

Procedure Committee

Oral evidence: Procedure under coronavirus restrictions, HC 300

Wednesday 27 January 2021

(Virtually in Zoom)

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Members present: Karen Bradley (Chair); Aaron Bell; Kirsty Blackman; Jack Brereton; Bambos Charalambous; Chris Elmore; James Gray; Nigel Mills; James Sunderland; Owen Thompson; Liz Twist; Suzanne Webb; Mr William Wragg.

Questions 419-456

Witnesses

I: Dr John Benger, Clerk of the House of Commons; Marianne Cwynarski, Managing Director, Governance Office, House of Commons; and Matthew Hamlyn, Strategic Director, Chamber Business Team, House of Commons.

Written evidence from witnesses:

- [Dr John Benger, Clerk of the House of Commons](#)
- [CVR 115 \(Matthew Hamlyn\)](#)
- [CVR 86 \(Table Office\)](#)
- [CVR 85 \(Dr John Benger\)](#)

Previous oral evidence from these witnesses in this inquiry:

- [12 October 2020](#) (John Benger and Matthew Hamlyn)
- [1 July 2020](#) (John Benger and Matthew Hamlyn)
- [1 June 2020](#) (John Benger)



Examination of witnesses

Witnesses: Dr John Benger, Clerk of the House of Commons; Marianne Cwynarski, Managing Director, Governance Office, House of Commons; and Matthew Hamlyn, Strategic Director, Chamber Business Team, House of Commons.

Q419 **Chair:** Thank you very much to the witnesses who are here to give evidence to the Procedure Committee this afternoon.

It has been a very interesting 12 months. Since the Procedure Committee was first elected in January last year, we have certainly seen some changes to procedure, the like of which none of us could probably have imagined this time last year.

We are very keen over the course of this session to explore how our witnesses feel proceedings have worked, where there have been challenges and what we have learned from the changes. In particular, we are keen to think about how we might go back to some form of normality, but with some of those things, which we might possibly want to adopt for the longer term.

Our witnesses are the Clerk of the House, Dr John Benger; Matthew Hamlyn, Strategic Director of the Chamber Business Team; and Marianne Cwynarski, who is Managing Director of the Governance Team. We welcome you back to the Committee. It is very good to see you.

Let me start with a question about the Christmas recess. Obviously, we had two recalls over the Christmas period. We had a recall between Christmas and New Year and then, because we had that recall, we were supposed to have a longer recess, for the sake of staff of the House of Commons, but we ended up having a further recall. We are keen to hear just what the impact was on the House service of needing to have those two recalls.

Dr Benger: Shall I kick off? To be honest, they were not that unexpected. We live in really uncertain times. I think I am right in saying that the House has not met between Christmas and New Year since 1912, so that gives a flavour of how unusual this is. But the House service was ready. We had enough warning. We responded well. Marianne and her team did a great job in terms of our customary business resilience. The extension of the recess, albeit interrupted by a second recall, was welcome, because people are pretty weary, to be honest, particularly colleagues who are on the estate a lot.

In terms of the challenges of the revised procedure—Matthew and his team did loads of great work on that—what I can say is that we are getting very used to change now. We have had numerous different variations of hybrid, virtual and substantive. We are on our sixth division



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system. We are on our version 7.2 guidance to Members. We are getting very used to change, and are adapting pretty well, from my perspective.

Q420 **Chair:** Matthew and Marianne, do you have anything to add?

Matthew Hamlyn: We had a sort of advantage because there was a very strong rumour that there might be a recall just before Christmas Eve, depending on the progress of the Brexit trade deal negotiations, so we did a lot of planning about what that would mean right at the beginning of the week that led up to Christmas and then parked it, with the expectation we would be back again, as indeed we were. That sort of helped, because we were focused on what it might mean.

The big task was not just the recall, which had a certain amount of work attached to it, but designing and implementing the extension to the scope of hybrid proceedings, and making sure that we had enough bodies to cover all that. The second time round, although we did have an interrupted week of extended recess, it did mean that we could shuffle the pack a bit, so that not everyone who had been, for instance, clerking the Chamber had to come back in again the following week. On that Wednesday, we could give them time off the estate and other people could do it instead.

Marianne Cwynarski: From a public health perspective, it was very useful to have the recesses, because we were experiencing a significant uptick in the number of positive cases that we were being notified of in our workforce. That time off was most welcome because keeping people off the estate is our best chance of mitigating the spread of the virus.

Chair: Thank you.

Q421 **Liz Twist:** Thank you very much, Dr Bengner, for the memorandum, which we will look at shortly. Before we do so, can you set out how you have balanced the different elements of your role as clerk, as accounting officer and as Head of the House service?

Dr Bengner: It has been quite challenging, to be honest. This job ordinarily involves a lot of juggling between different roles—being in the Chamber, being at the Speaker’s conference, the accounting officer role, and the head of service role—but that has been amplified quite considerably by the pandemic challenges.

As accounting officer, I have had to accept that the key priority is to keep Parliament operating, and operating safely, so there have been some budgetary challenges, but they are pretty well under control. There are some counter-pressures as well, from not offering things, to some services being more limited. That has been okay.

In the head of service role—sparing her blushes—I have been really ably supported by Marianne Cwynarski heading the COVID-19 planning group, and, in a sense, compartmentalising much of the public health work, keeping people safe at work, and the messaging and communication around that, about which we have had very positive feedback.



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In terms of the many, many procedural challenges that we have faced, led by Matthew; Sarah Davies, my Clerk Assistant; Colin Lee, our Principal Clerk of the Table Office; and Tom Goldsmith, for the Committee Office, I felt extremely well supported through the process. Although it has been bumpy at times, I have felt extremely well supported, and I am proud of the efforts that House staff have made—that is a kind of summary answer.

Q422 Nigel Mills: May I take you back to the thorny questions we have discussed before on virtual participation? For a long time, we had this sort of strange distinction between scrutiny and substantive proceedings, which, fortunately, we do not really need to worry about now. Was that something that you thought was born of necessity or procedural principle, or was it more a choice that the Government forced upon the House?

Dr Bengler: That is quite a tricky question. There is some procedural basis for it, because the nature of legislative proceedings benefits more obviously from physical presence. The moving of amendments, knowing what is happening when, closures and things like that, are more easily done physically than virtually. We can see that there are some challenges around doing legislation virtually. Primarily, we follow the will of the House—our advice is sought, and we give technical advice on some issues. But the Government chose not to renew the parity principle, which was in the earliest versions of the resolution—that there should be parity between Members participating virtually and in person. That said, as you rightly point out, that has more or less been restored since all proceedings can now be done virtually.

Q423 Nigel Mills: So you mean you are happy that now that nearly everything is done virtually and is working properly, we do not miss amendments or have things go horribly wrong because someone is trying to do something from home?

Dr Bengler: I am not 100% happy, and I will tell you why. It is tricky doing all this stuff virtually. It is absolutely the right thing to do, and from the point of view of my colleagues' health and your health, I absolutely see that this is appropriate action, but it is more difficult. Working in this environment is quite challenging for my colleagues and for the Speaker's Office. I will give you one or two examples. Yesterday—and I counted them—we had 25 emails from the Speaker's Office indicating changes in participation, whether virtual switching to physical, physical to virtual, withdrawing or wanting to be included, and so on. During the course of yesterday, 14 Members withdrew from call lists. All those things are quite messy. They are not, any of them, in and of themselves, hugely problematic, but it is constantly challenging—for example, knowing which amendments people want a separate decision on. The normal ease of communication when we have everyone here does not apply in the same way when people are emailing things in. So it is not completely straightforward, even though I absolutely agree that it is desirable. But it is a bit harder—dossiers are more complicated, and conferences are more complicated.

Q424 Nigel Mills: May I just ask Mr Hamlyn about an issue we spoke about a



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few weeks ago, when you were last here? Now we are back into virtual participation for debates, have we found a technological solution for intervening and points of order, or is that still beyond what is possible?

Matthew Hamlyn: It is not beyond possible. I checked in with our broadcasting colleagues, who are being asked similar questions in the Lords, where they also work. They have been doing quite a lot of scoping work on this, and I think they had an introductory discussion with your Lords counterpart about how it might work. Their summary of where they have got to so far is that there is a potential technical solution in principle, but it needs a lot more testing offline before it would be safe to introduce it into the real-life environment. That is partly technical, but also, picking up on what John has said, there is also the occupant of the Chair and other Members, to think about—the human interaction.

For instance, a classic intervention moment in a debate will be the Minister moving the Second Reading of a Bill, or an Opposition spokesperson kicking off an Opposition day debate, and a lot of Members want to get in at the beginning to get a key point across, so you could have half a dozen Members rising at once. It is often a delicate or political decision who to give way to next from half a dozen colleagues behind you and in front of you. Trying to turn that into a technological system where a virtual Member is speaking and we alert him or her that Members in the Chamber wish to intervene, and vice versa, or virtual on virtual, could all be done, but it will slightly slow things down or become slightly more cumbersome.

So there is a way to go on this. We do have the advantage that work is in hand already, and we can come back to this Committee when more work has been done, but inevitably it will not be as good as what happens at the moment.

Q425 **Nigel Mills:** No. But given we seem to be facing a longer lockdown than we were hoping for, which I guess means we will all be working from home for longer than we were hoping for, is this something that you are actively working on and think you might be able to do, or are you not sure it is something the House still wants?

Matthew Hamlyn: Well, as it happens, both Houses want us to try to make it work, so it is a business imperative. What is interesting about hybrid proceedings is that they almost feel like business as usual, but under the surface we are continually working out how to make this thing work differently and better—so we never stand still. There was the discussion about Members participating remotely needing a timer clock, so we designed and installed that, and it is now working. Then we had to make sure that the Chair and Members in the Chamber could see the clock that other Members could see virtually and that they all match. That is a small example, but timing and the clocks are important, given the pressure on debate.

There are a whole series of improvements that we are continually making. The fact that we have had something like a 100% increase in virtual participation since we changed the rules on 30 December means that



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managing BAU is that much more challenging because there are more Members to onboard and more Members to switch in and out of virtual participation, or whatever. Now, on top of that, we will be adding these further refinements. So it is a continuous process, shall we say?

Q426 **Nigel Mills:** When you say the House wants you to do the work on virtual interventions, is that the Clerk asking you or is that the Leader of the House, or is that the will of Members?

Matthew Hamlyn: I think it is this Committee, actually. The mandate is to try as far as possible to replicate the normal physical Chamber in a hybrid form. Back in April last year, we started with: what is the minimum requirement? What does the Chamber have to be able to do to be a real legislative Chamber? We ensured there was scrutiny of Government through Question Times and statements. We then ensured the House could legislate, and gradually we built out from there. There was obviously a pause, and we went to semi-hybrid proceedings, so we did not need to do the work on legislation and other debates, but we thought about how we might need to do it. When we had the extension on 30 December, we were in place to scale up to do that.

There is an implicit mandate continually to think how we can introduce things that make it more like the “before times”, as it were. It is always going to be very difficult, because of all the points that John has just made. You are not in the same room, and you lose the human contact. You also lose the body language. Classically—I am looking at the Chair—the Speaker or the Deputy will quite often find that a frown or a cough will work wonders in the management of business, and you cannot really do that if someone is 200 miles away and concentrating on a screen to make sure they get their words out right. We are trying to make it as good as we can.

On the point you have just made about the longer than expected lockdown, we were designing this back in April with no idea whether it would be for three months, a year or a few weeks. Had we had a mandate in April to design something that was going to work for a year and a half or a year, we might have started from a different place—I don’t know—but we have always had to run to get to the starting blocks, and then keep running after that. We then add on what more we can as we go along, but this Committee obviously provides us with useful additions to that to-do list. I think interventions is one of them.

Chair: I think we would all agree that this has been suboptimal, to coin a phrase, but we are trying to find the best way to make it work in the circumstances. Chris Elmore and James Sunderland both have points in this area—let me bring in Chris first, then James.

Q427 **Chris Elmore:** Good afternoon to everyone. Obviously, I am hugely grateful for all the work that Dr Bengler and the team have done over the last year, which has been hugely appreciated. It has not always been in the most straightforward of circumstances, so I place my thanks on record.



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I have a question on points of order, and I know this will bring some amusement. On very rare occasions—probably once every 10 years in the Chamber—a point of order is a genuine point of order that the Speaker gets early notice of. Is there no way of looking at points of order through the current system so that the Speaker could be notified of a point of order and then a Member could do it virtually? I am not sure whether Sir Christopher Chope is on today, but there are occasions when his points of order, particularly around ministerial response times from Departments—clearly I am talking to three people who understand the House systems far better than I do, and who certainly understand the Standing Orders better than I do—would be genuine points of order that he or any other Member could raise with the Speaker. The Speaker may be able to make a pre-decision on whether it is a point of order, but that would at least allow the Member to do points of order under the hybrid system. I would agree that it is significantly harder for interventions, but that could be a halfway house to help those colleagues who genuinely wish to raise an issue. Sadly, I fear it would dilute some of the theatre of points of order, but maybe that would be something that the Chair would appreciate—I don't know.

Dr Bengier: Well, let me try to help. You are absolutely right: Clerks are particularly keen on the idea that points of order are about procedural matters. We are almost uniquely keen on that. As you imply, we are in a bit of a minority in terms of what are actually raised as points of order in the Chamber, but a genuine point of order is still permissible. What you have to do is email the Speaker's Office, giving as much notice as possible. The deadline on a Monday is 1 o'clock, and today I think it was 10.30 am. You set out why you think it is a point of order. In fact, we had one, or we are going to have one some time today—I am not sure where we are up to in today's business. We are having the odd point of order that is deemed to be a genuine point of order, and then the Chair is ruling on that.

What you are not getting are the "spontaneous" points of order arising immediately after Question Time. You will know better than I how many of those are genuine. There is a gap there—you cannot raise in realtime, as it were, a genuine point of order that arises during the course of the day, but you can come back to it, let us say, the next day.

Chair: I call James Sunderland, and then I will go to Jack Brereton, who has more questions on the spontaneity issues.

Q428 **James Sunderland:** May I also thank John, Marianne and Matthew for coming on? You all mentioned technical difficulties and referred to sub-optimal procedures. Does each of you accept that the House should return at the earliest opportunity in full physical form? If so, would you welcome lateral flow testing and early vaccination?

Dr Bengier: I will start with that, and then I will ask Marianne to come in on lateral flow testing and vaccinations. The answer to your first question is a clear yes. This is difficult. Hybrid and virtual participation is necessary, I think, but it is difficult. One thing that this—whatever it is—10 months or



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something has taught us is how incredibly efficient the Chamber and Committees are in lots of ways, with their huge flexibility, the capacity for spontaneous response, things like interventions and so on.

Just to pick up on that, by the way, I wonder whether it is potentially a mistake to try to replicate precisely in the hybrid form or in the virtual form the way that the physical Chamber operates. I just wonder whether interventions are really worthwhile if it involves a row of virtual hands and trying to make quick decisions on that. I am not convinced that it is. I will just put that on one side.

The answer to your first question is yes, we would very much—I am sure I speak for most people in the House service—welcome a return to normality, as we would in our everyday lives. Work is part of our everyday lives, and it is a bit of the normal world that we want back.

On the second point, I would like Marianne to expand on that, but my proviso on my first answer is that I require my colleagues and you to be safe on the estate. At every stage, we have gone in lockstep with Public Health England advice. The Speaker has been crystal clear that we will follow that advice and has emphasised that at every occasion. Let us hope, as I fervently do, that we are moving, before too long, to a brighter and safer future. However, I do not think that—Marianne is much more expert than I am—for example, the introduction of lateral flow testing, which we are now bringing in and is on the estate, would in and of itself be sufficient for us to say that the threat is over and we can go back to normal. I think we would have significant risk of COVID. Perhaps Marianne can develop that point and the vaccine point.

Marianne Cwynarski: Obviously, staff are also very keen to come back to the parliamentary estate. We have a lot of people working from home, desperate to come back. To answer the specifics on lateral flow testing, I am sure colleagues know already that lateral flow testing is not 100% accurate; it will miss some positive cases and, indeed, will show some people as being positive when in fact they are negative. The second thing is we cannot mandate that everyone on the parliamentary estate has a lateral flow test. Those are the challenges with that.

While I am on that, I would like to mention that we are rolling out lateral flow testing. The Attlee Suite has been converted into a testing centre, and we are approaching Members in batches according to whether they have been on the parliamentary estate or are coming on to the estate, so we are working through Members. From next week, we will be deploying at-home testing, so that Members can test themselves at home before they leave to come to Westminster, just to provide that assurance that they are not bringing something with them.

Again, vaccines are not proven to prevent transmission. We do not know when we will be able to offer vaccines to colleagues on the parliamentary estate. That is a matter for the committee on vaccines. I do not know where Members and critical workers at Parliament will be on that list. My



understanding is that we will find out in the next couple of weeks where we are on that list.

Dr Bengler indicated assent.

Chair: Thanks, Marianne. There are a few points there, including the fact that there is still travel involved to and from Westminster, so even if you could have some degree of certainty and comfort around the estate itself, you will still have people going backwards and forwards. I think the other point on vaccines is that I personally would not want to see MPs being given priority for vaccines over and above anybody else. We should wait our turn in line with the medical advice on that, because we can carry out our jobs here. We should all accept—we have all recognised—that we all want to get back to a fully physical Parliament as soon as we can, but there are serious restrictions and we have at least been able to continue having Parliament operating. I will now bring in Jack Brereton, who has questions on the spontaneity issue.

Q429 **Jack Brereton:** Yes, I just wanted to touch further on the spontaneity issue. In October, we heard from witnesses who suggested that there might be more feasibility for providing opportunities for spontaneity. How feasible is that? Do we think it will be achievable to have more spontaneity of virtual participation or is that just too difficult to achieve?

Dr Bengler: Shall I start? Matthew might want to come in, because he has followed the technical side more. If we were designing a virtual Parliament to last forever, it might be worth investing large sums of money to get as close as we can to get a live, volatile environment. I wonder how long we will be doing this for, what investment is needed and how good it will be.

Our Lords colleagues—Matthew has been following this—are looking at ways in which you might get some sort of intervention, for example, and there might be all sorts of compromises. We might say that there can be interventions in opening speeches, or something like that, and these Members will “want to intervene”. That does not sound very spontaneous, but it will meet a need of some sort. So, that might be some sort of compromise.

Your Committee has the expertise on this. We and the Government will listen carefully to your recommendations. I would urge that when we look at modelling this—your Lords counterparts did express a wish to do this—we might want to involve you in looking at a live example of what it might look like and see how plausible you think it would be as a solution. Perhaps, if we extend that invitation now, Matthew, to ask if you want to send someone along or to tune in virtually when these things are being demonstrated. Have I missed anything there, Matthew?

Matthew Hamlyn: I agree with all that, but spontaneity goes beyond what we talked about with points of order and interventions, which are two obvious examples. There is also spontaneity in the classical model, as it were, when the Chamber has Members in and a Member comes in, there is not a fixed, published call list, and they want to take part in a debate.



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You will remember, in the before times, a Member would say, “Mr Speaker, I did not intend to speak in this debate, but I was so exercised by what my hon. Friend has said that—”. In the days when there is enough time left, and at the discretion of the Chair, you can bring people in.

I am old enough to remember when Members would be in the Tea Room, see a particular Member come up on the Annunciator and rush into the Chamber, before there was a live feed. That was really spontaneous. I will never forget being in the Tea Room when a Member said, “Lawson’s up,” and half the room left and ran to the Chamber to hear what the then ex-Chancellor was about to say about his party leader. You do not get that now, for all sorts of reasons. You will always have a limit on spontaneity, caused literally by the limited numbers in the Chamber, and by the fact that debates need to be heavily pre-planned so that we can manage both the virtual element and the physical element in the Chamber. I accept John’s strictures that we cannot replicate exactly everything that we have at the moment, but where we can—a discussion on points of order is one area, interventions another—we ask a lot of the Speaker and Deputy Speakers in trying to introduce spontaneity where they can, but there are practical limits, I’m afraid. We are never going to get an exact replica.

Q430 Jack Brereton: You have touched quite a lot on some of Members’ frustrations at the moment, Matthew. Ordinarily, if there were a statement, a UQ, or a Question Time, and there were particular issue of interest in a constituency, a Member would be able to just come and raise that issue there and then. That just is not there at the moment because colleagues are just putting in to get airtime and to get their chance to speak, which is not necessarily always on issues of the greatest importance to their constituency or their constituents. Is work actually being undertaken to look at how that might work and at what might be done to improve spontaneity?

Matthew Hamlyn: We have already talked about the work of John Angeli and his ingenious team of broadcast experts to make interventions work. That is the current piece of work. I would be interested in hearing Committee members’ views about what other specific things we can work to introduce fixes for. As I say, some of it is not about the technological side, but about what the House is prepared to live with. I am struggling now to think how we can overcome some of the inevitable barriers that we have at the moment.

The deadlines for UQs, for instance, are now much earlier because Members need time to actually realise there is a UQ and put in to speak on it. If we moved those deadlines back to where they were before—when the Speaker would decide at a Conference a lunch time on Monday and we would have the UQ at half-past three—unless you changed the rules on who is allowed to take part, and stopped UQs being hybrid, I just cannot see how you could get them set up in time for enough Members to take part. There is a kind of physical capacity limit on getting them all set up on a call like that.



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We can go back and revisit all this again, I suppose, but there is also the question of just keeping the show running, and it is already quite hard work for the staff, and indeed for the Speaker's Office and the Speaker and Deputy Speakers, to keep it working now. I am not sure what more we can actually do, beyond some of the technical things that we have already discussed, to make it more spontaneous. John, you have a bigger brain than I have. Have you had any other thoughts on the wider spontaneity issues?

Dr Bengier: The biggest constraint is the Chamber, to be honest. When you have a physically restricted Chamber, it is quite difficult to recreate lots of the things that you would like, and I feel that that would be relatively late in the piece, when social distancing goes. That is how the virus transmits—in indoor spaces by people close to one another—so we have a little way to go there.

I would say a couple of things—I do not mean to be too down on what is going on. I have been struck by some incredibly high-quality interventions that the pandemic has brought out of people. There have been some brilliant forensic analyses, and some statements, questions around statements and urgent questions have been really absorbing. I have been in the Chamber, hearing them, and have hardly noticed whether they are virtual or physical contributions. The House has continued to legislate, and select committees are more active than ever—we are having more select committee activity than we had pre-pandemic.

There is much rich, high-quality work going in in Parliament, for all the limitations. It is also a sober moment for the nation, and to some extent, some of the theatricism, which we all love, may not be the only story here. The story here is scrupulous analysis, forensic analysis, committee work and detailed work, and much of that is being done to a remarkably high standard, and in very difficult circumstances for you as well. I well appreciate that, like all of us, you are juggling loads of different things in your lives, with constituents and so on, so I don't think we should be too down on it. I think there has been much really good work as well.

Q431 **Jack Brereton:** Thank you. I just wanted to touch finally on the parity principle, which you have mentioned, and the differences between participation physically and virtually. Do you think that raises any particular equality issues? Obviously, as you said, it is much improved from where we were only a few weeks ago. Were you concerned previously about the lack of participation in debates by, for example, people who are isolating? Do you think that raises some equality issues?

Dr Bengier: It certainly raises issues, but I would be loth to have an opinion on it, because that is partly a political matter. That was a clear and conscious decision by the Government to table the motions that they have tabled, and I do not want to get too drawn into that. What I would say is that it has righted itself to some extent, just because of the switch to virtual. I will give a statistic now—I wrote this down; I have not got it in my head. We had 492 virtual contributions in the Commons Chamber in December. We sat for much of December. In the first week back, we had



828. There has been a massive rise. The Speaker has exhorted Members, where possible, to stay away and contribute virtually, so we more or less have parity now. The numbers in the Chamber seem to have fallen steadily. I do not know whether they will pick up again as the vaccine roll-out progresses, but we are closer. These are decisions for the House, essentially, and I don't think it is appropriate for me to take a view on that equality issue.

Q432 **Liz Twist:** My question is tangential to the main issue. If we had known at the start, what would we have done differently? I am thinking of the discussion we had many months ago about the voting system and investment in a system that works. Are there things that we could do to learn from this, so that we have an oven-ready answer, should we face difficulties again, that would be worth the investment?

Dr Bengler: I am going to pass to Matthew in a minute; he has been beavering away on this. Let me say two or three things. First of all, I would like to put on record that I am hugely relieved that we no longer have hundreds of people crowding into the division lobbies. I think I said to this Committee that my biggest anxiety was around the division lobbies, which was the thing that I was getting the most complaints from both Members and staff colleagues about. In summary, since the rules on proxy voting were changed in November, we now have nearly 600 votes being cast by proxy, and around 40 people traipsing through the lobbies. It is chalk and cheese. We are back to locking the doors for eight minutes; we are not spending up to 45 minutes on divisions. There are huge advantages, so I am grateful for that.

In terms of the retention of pass readers to replace humans—division clerks—I am very supportive of that. I have mentioned that. By and large, there is strong support for that from the Whips' Offices, the Leader and so on, so I am hoping it is here to stay. There is a particular challenge around using security passes to record names. The security pass system is a very locked-down system and is designed not to be easily exploited for other purposes. We have workarounds in place at the moment and temporary solutions. We would like to have more robust and permanent solutions, and we are doing development work on that, but perhaps Matthew could pick that up.

Matthew Hamlyn: Thank you. It is a really interesting question that we are asking ourselves and have been asked by others. I did a public talk with colleagues, and one question was whether dealing with a pandemic was in our business continuity plan. I said, "Well, it is now, obviously." We have done a lot of things that we will obviously log and archive and know how to do if—God forbid—this happens again, or if there are suddenly other reasons. For instance, we now know that we can run a voting system using proxies, with very small numbers of Members taking part physically. That is quite a useful thing to think about, if we were suddenly denied access to the Palace and had to work elsewhere.

On pass readers, it is a very neat solution, but we need to do more work to make it into a permanent solution. For instance, it would be good to



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develop greater functionality on the security pass so that we can easily and quickly generate the list of names and publish them as quickly as we used to. There is a particular challenge around managing double-majority votes under the EVEL Standing Orders, which are currently suspended. Assuming those Standing Orders are reintroduced when we go back to normal, there would be a particular technical challenge in using the current pass reader system. No doubt that will be overcome in time, but that work will take longer; we might need a fresh approach.

I think you were asking other questions about what else we have learned for next time. A really obvious one that every organisation has learned is that we do not need 2,500 of our staff on site every day. We have been doing a lot of engagement with our staff, and a lot of people, obviously, as John said, are pretty miserable stuck at home. Large numbers of them said they would much rather work from home two or three days a week, with that balance, because they have worked out how to do it now. There are some quite big things we have learned about the future ways of working in the organisation. It also means that, in another pandemic, we now know that we can switch people to working remotely very quickly, and we could do that much better next time because we have learned so much from doing it this time around. Marianne might want to comment on that point.

We have learned other things. We have made our broadcasting systems much more resilient. We have now moved the broadcast hub into a properly designed and properly equipped space on Canon Row, on the estate. There is a back-up off-site as well. Broadcasting is important not only, obviously, for the external broadcast; we now use it a lot for any event involving Zoom, including party meetings and informal meetings. It uses a lot of the same kit.

We have also upgraded a lot of our committee rooms, which we should have, and ideally would have, done before, but it became a priority. Far more of our committee rooms are now equipped for videoconferencing meetings. We have built in a lot of additional infrastructure, which means we will be more resilient, were this to happen again. Some of that will also be useful for the future anyway. For instance, it is now much easier for a committee to take evidence remotely from witnesses. Even if we go back to a physical working environment, I think there is a huge benefit in being able to get a wide range of evidence for select committees from all over the world. We can now do that much more professionally than we could before. Those are just a few extra thoughts.

Chair: Thank you. We have a few questions—

Liz Twist: I want to say thank you very much to everybody. Everybody has worked really hard to produce solutions. It is just about what we can learn for the future.

Matthew Hamlyn: Thank you very much.

Chair: Thanks. We will have some questions specifically on divisions and the way they operate shortly, but I will now bring in William Wragg, who



has questions on at the public health context.

Q433 **Mr Wragg:** Good afternoon. In the words of young Mr Grace, “You’ve all done very well.” We can take that as read. However, I always find it odd that those who exhort us to step away from the estate tend to be on the estate themselves. Perhaps we can park that particular point of view at the moment. I want to know who has responsibility for that strategic initiative when it comes to dealing with the practicalities of COVID, particularly with regard to lateral flow testing.

Dr Bengler: Marianne, do you want to— When I say Marianne, that is probably the answer to your question, but do you want to answer it, Marianne?

Marianne Cwynarski: Thank you, John, and thank you, Mr Wragg. The strategic initiative around our offering the lateral flow test was dependent on what the Department of Health was providing us with. When the firing gun was fired on lateral flow testing widely and locally, we were able to ask to set up our own function here, which we have done. In terms of us strategically having the initiative to get lateral flow testing before that firing gun was started, we were dependent on the Department of Health saying when we could do it, basically.

Dr Bengler: May I just add to that, Mr Wragg? In terms of governance, it is quite tricky in this area because it is not a normal thing. The House of Commons Commission is the employer of staff here, and one of the responsibilities that it has taken is ensuring that staff on the estate are safe, as part of a duty of care. That is one of the places where the buck stops. Unfortunately, it is not like a private company, where there is a neat chain of responsibility and legal certainty at times. I, as corporate officer—the Speaker quite often points this out—am the person who would be in court, as it were, if there were proven negligence resulting in, say, loss of life and so forth.

Q434 **Mr Wragg:** I will make a political observation that I do not expect you to answer: it seems to have suited different people in different ways to delay the introduction of lateral flow tests. I find it peculiar—and this is a question—that so many of our proceedings are governed by the edict of Public Health England, and yet a hesitation was expressed about using lateral flow testing, which was contrary to the advice from Public Health England.

Dr Bengler: Marianne, do you want to come in on the timings of lateral flow testing?

Marianne Cwynarski: We were unable to get lateral flow testing on the estate until it was widely available in the community. I haven’t got anything...

Q435 **Mr Wragg:** But I noted from previous answers that some scepticism was expressed as to the value of lateral flow tests. If we are being governed by what Public Health England says, particularly when it is about our proceedings, why are we not being governed by what they say with regard



to lateral flow testing?

Dr Bengler: I think on lateral flow testing, the Public Health England's perspective—this was certainly in some of the briefing that the Commission got—was that lateral flow testing is most useful when rates of the epidemic are particularly high, as they are at the moment, because otherwise the risk of false positives creates huge inefficiency, because you have very, very high numbers of people wrongly diagnosed as positive, whereas when the numbers are higher, there is much more balance in it and it is much more useful. I do not want to breach Commission confidence, but Public Health England's guidance was that it is more appropriate to do testing when rates of the epidemic are really high. Marianne, is that an accurate summary?

Marianne Cwynarski: Sorry—I now understand the point that you were getting at, Mr Wragg. Very early on we did ask about the availability of lateral flow testing and whether we should use it. Also that was at the time when temperature checking was seen as a mitigation, and mask-wearing. There were a number of things where—we had not quite bottomed out what was going to be effective, and lateral flow, at that time, was not seen as a terribly useful mitigation for us because of its unreliability.

Q436 **Mr Wragg:** I understand, but of course, at the beginning of this, Public Health England gave an assurance that opening the windows in the lobbies was sufficient for voting to carry on, so is it not better that, rather than relying on the changing advice, we perhaps assert ourselves as a Parliament and adopt what we think will be the most effective measures to ensure the continuation of parliamentary proceedings?

Dr Bengler: I think that is putting it a bit strongly, if I may, Mr Wragg. I understand the point you are making. The advice about opening windows and so on was really early in this process, and I think we have to be fair to Public Health England and to the Government scientific advisors that we were all learning very rapidly, and I think they have gone on record as saying that. I am pretty confident that they would not now say, "Open a few windows and you can put 639 voting Members through there in eight minutes." I am fairly confident that that is right. I look at it really the other way around: we have to have some measure by which I can assure staff, and indeed you and your colleagues, that we are a COVID-secure environment. It seems to me that the best objective measure of this—I am confident that the Speaker and Commission support this position—is Public Health England guidance; that is what we have got.

You are quite right: Parliament decides its own destiny, and Parliament has exclusive cognisance of its proceedings. It can do whatever it wants, short of breaking the criminal law. But I would maintain that it is better that we follow the guidance that the Government advocates for the rest of the country, and that we don't go out of step from that. Because to me, that is not setting a good example of anything; that is setting a kind of suggestion that Parliament exists in a kind of bubble—in a parallel world, where these constraints don't apply. I think it would be very challenging for me to say to security officers, or catering staff, or Table clerks or

broadcasting staff, that somehow they need to set an example that flies in the face of Public Health England guidance. I just don't think I could bring people with me in that process.

Q437 **Mr Wragg:** I would agree with you entirely, because that was the point of what I was saying. The issue remains that lateral flow testing has been adopted in all kinds of workplaces and all kinds of situations well before it has been adopted in the House of Commons and Parliament more generally. Without sounding like the Leader of the Opposition, why has it taken so long to catch up here?

Dr Benger: I don't think we can really add much to what Marianne said. We have taken the guidance when we have had it, and we have introduced it, we have taken the best scientific advice that we had, and of course we have been discussing things with the Commission and so forth. My view is that we brought it in when it was ready and when it was feasible, and as quickly as we could, and that it would not have served much useful purpose before that. It may be that we need to disagree on that, and I am certainly not pretending to have sufficient technical expertise on it, but that is my understanding.

Mr Wragg: Thank you.

Chair: Thank you. I think it highlights some of the issues around the complications that there are in Parliament with who has responsibility for what. Dr Benger, presumably you could be potentially liable or culpable for a manslaughter charge if something was to go wrong and the very worst was to happen to a member of staff, and it was found that you had not taken the steps that you needed to take. But at the same time, there is real frustration on this Committee that many of the things that parliamentarians might have wished to do simply have not been offered to us. We have not even had the ability to vote on things in the House—there have not been amendable motions—so there is real frustration about the way Members have been able to operate, and we want the House to have its say on things. Aaron Bell wants to come in on vaccines, and then I will move to Suzanne Webb.

Q438 **Aaron Bell:** Thank you, Chair, and I thank all three witnesses for their time today and for, as William said, all the efforts they have made to make the virtual Parliament work as well as it has. My question follows on from what William was saying about lateral flow testing. I agree with the Chair that we should not jump the queue in front of clinical groups 1 to 9, but are you making representations to the JCVI or to Government more generally that House staff, and perhaps Members—maybe it is for us to do that—should be a priority when we get to the second phase? The JCVI ought to listen to that on the basis that we need to get back to work, for all the reasons we have discussed.

Dr Benger: Yes. I am very happy to put on the record now that I completely supported the position of the Government in designating workers in Parliament as key workers. In the first lockdown, we all carried around letters saying, "This person is a key worker," in relation to



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transport to and from the estate. I maintain that they are key workers, and indeed that you are key workers. It is my belief—or it is my wish, anyway; obviously, these are decisions for the Joint Committee on Vaccination and Immunisation and, I guess, the Government, in the light of its advice—that key workers should be the beginning of the next row of tiers.

We have had the nine tiers, and I think that almost everyone would acknowledge that health workers were quite correctly in those early tiers, because, goodness me, they are very much at the front end of this pandemic. But after that, I would be grateful if all of us, as key workers, were given an early priority in the next sequence, because I think that we are part of the infrastructure of the country, in just the same way as vital services are—utilities and so on. A functioning legislature is vital to the health of the country, so I do think we are important, and it would be helpful if we could have that degree of priority acknowledged. Although that would of course not put us in those first nine tiers, with twenty-something million people ahead of that group, I don't think that would be seen as radical queue jumping if key workers were alongside all those millions of others. That is what I would say.

Q439 Aaron Bell: Thank you. The implications are that that would put House staff, and potentially Members too, towards the top of phase 2, which would be in line with everyone being vaccinated towards the end of March or in early April. Given that the most vulnerable members of staff and, indeed, Members of Parliament would already have been taken care of in groups 1 to 9, and then those extra vaccinations would be happening towards the end of March, would you, in your capacity and you're your responsibilities, as the Chair outlined, then be comfortable in getting us close to a near-full physical return by, say, the end of April—if those first doses of vaccine had been given, along those lines—or would you want to wait further or seek further advice at that point?

Dr Bengler: Those things may not be mutually exclusive. What I would need, or at least what the Commission would seek, as the employer—I am the head of the service but not the employer—is assurances, again from our old friend Public Health England, about safety on the estate. There are a number of uncertainties that will become clearer over the next weeks and months, and they include transmissibility of the virus from people who are vaccinated, any impact of mutant strains of the virus and the extent to which having a single dose of the vaccine—given the 12-week period currently cited as the interval between doses—keeps you safe enough to operate safely without having, say, social distancing in place, which is probably the most fundamental measure.

I don't know the answers to those questions. If the answers to those questions are sufficiently reassuring that we are not risking life—I accept what you say about the most vulnerable groups, but I am personally keenly aware that COVID is a highly damaging disease to some young people. I have had some first-hand experience of that. So I have to be a little bit cautious about saying, "Look, we've done most of the people who



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are likely to die with this. Let's crack on." I need to be assured that we are safe to operate into a near normal situation.

But as you will have gathered from my responses—and Matthew's and Marianne's—I am quite keen that that should happen. I wouldn't want to be a blocker in that process. But ultimately the welfare of my staff is very important to me. Just to pick up on what the Chair said earlier, it is quite true that there is a degree of legal liability, but moral liability is there as well. These are colleagues I have worked with in some cases for 30 years, and they are people who give their all for the House and are proud to work here, so it's not just that I am worried about ending up in court; I am worried that people will be unwell or worse.

Aaron Bell: Thank you. That is completely understood and does you credit, obviously, but I think the point is made that we all want to get back, and hopefully PHE will give you the assurances that you want to hear.

Q440 **Suzanne Webb:** The area I am going to look at is attendance being a basis for participation. In your memo, you state that physical attendance has long been assumed, but that there were several exceptions to this pre-March 2020. Is it fair to conclude that physical presence is not an absolute and unqualified requirement for participation in proceedings while we are in this state of uncertainty with regards to the vaccine, the lateral flow tests and how those could all work?

I want to carry on from the things that have been said. At some point, we are going to have to get back to a state of normality and business as usual. Your document says, "Perhaps the most fundamental decision the Committee will need to consider in this inquiry is whether it is appropriate to revert to the pre-2020 assumptions"—how we used to work. I think we all agree—I have listened to what everyone has said—that it is fair to assume that it is not an absolute and unqualified requirement to be present in the Chamber, but there comes a point where we are going to have to start thinking about the road map to get out of this. While all your points about looking after the welfare of staff and Members and the duty of care around this are completely and 100% valid, it is not something we should carry forwards with us for too long. We definitely need to start looking at how we come out of this.

On the point mentioned earlier in terms of vaccinations, the demographics, actually, of Westminster are such that many of us will end up having that vaccination quite soon just because the vaccination roll-out is going great guns. I think, in a rounded way, what I am trying to say is that at some point we need to look at that road map to try to get out of this.

Dr Bengier: Yes, I take your point. I suppose there are two schools of thought, aren't there? There is one school of thought which will be that we will bring things back gradually and some things might be suspended. Let's say, for the sake of argument, that legislation goes back to requiring a physical presence—I don't know; you could unwind it the other way. That would really be a matter for the Government to determine.



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There is a second question about whether you want to keep anything. Now—maybe I am imagining this, but I don't think so—I think your Committee has gone on record as saying you do not want us to stumble into changes of practice simply because we have had to do them now; you want to look at them in the cold light of day, post-pandemic, and see what it is—if anything—that you wish to retain. We can make lists of things that you might or might not wish.

In terms of the road map back to what is normal, I think it is a bit difficult for me to say anything very useful on that, because, in a way—this has been the case again and again—we are not very different from the country in that. I think the Prime Minister announced—or maybe I just read media reports. I am sorry, I did not follow his statement today, but I think there is a suggestion of a plan being produced—a road map back to how we might reopen in various ways. The whole country is really in that position of waiting to see how quickly the vaccine is rolled out, whether the supply remains constant and whether mutant strains of the virus are effectively dealt with. Hopefully more and difficult ones will not emerge.

I think it is quite hard for me to say, “If all tiers 1 to 9 have been vaccinated, I think we can go down to 1-metre distancing in the Chamber.” I do not think it is going to be like that. I think we will just have to take appropriate advice on keeping a COVID-secure environment at all stages and keeping everyone safe. Then, yes, we might go back with a big bang. It may be simpler just to say, “With effect from this date, all the relevant people have been either vaccinated or offered a vaccine”—remember that I will not be able to, and I will not want to, compel any of you to have the vaccine if you do not want it, and I will not be able to compel staff to have the vaccine.

I will not need all 3,000 House of Commons and Digital Service staff to be vaccinated before we operate a fully physical Chamber; I only need a relatively small proportion of those to keep the Palace going, if you see what I mean. Whether that is consistent with other public health guidance, bearing in mind that people are travelling in and out all the time, I do not know, but it might be possible to create a kind of bubble within the Palace itself, with perhaps 500 or 600 of those 3,000 staff vaccinated, as well as Members vaccinated—remember there is the Lords as well—so we can pick things up a little quicker. But I simply do not know at the moment.

Chair: Kirsty Blackman wants to come in on some of those points.

Q441 **Kirsty Blackman:** First, on vaccinations, as I have said, MPs are not considered to be key workers in Scotland. We are not in priority group 1 or 2. That means my children are not currently eligible for childcare, because we are not in those priority groups. The likelihood is that a similar decision would be taken with vaccines. We must ensure that anything done takes into account that we do not want to disenfranchise all 59 MPs from Scotland, or those from Wales and Northern Ireland, at a single stroke. That is important to note.

The other thing is about compelling people, or not, to have the vaccine. I



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would be hugely concerned if, out of 650 MPs, 550 decided not to have the vaccine. I know that we cannot compel people to do so, but some idea needs to be kept on the numbers, so that I know that I am not putting myself and my family at risk by potentially spreading the disease even though I have had the vaccine.

On the move back to normality, will there be a day when normality suddenly happens? If so, when will that be? Or are we working on the basis that some things will come and others will go, as they have done over the past year? Please answer those questions and then I will ask my follow-up question.

Dr Bengler: On your first point—Marianne may correct me—I am pretty confident that I cannot compel people even to tell me whether they have been vaccinated or not, because that would be personal medical data and it would be up to them. I am confident that the majority of my colleagues will want the vaccine, because all the polling suggests the majority of the population wants it, and the same applies to Members. I know that there will be people who be medically advised not to have a vaccine, so that is another issue. I was not aware that MSPs are not classified as key workers.

Q442 **Kirsty Blackman:** No. In Scotland, we do not have a list of key workers. We have three criteria groups. If you are a healthcare worker directly working on COVID response, you are in category 1. There are a couple of other categories. The MPs certainly do not fit into any of the first two categories, and they are the only ones who get childcare, for example.

Dr Bengler: Sure, I understand that. I had not quite grasped that point. From a health perspective, we would want equality. To keep the place safe, we would far rather that everyone in contact with the Chamber or Public Bill Committees had the opportunity to have the vaccine, otherwise this thing will just spread around.

Whether we will get to pre-COVID normality, I do not know. Like all of you, I have read loads about it and seen different things. We might require a booster every year, if this thing is like flu and it changes regularly. I am an optimist about it. The presence of the vaccines is an astonishing achievement. I read, like you did, all those gloomy accounts that there has never been a vaccine—remember that?—against other coronaviruses. Well, with enormous amounts of ingenuity and, no doubt, huge amounts of funding, the scientists have pulled that off. It is conceivable we live in a world where rolling our sleeves up and having someone putting a needle in our arm with some modified variant of the vaccine may be a fact of life, but I am really not qualified to comment on it further. Marianne, I don't know whether you have got any insight.

Marianne Cwynarski: Hi, Ms Blackman. We would definitely work with your health bodies—I am sorry, it fails me what the Scottish body is called, just now. We would seek to have some discussions with the other health authorities just to make sure what we were doing here supported and was in line with what they wanted to do. That is on vaccines.



Q443 Kirsty Blackman: It is just Public Health Scotland—a very similar name. On the point about going back to normality, we have been clear, and I think the House has been generally pretty clear, that we want to get back to a fully physical Parliament. I personally would love remote participation to continue, but I get that I am not in the majority there. I suppose what I am looking at is: are we going to wake up one morning and everything is going to be normal? Or should the House and this Committee, given that we expect that things will move and change, be considering which remote measures or access measures we should get rid of first, and which we should get rid of last, rather than doing it all in one go?

I get why the Committee discussed and decided that we should do it all in one go previously, because we do not want anything to be decided as being kept. We did not want the temporary measures to stay permanent, but it may be that some of those temporary measures will have to stay for another year. Do you believe it would be sensible for this Committee to look at that and to come up with some of those measures that we think, for example, we might get agreement across the House on, to put to people about what should stay and what shouldn't?

Dr Bengier: I think that was a question partly to your Chair rather than me, really. I cannot really guide you on that. Committees must determine their own destiny and their own agenda.

I suppose one thing I would say is that you might want to look separately at remote participation in terms of witnesses and select committees, because that does seem to me to be consonant with work that was already happening. I think I mentioned in my memorandum that this is one area which has been very slowly growing, and you may be comfortable looking at that. There might be some advantages in your Committee separately considering that issue because we do make investment decisions in this area, in terms of, for example, provision of committee rooms. As Matthew said earlier, we put in a lot of time and effort to make a number of committee rooms suitable for hybrid proceedings. We could continue that work and develop it further. If you were comfortable with that, or looking at that, that might be a discrete area that you could pick out.

In terms of the Chamber proceedings, legislative proceedings and so on, I don't feel, really, that I can advise you on how to go about your work. I do understand this suspicion about things which begin as temporary. Income tax is always cited, isn't it? Just a temporary provision for the moment; just a temporary emergency provision—but it still seems to be persistent today. I understand why people might be suspicious that measures which are introduced on an expedient basis become permanent by accident, but I think your Committee has set out its position on that.

Kirsty Blackman: Chair, would you like me to ask my other two questions now, or would you like me to hold off?

Chair: I am just conscious of time, because I know we have kept our witnesses longer than I think any of us were expecting, but there are some points we do want to cover, including Westminster Hall. I wonder, Dr



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Benger, and Matthew and Marianne, are you happy to continue if we ask further questions? If you have got a point at which you need to leave then please do say, and we will of course accommodate that.

Dr Benger: We are in your hands. Well, I am in your hands, anyway; I can't speak for the others.

Chair: In that case, if it is okay, Kirsty, let's go to Aaron now, and we will come back to you later on.

Q444 **Aaron Bell:** Thank you, Chair; I will try to be brief. Dr Benger, in your memo, you basically said that the work that the House had already done on modernising and adding technology into procedure had been pretty helpful; most notably, MemberHub was something that we could stick other things on top of, and so on. Do you think the extent to which that has happened during the pandemic and the way we were able to scale up makes the case for further such investment and initiative, even after the pandemic?

Dr Benger: Thank you. I think it does in some areas. I am confident that it does in terms of how staff work. Marianne and Matthew have already touched on this, but we have surveyed our staff to ask, "How is homeworking working for you?", in common with every other major organisation, I'm sure, certainly in London and in most of the world I would think.

For all the difficulties that some colleagues are having, there is an overwhelming wish to shift work-life, or at least commuting and non-commuting work-life, into a different space. Something like three quarters of staff surveyed indicated that they wanted to work significant portions of their working week from home. Now, that is staff who can work from home; clearly our security officers and so on cannot work from home.

I have been quite startled by the scale of that, and even more so by the fact that the percentages actually grew from the first time we did the survey, which was fairly early on in the process, to relatively recently. I predicted that the numbers would fall and that people would get fed up of working from home, but not so; they like the balance.

As Matthew said, I think that the hybrid model would be the most popular one, with people coming in for two or three days, and working from home for two or three days. Now that does require an investment, first in technology. I am sure that this will be replicated for some of your offices as well. You will have seen how quickly the Digital Service did a fantastic job in getting Microsoft Teams rolled out. I mean, that would have taken us a long time in non-pandemic circumstances, but we just had to knuckle down, find the money and crack on with it.

I think that sort of infrastructure in the way we work is a valuable and justifiable investment. In fact, as accounting officer, I can point to likely savings arising from that, because we hope to occupy less office space over time and make a quite significant financial saving, which I think will pay for the cost of that technology. I think that in some areas, as an



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employer, I can point to that investment and say it is fully justified. In terms of procedural change, I think that we need to wait and see a little bit more, and also see what your Committee determines.

Q445 **Aaron Bell:** That was going to be my follow-up question, on the procedural side. Does the need for political consensus or political mandate, or some sort of resolution of the House, place the House and the digital service permanently a little bit behind the curve on this, in that you have to wait for the consensus to be there first, because it would be inappropriate for you to do the work if it wasn't?

Dr Bengier: It is a difficult balancing act, Mr Bell, as you rightly point to. I think that, as Matthew said, we do scoping work and work that may prove nugatory. I mentioned to you in an earlier evidence session that we were examining the upper galleries and considering whether or not we could expand available space in the Chamber by using the upper galleries. We have really ruled that out; we do not think it is feasible. We don't think interventions would be possible and it would be very expensive, because there is asbestos up there and so on.

Now that was nugatory work. Equally, we are exploring doing the under-galleries; we are getting cabling put in there. I am confident that we will get that ready within a very few weeks, and that will be ready to go. The preparatory work there may turn out to be wasted—I don't know. We might go back to a fully physical Parliament and not use those galleries, but I think we were right to scope that.

We have done other scoping work. Some of it has come off; some of it hasn't come off. We are doing work around Westminster Hall right now. We do not know what decisions the House will take on that, but we do need to be ready—sorry, I may be anticipating questions after what the Chair said earlier. We are doing the scoping work now and I think that is proportionate. I mean, I have to sign the cheques off and say, "I'm okay with this." That can be a balancing decision and we will get it wrong sometimes, but we are trying to scope what is plausible and likely to be asked, but not go completely mad and spend hundreds of thousands of pounds on things without any political mandate.

Chair: We did promise that we would have some questions on divisions, and Bambos Charalambous has got some questions on that issue.

Q446 **Bambos Charalambous:** This question is about the pass reader situation. Liz Twist touched on that earlier. My question is: is the procedure under-codified in Standing Order 38? What do you say to that?

Dr Bengier: I have just grabbed my Standing Orders. You panicked me for a minute there, but they are to hand. I think our current division procedures are consistent with Standing Order No. 38, if that is the question.

Bambos Charalambous: But do you think it has been under-codified? It is very brief, if I can put it like that.



Dr Bengler: Ah. Well, Standing Orders can be like that, I'm afraid. They are not the law. They embody decisions of the House. Your Committee is the perfect Committee to refine, or to offer suggested refinements of Standing Orders, which you have done many times in the past. What I would say is that flexibility can be quite a big advantage in a pandemic. Matthew might want to follow me on this. We have been grateful for a margin of appreciation on some of the Standing Orders, or things being done under the direction of the Chair. Indeed, some of the temporary Standing Orders that the House has passed have specifically included discretionary powers for the Chair to allow maximum flexibility.

Matthew Hamlyn: May I just add to that? Weirdly, about the only thing that Standing Order said you had to do was allow at least eight minutes, but that "at least" was very helpful for us when we were, briefly, having to run rollcall votes that went on for a very long time. The House could always write a more detailed Standing Order, which it could then rewrite the next week, because the Standing Orders are in the possession of the House. There may be a question behind that. I don't know if I am being presumptuous, but if the House decided to adopt a different way of recording Members' votes, and as long as it was within the framework of that rather brief Standing Order, in theory the Speaker could just direct John to make it happen, but I don't think he would; and I think there are occasions when it makes complete political sense for the House to be asked to give its approval to something.

Even if the Standing Order is pretty clear, there will be a change of practice, and we have seen aspects of changes of practice in the House that have never actually been written down in Standing Orders anywhere. Now, of course, I cannot think of an example off the top of my head, but it has been clearly the will of the House to take a view on something. Often that has come from the Procedure Committee saying, "This is the way the House has done things in the past and we think it could be sensibly done a different way." Sometimes we change Standing Orders to catch up with the way the practice has evolved, anyway. If the House is going to adopt a very different form of recording Members' votes, I would have thought it would make a lot of sense for the House to approve that.

Dr Bengler: Yes. Things like the previous question—I know it is not used very often, thank goodness, because it is complicated, but that is nowhere to be found in Standing Orders. That is a result of practice and Speakers' rulings.

Q447 **Bambos Charalambous:** You have pre-empted my follow-up questions—would anything be required to give effect to having pass readers retained, and do you have any idea what the cost would be? From reading your memorandum, Dr Bengler, at the moment they cannot record EVEL votes—English votes for English laws—so there would obviously be a cost involved in that. And there are situations where the pass readers don't always work as we would like them to.

Dr Bengler: I will just break that down into a few sub-units. I don't think there would be a requirement for any Standing Order change to permit



pass readers in place of division clerks; we are doing that right now within that same framework. In fact, we used to record them differently. A very long time ago, as a young clerk, I used to be a division clerk when there were two division clerks on either side, and we had big black pens and we used to cross names out on enormous sheets. We moved to iPad recording, which was one of the things we needed for EVEL votes so that we could analyse the data quickly. Again, there was no Standing Order change required for that. There would be a cost in upgrading the pass reader system to be more reliable. It has become pretty reliable; we have only had one out-and-out pass reader failure and one near miss, when it was thought there was a pass reader failure but we think there probably wasn't. When we checked it, it seemed to have been working okay. It may have been just a glitch on an individual pass; I don't know.

We can certainly build a better and more robust system. Matthew can talk, if you want, about the work that we are doing to scope that. We are doing that right now, because we have also got to look at our overall pass contract, which is coming up quite soon, so it is an opportune moment to be thinking about how we can potentially design the passes to capture that data. Matthew, have I missed anything there?

Matthew Hamlyn: No, I think that is very fair. The pass reader system is set up as it is at the moment because it needs to record Members' votes safely, and also to encourage social distancing in not having too many Members in the Chamber. As I said to the Committee before, one thing we can do with the current system, when we return to a normal, physical Parliament, is we can put more pass readers in there. There are now three division desks. We can have multiple pass readers, which will have the advantage that there is more resilience if one of them breaks down.

If we are moving to permanently having pass readers in place, there is a longer-term piece of work to do to future-proof that; to make sure that we can, in particular, extract the data from the current pass reader system and import it into the voting data system, which publishes the results online; to make the system less clunky than it is now; and to make it possible to generate the published results faster. Those are the requirements we are feeding in at the moment.

That work is already happening, but I am afraid it is too early to be able to say anything about cost. We are literally doing the scoping now.

Q448 Bambos Charalambous: Dr Bengier, just coming back to your memorandum again, in paragraph 34 you say, "The Speaker's authority might prove sufficient to enable some continuing adaptations, although the removal of reference to public health requirements before pandemic-specific public health guidance ceased to all Members of the House and staff of the House working in and around the Chamber would arguably be sub-optimal." That is a very diplomatic way of putting it. Do you have any further comments on that?

Dr Bengier: I am being tactful, I suppose. You will have gathered from my comments that I want this to stay a safe workplace. I fundamentally



believe it is my responsibility to help keep this as a safe workplace. Ultimately, Parliament decides things, and I respect that, and I am very relieved and pleased that Parliament has continued to function through this most difficult period. We were the first Parliament—or the first sizeable Parliament—to operate in a hybrid mode, full-stop. So we have kept going, I think, probably better than just about anyone else. But it is vitally important to me that I observe a duty of care, first of all to my colleagues but also to you and your staff and the other people on the estate. I would hope that the public health guidance can be observed. You know my position on that; I have said it on the record today.

Bambos Charalambous: We very much respect that and we thank you for all your efforts in doing that. Thank you.

Chair: We now move on to the thorny issue of Westminster Hall. You will know from the debate that happened in Parliament a couple of weeks ago that there is great concern around the loss of Westminster Hall.

Q449 **Jack Breerton:** There is clearly a premium on time in terms of access to the Chamber. Obviously, having Westminster Hall closed is only exacerbating that in terms of the opportunities for Member participation. How much is the technology the limiting factor on getting Westminster Hall back up and running?

Dr Bengier: I think we potentially have a solution to get us over that hurdle, which would be for the House sitting in Westminster Hall to meet in one of the rooms adapted for select committee hearings. We have a particular problem with the Grand Committee Room, where it currently meets, in that keeping that room safe is more difficult than most parts of the estate. The area that the broadcasting team has to operate in is particularly confined. We have had COVID in those teams and that is problematic, and Public Health England have been in and looked at that and have some concerns about that area.

Some of the scoping work that I mentioned earlier has been into—I was going to say adapting one of the committee rooms, but it would not require significant adaptation, because those rooms are already set up for virtual or hybrid participation and we have had both of those going on in those rooms for some time. So, provided that solution was satisfactory and the Government brought forward a proposition on it, we think we can make that technology work well. It is proven technology and we have used it successfully now for a number of months on select committees.

In terms of getting up and running if that model was proposed, it would take us perhaps a couple of weeks to get the additional broadcasting staff. Some of those are employing contractors over and above our normal effort. Remember, we have had a huge growth in broadcast participation, virtual participation, not just in the Commons but in the Lords as well, and I have given you some of those figures. Our capacity to deal with that is not completely elastic, but I am confident we could meet that challenge in, say, a couple of weeks—something like that. Then there would just be the time to get a new rota of debates, to get Chairs in place, clerks in place and so on. I think we could move reasonably quickly once the decision was



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taken to bring it back. In public health terms, in terms of keeping people off the estate, select committees are operating wholly virtually in most cases, as you are doing now, and it would obviously limit any public health risk if that were the case for Westminster Hall.

Q450 **Jack Brereton:** So do you think by the end of February we might have Westminster Hall back up and functioning?

Dr Bengler: Yes; I think if the House decided that it wanted that to happen, where we are at the moment—I can't predict what will happen in terms of the virus and the public health position generally, but where we are at the moment—I think that would be a reasonable assumption.

Q451 **Jack Brereton:** Okay. In terms of the costs of doing that, have you factored into that the capital and the recurring costs that might be associated with these alternative options?

Dr Bengler: I think that would be fairly marginal. It is quite expensive, running a hybrid Parliament—I am not going to duck the figure. I thought you might ask, but you have not, but I am still not going to duck it. We think it costs about £140,000 a month to have the broadcast and digital capacity—

Q452 **Jack Brereton:** That is additional.

Dr Bengler: That is additional. Now, we are making savings in other parts of the organisation. Some of those are savings for IPSA, not for us. In terms of, let us say, travel costs for Members, select committees are not doing overseas visits, or international assemblies and so on, so there are some savings we have got as well, as an organisation, but those are the additional costs. I think the extra costs of Westminster Hall would be pretty marginal. There would be some cost, but I don't think it would be very significant. We could get those figures for you if you thought it helpful, but if you are happy to rely on my assertion that I don't think it would be more than a marginal cost, that is what I think anyway.

Matthew Hamlyn: If I could just add something on Westminster Hall: the Boothroyd Room, for example, is a large room already set up for hybrid meetings. We have walked the course on that one and looked at the layout and looked at the broadcast, *Hansard* and other facilities. We would just be using a previously existing and upgraded asset for a different function. There would not be extra capital costs, as there might have been if we had to upgrade the Grand Committee Room or one of the General Committee rooms. Also, because the infrastructure is in place, it will not take as long.

I am having meetings this week with various people, not just the broadcast team but also our facilities team, to make sure that the room layout would be safe, so that Members would be spaced out and we can work out what the capacity is. Somewhere like the Boothroyd is a large space, so we could safely have reasonable numbers of Members in there.

The proposition that John asked me to scope—to use his favourite verb—is a hybrid sitting of Westminster Hall, as we have hybrid sittings of the



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Chamber. I don't think we are envisaging—unless John is about to spring something on me—a completely virtual Westminster Hall. A hybrid one would allow virtual participation. While there would be, I guess, a modest increase in footfall on the estate for the people who would run the room, it would still be quite modest.

I have already talked to colleagues about how to amend the rota of clerks that need to attend, so that we do not have lots of people coming in to do half an hour or three quarters of an hour in the chair. There are a lot of things we can do to make it safe. I am afraid we need to write even more guidance for Members and briefing for committee Chairs, but, as John said, we are getting used to moving at speed. Going back to an earlier question, we need a mandate from the House to get the wheels in motion, but, as you say, by the end of February would be doable if we started reasonably soon.

Q453 Chair: Thank you. Can I just clarify the point on £140,000 a month? Is that the total additional cost to the House of having a hybrid Parliament full stop across all the facilities that we are running in a hybrid way, or is that a different number?

Dr Benger: That is the broadcasting figure. Marianne spends some more money on other things, whether it is sanitiser or face masks—there are various costs that we are meeting. Marianne, are there any figures for that off the top of your head?

Marianne Cwynarski: I am afraid I haven't, sorry.

Matthew Hamlyn: I would just clarify that there is a total additional broadcast cost across Parliament, which is around £200,000 for both Houses and all the Committees, so the £140,000 is the Commons share of that, plus some additional staffing costs. We have brought people in to support the broadcast teams—all those people who get you set up on calls in the Chamber. A lot of them are staff who have been redeployed. As we are not running hundreds of visits a week, a lot of colleagues from the visitor services team have been redeployed and retrained to support broadcasting. There is no extra cost there. There are people who want to work, and we have work for them to do. We can find a more exact figure if you want, but that is our best current estimate.

Q454 Chair: No, that's fine. Parliament needs to sit and to be operating, and we are in the most extraordinary times, so it is just getting clarity on what the number is.

I have one final group of questions from Kirsty Blackman. If anyone else wants to come in before we wind up, can they let me know on the WhatsApp group?

Q455 Kirsty Blackman: I have just a couple of questions. The first one is what discussions have been had with counterparts in other Parliaments—whether devolved Administrations or others around the world—about their experience of proceedings under coronavirus restrictions?



Dr Bengler: Thank you, Kirsty. We were doing that much more early on when we were finding our way, to be honest. I can plug an excellent publication by the Study of Parliament Group looking at the pandemic across Parliaments with some international and devolved experience, so it is an interesting account of what others have been doing.¹ I have contact with my counterparts in Northern Ireland, Wales and Scotland from time to time, but I think we have all settled down now. Marianne, are you in touch with colleagues?

Marianne Cwynarski: At an operational level, we have a call every couple of weeks with the New Zealand Parliament, the devolved Parliaments—a wide group of colleagues come together. For a long time at the start of the pandemic, we were leading the pack with our measures, but they quickly caught us up, and everyone seems to be running in a similar way at the moment.

Matthew Hamlyn: If I could add to that plug for the Study of Parliament Group publication, which also has accounts of the Scottish experience and, as Marianne said, the New Zealand experience. I have an interest here as the former head of the Overseas Office. I have been involved in international forums or conversations where scores of Parliaments came together to say, “How on earth do we tackle this?” That was very much at the beginning, when a lot of people actually came to us and said, “How do you do it?” I can remember heated conversations with Brazilian and Kenyan colleagues about whether to use Zoom or a different platform. It was all quite weird back in the spring, I have to say.

Q456 **Kirsty Blackman:** That is really useful. I am sometimes generally concerned that Westminster is quite good at splendid isolation and thinking that we are better at things than everyone else, which we are clearly not. It really helps to know that you are having those conversations with other people.

I have one last question. Members have obviously been operating in a very different way from how they normally operate. I would be interested to know what temperature has been taken from the Members, what survey of Members has been done, and what survey of Members is intended to be done, on our experiences of the pandemic and what we may or may not want to continue, and about things that have and have not gone well for Members during this time. Are we planning to have that kind of survey, and if so, who will do it?

Dr Bengler: We have fairly recently done a survey of Members on how they are finding our services generally. We do that periodically, and it is led by our customer team, which sits in Marianne’s empire in the Governance Office. In terms of Members’ specific experiences of the pandemic Parliament, we have not commissioned any work on that, and I am not sure that I would have the authority to do that. It might be something that your Committee would want to think about doing, because you are talking in particular about the procedural experience. I do not

¹ [Study of Parliament Group, Parliaments and the Pandemic, January 2021](#)



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think that I necessarily have the kind of authority to do that, but it might be useful work for you to do. I know that you are talking with and have taken evidence from a number of fellow Members on how Parliament is operating, but whether you want to make that a slightly bigger project and look at it over a longer period is a matter for you.

Kirsty Blackman: May I thank all three of you for spending so much time with us today? I really appreciate the time that you have spent with us, both today and in previous meetings. We are much better informed as a result.

Dr Bengler: That is kind—thank you. Thanks also to a number of you who have made very gracious comments about the House service response. That is really appreciated.

Chair: I will conclude by thanking all the witnesses. We have kept you for a very long time, and we are very grateful. What we have heard today will help us, and we are hearing from the Leader next Monday. We are looking at how we get to the pathway back to normality—whatever normality looks like—but also at what assessment we can make of some of the things that we have piloted over the last few months. This has been really helpful in terms of the work that we are doing, and we will certainly reach out to colleagues across the House for their views on matters as well. Once again, thank you for your time, your very comprehensive answers, and your frankness and honesty with us.