we have this information, do you think?

Mr Hague: That will be announced in the usual way. When the debate comes to the Floor of the House, there is discussion with this Committee or its Clerk about the motion to be put to the House. Of course, I announce to the House every Thursday the business of the House.

Q42 Nia Griffith: We only have six weeks left, so are you not able to give a little bit more of an indication than that, as to when we might have more information as to which debates?

Mr Hague: I am afraid not, at the moment. As I pointed out earlier, I have tried to secure agreement for some of these debates. There is such agreement, so we will now work on which ones they are and when.

Q43 Michael Connarty: Can I just ask a small supplementary question relating to what I asked earlier? Where there is a decision to be made in Council and we have a

recommendation for a debate, which is obviously likely to be in Committee—I do not think there are many of those on the floor—can you guarantee or give us a commitment that you will make sure that will get a debate in the appropriate Committee before the Government override?

Mr Hague: While I cannot guarantee that, given everything we have said, I will particularly look at the point Mr Connarty has raised.

Chair: In conclusion, I would say that we have asked some very direct questions. We have not had very clear answers, because it is quite clear that you are not in a position to be able to give us those answers. That is not a good state of affairs, having regard to the importance of the matters, the impact of the European Communities Act and all the obligations that flow from it on our democratic process. Given the fact that we are now moving towards a general election where, by any reasonable standards the European issue is going to be at the heart of that debate in that election, it does not say very much for our democratic process and the manner in which the Government are responding to it that we cannot actually get behind the very opaque answers to the questions that we have been putting.

It is therefore, I am afraid, a very disappointing Session from that point of view. We have asked some very direct questions. We have not had clear answers. You say that you cannot give us clear answers, because of the collective responsibility, but that is not a particularly good position for a Government or indeed for our Parliament to be in, given the importance of the matters in question. We will have to give further consideration to this, but we look forward to hearing the ones that you are identifying as for debate. It seems to me the more controversial it is, the less chance there is of our having a debate. That is not good for our parliamentary system and certainly not for the European scrutiny process, but thank you very much for coming.

Mr Hague: Thank you to the Committee. Thank you, Mr Chairman.