



Procedure Committee

Oral evidence: Former Leaders of the House, HC 1064 Wednesday 4 March 2015

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Members present: Mr Charles Walker (Chair); Nic Dakin; Thomas Docherty; Sir Roger Gale; Mr James Gray; John Hemming; Mr David Nuttall; Jacob Rees-Mogg; Martin Vickers

Questions 1-37

Witnesses: [Rt Hon Jack Straw MP](#) and [Rt Hon Sir George Young MP](#), gave evidence.

Q1 Chair: Thank you very much for coming. You were going to be joined by Andrew Lansley but he has been called away at late notice. If he had been with us today, we would have had 100 years of parliamentary experience in front of us. Jack, you got in in 1979, so you have done 36 years. George, you have done 41?

Sir George Young: Forty-one. You are sounding like Mr Speaker.

Q2 Forty-one and 36. That takes us to 77. With Andrew, we would have just fallen short of our century—the nervous 90s. Without further ado, Sir George, as you are the most recent Leader of the House before us—removed by but one—tell us how you found the experience and what you would do differently. Then we will pass it over to you, Jack.

Sir George Young: I very much enjoyed working with the Procedure Committee when I was Leader of the House, both under your chairmanship and that of your predecessor. I believe that rolling the Modernisation Committee into the Procedure Committee was the right thing to do so that the Back Benchers were in charge of the interface between Parliament and the Government. I have six stones that I would like to throw into the pond as a result of my thoughts. I hasten to say that these are my views, and have no validation from my party.

The first is about Opposition days. It is absolutely right that the Opposition should have time to hold the Government to account, but I

wonder whether the model that we have had for a long time of fixed Opposition days is the best use of that time. For example, it is no secret that all parties sometimes have trouble identifying subjects, people who want to lead on them and people to speak on them. They do not get a lot of coverage, quite frankly. We only discovered the subject for today's debate on the Order Paper today. There is no question about the Opposition having time to hold the Government to account but I wonder whether we ought to look at the current model of 20 Opposition days taken in half-day chunks and think, at the beginning of the next Parliament, whether there is a better model that the Opposition feel more comfortable with.

No. 2—business questions. Now we have the Backbench Business Committee, roughly 90% of the questions that used to be asked are not of relevance, because they want time for a debate on an EDM or some local issue. MPs already know the business for the following week or two weeks, because they have been told by their business managers the week before. It has become a sort of rerun of PMQs on the Thursday. I just wonder whether that time might be put to better use. Some Departments share the Thursday—the fixed one hour. Whether one might just have another look at that—it is entertaining, and I know it is valued by Back-Benchers, but I just think it is worth looking at.

Third: more one-off focus Committees. I was very impressed by the work which Jack Straw did recently with his Select Committee and, at the end of the last Parliament, by the Wright Committee. I just wonder whether we should not have more confidence in ourselves to set up one-off Select Committees to do a quick review of an important subject, given that those two, I think, did outstanding work. There is a tendency to subcontract. I just wonder whether we should not have more confidence in ourselves.

Fourth: length of statements. At the beginning of this Parliament we tried to have a concordat about the length of time a statement would take, on the basis that the Government would volunteer more statements if they knew they would not do injury to the rest of the business. I think it is just worth revisiting that dialogue, to see if we cannot have some concordat, in conjunction with Mr Speaker, who at the moment calls everybody. I quite understand—it is a legitimate thing to do; but it does mean that you might squeeze out other statements, and after about 45 minutes a House of Commons ought to have been able to ask most of the relevant questions about that statement.

Penultimate: I just wonder if our bicameral system would crumble if, in Westminster Hall, where the Minister responsible was actually in the Lords, that Minister answered the debate. In the last Parliament, where the CSA was a big issue, the Minister with responsibility was

actually in the Lords—Baroness Hollis. Lords appear before Select Committees. I just wonder whether we could not have a look at getting a Lords Minister where the Lords Minister was the expert on that particular subject, to look at debates.

Finally, size of Select Committees. When I was on the Liaison Committee the Chairman was slightly reluctant to have larger Committees. Some I think are now 13. As Chairman of a Select Committee I found 10 or 11 was about right. Jack's Select Committee I think was around about that size.

Mr Straw: Eight.

Sir George Young: It was eight. It was a small one. There are problems with quorums if you have a big Committee and problems in managing it. I just wonder whether we should not have another look at the size of Select Committees—perhaps smaller ones, with people who really want to be on it, enabling them to conduct their business more effectively.

Those are the stones I would like to throw into the pond.

Chair: Thank you. Jack.

Mr Straw: Thank you very much, Mr Chairman. First of all, how did I find my year and a month as Leader of the House? I enjoyed it thoroughly. The biggest challenge I faced—George may have faced different challenges—was actually negotiating with my own Government, and, particularly, the Whips Office, which is a larger and more powerful machine than the relatively small secretariat of the Leader of the House. I was blessed by the fact that the Chief Whip at the time was Jacqui Smith, with whom I had a very good relationship; so it all worked okay, but it is a machinery of Government issue which you may wish to examine.

I agree with George about merging the Modernisation Committee into this Committee. I chaired the Modernisation Committee for a year and we did good work. The upside of having a senior Cabinet Minister chairing it was that I was able to make sure in advance that colleagues were going to support our recommendations. The downside was that it is actually not really a proper way for a Select Committee to operate, and I felt slightly uncomfortable about it. It seems to me that particularly on, say, things like topical questions, and things like this, where we did make progress, it is for Members of the House to make the proposition and for the Government to make a response to that or not. I think that everybody accepts that.

In no particular order, I have other stones to throw in the pond. One is that I am increasingly concerned about attendance in the Chamber. That really has changed, I think, although it would be good to do counts. There is no reason why they could not be done, by whoever is sitting in the Serjeant's chair, on a regular basis so that we actually have an idea of attendance in the Chamber. It is a dramatic change compared with 40 or 35 years ago when the whole focus of Parliament was in the Chamber. The only Committees that were meeting were Public Bill Committees, Standing Committees and occasional Select Committees.

The drop in attendance in the Chamber has been compounded by: first, the increase in constituency business and pressures; secondly, the change in the hours because things used to warm up in the late afternoon and evening; and thirdly, and above all, by the demands of Committees. Most Members—again, we could do with the data—of the House who are not Members of the Government are on one Committee or another and often regard that as one of their principal duties. One solution to that, which other Parliaments do, is to have Committee days to separate out days when Committees meet from days when the plenary meets. The Chamber of the House is the cockpit of British politics. Some really important things happen there and it just gives a bad impression—the whole chemistry of political argument is changed if the House is not full of Members paying attention. I would pop that in.

On PMQs, I think—I make no partisan point—that it has become less productive and more vulgar as the years have gone by. One reason for that is that it is now a single half-hour in prime time, whereas up until 1997 it was two chunks of 15 minutes on a Tuesday and a Thursday afternoon. That runs into a third beef of mine, which is that, extraordinarily, for a House of Commons that is there to hold Ministers to account, the time when Ministers are brought to account in parliamentary questions is not determined by the House, but by the Whips. The moment that you start to think about that, you think, "That's extraordinary."

Tony Blair had his own very good reasons for wanting to shift from two quarter-hour sessions to one half-hour session. I do not know but I dare say that he took advice from his predecessors, John Major and Margaret Thatcher, about that. Having one half-hour, rather than two 15 minutes, does not make it easier for a Prime Minister. It actually makes it more difficult. But he was able to do that through the Whips. A change of that magnitude, which has affected the whole rhythm of the House of Commons—the Thursday afternoon PMQs used to anchor the House—should be a decision that is made by the House, of course in consultation with the Whips. It is completely unacceptable for the current system to obtain.

It remains scandalous—I pick my word with care—that private Members’ Bills are still subject to exactly the same methods of procedural sabotage that were used by the Irish nationalists with some success in the latter part of the 19th century, which successive Governments have ensured can no longer sabotage Government business. Yet the very same people in the Whips Office make damn sure that the mid-19th-century rules are there to sabotage private Members’ Bills. That has serious consequences, because it undermines people’s faith in politics if somebody wins a ballot and then finds that their Bill cannot be brought to a conclusion, either for or against, unless they are very fortunate. Up to a point, the party machine likes the idea of alternative propositions being around, but ensuring that private Members’ Bills are timetabled and happen in a rejigged week would mean, crucially, that if you win a ballot, your Bill will be timetabled, and cannot be filibustered in the way that they are now. That is one proposal.

A House Business Committee was part of what Wright proposed. I still think that there is a case for a House Business Committee. I agree with George about the length of statements. We did get agreement about the length of statements: 10 minutes for the Government and five minutes for the Opposition. Obviously, each Speaker does things their own way, and if one is right at the end of interventions or a statement, it is rather nice to be called, but in days of yore, 45 minutes was it, and then they moved on to the next one. We did not suffer as a result; actually, we got rather better attendance. Those are a few thoughts.

Chair: Right. Thank you very much for that. I think a number of colleagues wanted to get in.

Q3 John Hemming: On the issue of private Members’ Bills—it also applies to Report—there was the issue of pubs where the Government lost on legislation. There was an issue in respect of the beer tie on which the Government lost on legislation in this Parliament. I do not remember off the top of my head any other issue on which the Government have lost a vote on legislation. One of the reasons why the Government do not lose any votes is that not that many votes happen. If you take private Members’ Bills, not only can they be talked out, but they can fail to have a money resolution or to be remitted to a Committee. There are multifarious procedural processes.

On Report, again, it is quite easy to prevent a vote on a contentious issue. What the Procedure Committee has done on private Members’ Bills is produce a report which basically allowed in prime time the vote of all Members of the House to allow something to proceed and be timetabled, but not to do so automatically on the ballot. It would be allowed to be

timetabled because a majority of the House voted for it to be. Similarly, on Report, we had various proposals, which the Government opposed. The difficulty then is whether to push it against the Government.

The question is that, as it currently stands, Parliament does not write legislation; it assents to legislation which is written in Whitehall. There are very few opportunities for a majority of Members to vote some other way. The question for both of you is whether you think that balance should be moved towards Parliament, so that there are more opportunities for the Government to lose, basically, on substantive motions that have force.

Sir George Young: I think one has to make a distinction between private Members' Bills and Government Bills. By and large, Government Bills have a mandate; a party is or parties are delivering what was in the coalition agreement or their manifestos. I do not think it would be right for a private Member's Bill, which does not have a similar mandate, to have the same process through Parliament, because it does not have the same basis.

I am conscious you have just looked at private Members' Bills and have produced a report, and that there has been a dialogue with the Government. I just wonder whether it is so difficult to get a private Member's Bill through. I started one last Friday, and with a bit of luck and some help from people around this table, I hope to get it on the statute book this Friday. Quite a lot of private Members' Bills this Session are reaching the statute book. It is not impossible to get a private Member's Bill through.

Q4 John Hemming: They are often effectively Government Bills, with Government support.

Sir George Young: Mine isn't, as a matter of fact; it is Baroness Hayman's Bill from the House of Lords, so it is a Lords Bill. It is supported by the Government, hopefully, and I think that that is okay. I just wonder whether you want to go around the course again on private Members' Bills when you have just been around the course, had an interface and a dialogue with the Government and come to whatever conclusion you have come to.

Mr Straw: There has to be a distinction between Government Bills and private Member's Bills, but private Members' Bills do not have to be disrupted in the way they are with procedural hurdles put in the way. If people object to the contents of a Bill, that's fine. Have a vote on the substance, it seems to me, but don't use the devices to avoid the House coming to a decision. That is what undermines people's faith in Parliament.

On Report, there is the point about having more sub-divisions in the groupings of amendments. If you have a House Business Committee it could do some serious work on how the amendments were marshalled, and—I think your Committee might have made some recommendations on this—to make it easier for non-Government amendments or new clauses in a particular grouping to be subject to a vote. I don't recommend we go back to the old-time situation where you had open-ended Report stages, which mostly worked but could sometimes lead to extreme filibustering. I think there is a better way to handle it.

Chair: Does anybody have a question on this point?

Q5 Mr Nuttall: On this very point, in connection with private Members' Bills, Mr Straw, you mentioned that a Member would have to be "fortunate" to obtain a Division, a vote. Is it not possible, under Standing Orders, that if a particular measure is sufficiently popular to secure the attendance of 100 Members and to have a majority, to curtail any over-long debate, with the permission of the Speaker, and a Division can then take place? It seems to me that if any measure does not have the support of 100 Members it probably does not deserve to get on the statute book anyway.

Mr Straw: We may have to disagree about this, Mr Nuttall. I think there ought to be more opportunities for people to bring forward propositions and for them to be considered on their merits. That is my point. By the way, I would not suggest that private Members' Bills were able to by-pass money resolutions, because it is fundamental to the way our constitution operates that money resolutions are basically in the hands of the Treasury. There are plenty of measures that people wish to see on the statute book that have minuscule financial consequences.

Chair: We are not going to focus entirely on private Members' Bills I can assure you. I would like to talk about the structure of the parliamentary week, which both of you touched on. Who would like to talk about private Members' Bills? We will do that early.

Q6 Thomas Docherty: First, apologies for being late, Chairman. My plane was diverted to Stansted because the brakes weren't working. I always think you should try them before you take off.

I want to address the point, Sir George, of the back and forth between the Procedure Committee and the Government, not just on private Members' Bills but more broadly on Committee reports that the Government are not particularly wild about. What has happened with PMBs is that the Government simply put them in a drawer and refuse to let the House reach a decision, because the Leader of the House has to

provide the time for the Procedure Committee report to be debated. We can't actually change the private Member's Bill process without the Government consenting to us having the debate. Do you think that is a sustainable position in the next Parliament?

Sir George Young: Why can't you go to the Backbench Business Committee to get the debate?

Thomas Docherty: Because—I look at our Clerk—to change the Standing Orders requires the Government to provide—

Q7 Jacob Rees-Mogg: The reason is that the first vote could be subject to a closure motion, but you can't have the successive votes because on Backbench Business days, the ability to move motions after that closure does not apply, whereas on a Government day it could.

Sir George Young: That sounds to me like a very good business question.

Q8 Thomas Docherty: But the reality is that your former office—an office that you both held—controls the ability of the Procedure Committee to bring forward changes. We can have the most wonderful reports—of course, all our reports are wonderful—but the Procedure Committee is hamstrung by the Office of the Leader of the House because it cannot bring forward changes to test the will of the House without the Government fundamentally agreeing to it.

Sir George Young: I am not sure that, when I was Leader of the House, we ever reached that deadlock. I stand to be corrected. I am not aware that we ever had that deadlock where there was something that you wanted debated and we refused to find time. You say that you cannot use the Backbench Business Committee to get a debate and a vote.

Q9 Jacob Rees-Mogg: A debate and a vote would not be concomitant to Standing Order changes.

John Hemming: You can get Standing Order changes, apart from Standing Orders applying to the Backbench Business Committee.

Jacob Rees-Mogg: But the timing factor means that it is quite difficult to do.

Sir George Young: Could you not have one that gave you the moral authority to make the changes that you wanted?

Q10 Jacob Rees-Mogg: You would still require the Government to give you the time for the Standing Order changes, and if they have refused it in the first place, they are unlikely to give in at the second stage.

Sir George Young: Yes. I do not have a simple answer to that. I would obviously be upset if there was a total deadlock between the Procedure Committee and the Leader of the House on the ability to make progress with a particular piece of your recommendations.

Mr Straw: I think that you either give the House Business Committee the right that the Government have—basically to, as it were, stand in the place of the Government when it comes to changes to Standing Orders—or you get an agreement with the Leader’s Office that this will happen anyway. The other alternative is to have a House Business Committee where these kinds of issues can be resolved. You have the Backbench Business Committee, but there is then a House Business Committee where the Government would be in a majority, quite rightly, but there would be a forum for working these things through in advance.

Q11 Thomas Docherty: But can I leave aside the specific issue? We have had three Bills in this Session—from memory, it was the EU Referendum Bill, the so-called Affordable Homes Bill, and the NHS repeal or whatever the correct titles were—all of which had something like 250 to 300-plus Members supporting them, two of which had more than 500 Members take part, and all three of which then ran into the sand for various reasons that are well known to the House. All three ran into the sand effectively over the money resolution. Notwithstanding the very valid point about the mandate of the Executive to determine resolutions, if you had your time again as Leader of the House, would you suggest some new mechanism or revision of mechanisms that you would not have geared up the whole House to turn up on Second Reading to then ultimately make no progress at all on those three Bills?

Sir George Young: I think that question has been put to the Leader of the House several times on a Thursday and he has given the answer about the interrelationship between the various Bills.

Q12 Thomas Docherty: No, with the greatest respect, the current Leader of the House has given an answer for those particular Bills. There is a general point that there is a lot of hoo-hah around the Second Reading. People get excited and then the Bills, through parliamentary procedure—is there a more transparent mechanism perhaps, for example, that the money resolution has to be voted on at the start or the Government must have to say before the debate that they will or will not give a money resolution, rather than the unseemly mess that we got ourselves into with those Bills?

Sir George Young: I hope the unseemly mess is a one-off. I think that I right in saying that until now, money resolutions have been given on the nod by the Government. I think what happened this time is unusual. I am not sure that it would be right to assume that this is going to happen over and over again. I think the circumstances—the conjunction of the particular Bills—led to the particular deadlock, coupled with coalition issues. So I am not sure that you are right to generalise from what has happened this year.

Q13 Thomas Docherty: We had it with the Daylight Saving Bill as well. Were you not Leader of the House at the time, Sir George?

Sir George Young: Can't remember.

Q14 Thomas Docherty: That happened as well. It sat and sat and sat for 12 months.

Chair: I think Thomas is suggesting—and I would share—that there is still wide dissatisfaction not only within this Committee but, I think, the House about how private Members' Bills are being conducted. I do not think we have been successful—and I have certainly not been successful, as the Chairman—in persuading the Government that there is a better way; but I think it is something that will not lie in the next Parliament.

Q15 Mr Gray: Can I change the tone a bit? Thank you very much for the very bright ideas, all of which I am sure will be useful areas for discussion in detail by the next Committee after the end of this Parliament. I want to ask you about the way in which Parliament as a whole performs its dual tasks of scrutinising legislation and providing the Government, and holding the Government to account. In your 35 or 40 years each, has Parliament become a stronger or a weaker institution, by comparison with the Executive?

Mr Straw: In my view, it has unquestionably become stronger, although alongside that there is a paradox that the public perception has probably gone the other way. Why has it become stronger? Because, first of all, of the establishment of Select Committees, which has made an astonishing difference to the accountability of Ministers. I worked for two Cabinet Ministers in the mid-1970s. Of course, both Ministers for whom I worked and their special advisers and officials followed impeccable standards, but some might say that all sorts of things went on, on which it would have been useful to have a bit of daylight but there was none.

There was the Official Secrets Act, which was still operating under, literally, the wartime regime, so everything was classified. There was no Freedom of Information Act; judicial review was in its infancy; there were no Select Committees; and also there was very little "intrusion"

from the media, from radio and television. It was very rare for a Minister to have to go on the “Today” programme. So the cards were very much held by the Government of the day. Also the Speakers were much more reluctant to grant what were in those days called private notice questions—UQs—than they are today. The scrutiny by Select Committees, not only of what Ministers and Government Departments are doing, but also people outside—private individuals, private institutions—is extraordinary compared with 40 years ago.

Q16 Mr Gray: Yes, but that is a different matter, though.

Mr Straw: It is all part of the same thing.

Q17 Mr Gray: FOI and the media are not part of this place.

Mr Straw: Well, it is partly, as after all FOI was passed by this Parliament.

Q18 Mr Gray: Yes, of course, but someone seeking to hold the Government to account by putting in an FOI does not have anything to do with us here.

Mr Straw: Yes, I accept it is indirect, but it has changed the atmosphere. The Executive is much more accountable, and it is very noticeable inside Government Departments as well. People are aware of that. The other side of the coin is that the Chamber appears to be less relevant. High-profile debates were a way in which Governments were held to account, and there were many more occasions where there were set-piece debates between the leaders of the parties. I think that is a really important way in which Governments and Oppositions are held to account.

Another stone or pebble I drop in the pond, Mr Chairman, is I think it might be useful to get some group of people to do an analysis of what Parliament sounded like—just do dip samples of 40 years ago, 30 years ago, 20 years ago, and from television from 1989, and look at their behaviour. This might be an old man talking, but my sense is that, when you hear clips, even from the really difficult days of the '70s, the debate was more civil and people were more respectful than they are now.

Sir George Young: Yes, except the House was suspended on many more occasions in the '70s than it is now.

Just to add a footnote to what Jack has said, I think the centre of gravity has shifted from the Chamber to the Select Committees. If you listen to “Yesterday in Parliament” or read about what has happened, quite often it is about a Select Committee, not the Chamber, and that is

good. I think there has been a tilt back towards Parliament. The Liaison Committee produced a report called "Tilting the Balance" about 15 years ago, precisely because of the issue Mr Gray raised.

Things like paying Select Committee Chairmen, developing an alternative career structure, electing the Chairs of Select Committees, establishing the Backbench Business Committee and giving it a day a week have all been giving power back from the Executive to Parliament. In a way, with the rules on the Dissolution of Parliament, the Prime Minister has given the House of Commons the right, with a two-thirds majority, to dissolve, which was his prerogative.

So I agree with Jack that there has been a shift back—a giving back of power from the Executive to Parliament—over recent years. Of course, MPs are now also better resourced to hold the Government to account in terms of the back-up they get through their offices and secretarial allowances.

Q19 Mr Gray: Can I ask you, in that case, to react to a counter-view? I entirely agree with you about Select Committees, but leaving them on one side, you have had time limits brought in on Bills in the same period. For 13 years under your leadership, Jack, we voted against every single programme motion, but now, of course, we use them just as much as Labour did. So programme motions are one thing.

On the hours of the House, we are now sitting far less. You mention the Backbench Business Committee. Its debates are about as important as the Oxford Union debates. They are completely pointless; they are just another way of calling an Adjournment debate; they are a way of expressing some opinion. On those where we have actually had votes, there is always a one-line Whip, and they have been promptly ignored by the Government.

Leaving aside Select Committees, and I entirely accept your point there, is there not an argument for saying that the Government have, by covert means, accrued more and more power, as they do more and more, and that the true opposition is the media outside. Jack mentioned FOI and all that stuff, which is true. At the same time, the reason why people are no longer in the Chamber is that they are in their constituencies doing frightfully important jobs as social workers and counsellors, while the Executive go on their merry way and occasionally pat Select Committee Chairman on the head, pay them and say, "Aren't you lucky, you chaps? You're awfully important." In fact, we are not. Is that not a reasonable thesis?

Sir George Young: I disagree. I think you do a serious disservice to the Backbench Business Committee by dismissing their debates. The

debates on prisoner votes, Hillsborough, contaminated blood and badgers were real, serious debates. In fact, I think some of the best debates in this Parliament have been from the Backbench Business Committee.

Q20 Mr Gray: Yes, but the votes don't count. Those are very good Adjournment debates or Westminster Hall debates.

Sir George Young: On programme motions, what has now happened is, I am happy to say, that very few are voted against, because the Government and the Opposition come to an agreement about the right amount of time, and all credit to the Opposition for entering into a constructive dialogue. Frankly, we did not have that dialogue for all of 1997 to 2013. Bills were going through too quickly, and we did not have enough time, so we voted against a lot of programme motions. However, right at the beginning, in 1999, when I was shadow Leader, I co-signed some of the programme motions, because we had agreement with the Government. That agreement then broke down, and they started doing things without our consent, so we started voting against motions.

Q21 Mr Gray: Yes, but when you got here, the guillotine was an exception—an extremely rare thing, and very controversial. Actually, the House could sit for ages and ages at a time. The Opposition had time on their side; now programme motions mean that that weapon has been removed.

Sir George Young: If you look at the impact of programme motions, Committees quite often report ahead of the time they have been allocated. The number of Bills that go through to the House of Lords without everything being discussed is actually quite small now, because there is a sensible dialogue with the Opposition, and I give them credit for that.

Finally, on the Chamber, quite a lot of people watch the Chamber from their rooms; they are not sitting in it, but they are following the proceedings. Someone suggested that you should have a hologram of an MP in the Chamber if he is following it in his room, just to fill it out a bit.

Mr Straw: I fundamentally disagree with Mr Gray on the Backbench Business Committee. George mentioned prisoner votes. With David Davis and Dominic Raab, I organised that debate against an extravagant and unnecessary decision of the European Court of Human Rights. We got a big majority in favour, but it was a contested argument, and it has led to very significant changes in the behaviour of the Court at Strasbourg. They got one heck of a shock, and if you talk

to jurists who are familiar with Strasbourg and to British judges, they will tell you that that has made a huge difference.

Let me just say this to you, when I was Justice Secretary, I kept being told by officials that if we did not concede on prisoner votes, there would be bills of £100 million, £200 million or £300 million to pay to prisoners who had lost the right to vote or were denied the right to vote. That has not happened. If you want to know why, it is because of that vote.

In the vote on the recognition of Palestine, for example, some of those who took the opposite view tried to turn it into a non-event. Some of us made sure that it was an event, and it had a big impact. You cannot have votes on Adjournment debates, but you can on Back-Bench debates. It was the same for Iran—another pet subject of mine. There are plenty of other issues where having Back-Bench debates has made a significant

Q22 Sir Roger Gale: I would like to pick up on two points that Sir George made and then come back to the big issue that Jack raised.

On Westminster Hall, it strikes me that there is every reason why Ministers in the Lords should be able to give evidence or respond to debates if it is their brief and their expertise. I do not think that the building would crumble or the Government would fall if that were to happen. That is something, Chairman, that the successor of this Committee ought to take a serious look at in the next Parliament.

I do not share your opinion of business questions, quite simply because it is a device and is recognised as a device. The idea, "Can he find time for a debate?" is pretty much like, "Will the Prime Minister find time in his busy schedule to" do whatever? But the fact of the matter is that it is a shopping basket way of allowing Back Benchers to raise anything with the poor devil that has to be the Aunt Sally. That poor devil, if present company is anything to go by, seems to have been fairly adept at doing it on both sides of the House. I think that ought to stay.

I am with Jack on the difference that changing Prime Minister's Question Time has made to the whole structure of the parliamentary week. In theory, it is more convenient for the Prime Minister, which of course is why it was done in the first place, and it allows more time to expose the weaknesses or whatever. In practice, having two opportunities on a Tuesday and Thursday to raise topical and contemporary issues with the Prime Minister in person did two things: first, it was very topical, and secondly, it did bind in the House to two significant events on a Tuesday and Thursday.

This comes to the other point that you raised, Jack, about attendance. We are now spending a very significant amount of our time personally, as well as with back-up from staff, dealing with social work, as James said. Whether that is a good thing or a bad thing, it is a thing; it happens. It seems to me therefore that in the next Parliament, this Committee will have to look at what you suggested as a possible restructuring of parliamentary business to allow for Committee days.

As a Committee Chairman, I know very well that we sit for an hour and a half on a Thursday, then the Committee is disrupted and has to rush down to the Chamber—it doesn't, actually, but one or two Members rush down to the Chamber and the rest go back to their offices and do more social work—instead of getting to grips with the legislation over the period of a whole day, taking it to bits and putting it back together again, and doing the scrutiny job that a Committee is supposed to do, preceded by a good Second Reading debate. We have lost that.

It may be that you are right and we will have to look at two things: the restructuring of Prime Minister's Question Time to bind Members into a parliamentary weekly calendar, and, secondly, perhaps having plenary sessions and Committee days. You are both very experienced Leaders of the House and you have both held other offices. You know, from Cabinet table experience, much better than probably anybody around this table, the route by which that might be achieved. If you are prepared to reveal it, you might be doing us a favour.

Chair: Can you both answer that question?

Mr Straw: How do you do it? You would either have to get a very big groundswell of opinion on the Back Benches to create a great force that the Government could not ignore, or you would need to persuade the Prime Minister of the day that this was in his interests to see Parliament working more effectively. I am clear that change of the kind that you talk about has to happen.

The other thing is this. There is already a high degree of devolution to Scotland, Wales and Northern Ireland, which means that the Members from those nations ought to have fewer day-by-day demands, because they ought to fall on the local authority or the devolved Administrations. That is going to happen, significantly, in England as well. I think it is a great opportunity for this Parliament. There are huge issues to discuss: economic and trade policy, foreign policy, defence. Those were the issues on which this place used to spend a lot of its time. More time and more thought spent on those would produce great benefits for the country.

Sir George Young: I was one of those who were upset when the Prime Minister abolished the two separate sessions and converted them into one without any consultation at all. I wanted to restore the Thursday as part of an anchor to stretch the parliamentary week, and we had a sort of campaign. Having seen what has happened with the Backbench Business Committee—it used Thursdays to have votes and then got some push-back from colleagues—I wonder whether there is an appetite among the House as a whole, which has got used to having Thursdays as a one-line Whip, to converting it back to a proper parliamentary day, as it used to be.

One would have to take soundings from the parties as to whether they had the appetite for a Prime Minister's questions and a three-line Whip. We used to vote at 10 o'clock on a Thursday night. I was all in favour of it. Also, the Prime Minister would have to be signed up or persuaded, because he has to brief twice and it takes the whole of the morning, as everyone knows.

If you have a Committee day when the House does not sit, you would either have to sit for longer to make up for the lost time or you would have less legislation, or less time for legislation or fewer Opposition days or whatever, in order to make up for the lost day of House business that you had taken away, because that was the day that would be devoted to Select Committees.

Q23 Chair: Could I use my Chairman's prerogative to ask a question? Then I will bring in Jacob, Thomas and Martin. Would it be possible—I have not thought this through, particularly—to take Thursday's business and make it Monday's business, and move PMQs to mid-afternoon Thursday? In a sense, you would change the week around. So you would have Monday for Back-Bench business and business questions, and then the week would almost accelerate towards Prime Minister's questions on Thursday afternoon, and that would be at the end of the week. As a further incentive to colleagues, we could look at when we take private Members' Bills. Do we really need to be here on a Friday, or could we do those on a Tuesday and Wednesday evening? I will just throw that out there. I do not expect you to have a response that is any more thought through than my question, but if you could respond in some way I would be grateful.

Mr Straw: It was an idea I looked at when I was Leader. It did not go anywhere, because others did not share widely my concern about the need better to anchor Thursday. The experience in the first two Parliaments when we were in office, when we had such a huge majority that we had twice the total numbers—we had about 400 Members as I recall, and your party had about 160 at most, George—was that it was very unbalanced.

If we are going to do that, and have business questions on a Monday as well, there are lots of advantages in it. You would need to have PMQs fairly early on a Thursday—although there is no reason why that could not happen—because a lot of EU business and EU summits fall on Thursday afternoon and Friday. In the days when there were PMQs on a Thursday afternoon, the Prime Minister of the day—Margaret Thatcher or John Major—with some frequency had to miss them, but it did not matter. It would be worth asking your officials to check that my recollection is correct. But I think that it is a good idea.

Sir George Young: It is worth looking at. I am just thinking about what the media would say about the long weekend—"They're now taking Monday off." We need to think it through, but it is worth having a look at it.

Chair: Yes. It is just a suggestion.

Q24 Jacob Rees-Mogg: I have one short question, then a longer question, if I may. The short one: with your expertise, what do you think is the best way for a Back Bencher to hold the Government to account—which of the various mechanisms do you think is most effective?

Sir George Young: Speaking personally, the most difficult time I had as a Secretary of State was in front of a Select Committee for between two and three hours, being asked questions on my subject by very well briefed MPs. I found that the most testing time. With oral questions you can wing it to a certain extent, but I found that the Select Committee is what you really brief yourself for. I am sure my former special adviser would agree.

Mr Gray *indicated assent.*

Mr Straw: Certainly not oral questions. It would be a combination of Select Committee hearings—I can think of some very tough ones, particularly on contentious foreign policy issues—and also statements. I remember a statement where I was trying to explain to an increasingly sceptical House—sceptical on both sides—that I wasn't about to sell off Gibraltar to the Spaniards, and I then made the mistake of saying of a colleague on my side that that colleague should not judge me by their own standards, as I had been accused of mendacity and stuff. I was on not the strongest ground, shall we say, and by the end of an hour my ground was even weaker.

Q25 Jacob Rees-Mogg: Not on a rock, one might say.

My longer question comes back to the organisation of the week and your view, Sir George, that Members are happy now that Thursday is a quietish day. That is something I think we should be quite worried about—the idea

that Parliament is really a three-day-a-week operation. One wonders to what extent this is welcomed by the Government. The only thing that really matters for Governments in the Chamber is if they lose votes on legislation. Therefore, you truncate the time available for legislation and you extend it for non-legislative activity; if the Government lose an Opposition day motion, it is a passing embarrassment, but it is not the end of the world. Report stage is massively truncated. The most contentious Bills have a tendency to get one day at Report stage and then, generously, there are two or three days for Bills that no one is gigantically interested in, and then the figures all look a bit better. So I am wondering to what extent this is the Government apparently generously giving more time, but actually serving their own purpose of extracting the controversy from as much of Parliament as they can, while appearing to be very generous in allowing Back Benchers to swan off on Wednesday afternoons.

Sir George Young: I think that comes back to the role of the Backbench Business Committee, in that it is now in charge of Thursdays, by and large, and it gets some days that are not Thursdays. The Government have no control over what the Backbench Business Committee chooses, or whether it decides to have votes, so in a sense the Backbench Business Committee, if it wanted to, could use the Thursday to make it a day for which people felt they had to be here. The alternative, I suppose, would be to give the Backbench Business Committee Monday and to have Government business on the Thursday, if that would meet your thing of—

Q26 Jacob Rees-Mogg: Or give the Backbench Business Committee a Wednesday, so that it is in the middle of the week. I accept the point that Back-Bench business can be extraordinarily important, but it is often important to a very small Chamber. As for examples of big votes, the EU referendum was one. Quite early in the Parliament, when the Government had not quite worked out how to respond to the Backbench Business Committee, they whipped the Back-Bench votes heavily on those occasions. The EU referendum was the most aggressively whipped of anything I have known in Parliament—I have fairly limited experience, because I have only been in for one Parliament.

Mr Nuttall: May I just say, it was also moved from a Thursday to a Monday—

Jacob Rees-Mogg: Because it was such an important debate.

Since then the Government have worked out that if they lose a vote on Back-Bench business day, they just ignore it, which has therefore encouraged this feeling that Members should be in their constituencies on Thursdays as well as Fridays.

Sir George Young: I do not think it is the Government who want MPs to be in their constituencies on Thursdays; I think it is Members. They want to be in their constituencies on Thursdays, because of the things that we were talking about earlier—the greater pressure from constituencies. I think that the Backbench Business Committee, as I understand it, got some push-back from colleagues when it wanted votes on the Thursday. So if you are going to go down this route, you have to make sure that you have got the House with you and that MPs think that it is a sensible use of their time to reallocate it and to spend less time in their constituencies and more time in the Chamber. That is a hearts and minds exercise that you need to do before you go down this path.

Q27 Jacob Rees-Mogg: I wonder if it is a question of leadership. When the Whips give the impression that Thursdays is a day not to be here, people say, “Okay, that’s a day I’m not meant to be here.” Lots of MPs spend years trying to get to this place, it is the apogee of their careers to be elected to Parliament, so the idea that once they are here they do not want to be here is self-evidently contradictory. I do not think it is lots of MPs desperate to get away; it is the encouragement from the top that getting away is the norm that is undermining the weekly structure.

Sir George Young: As we approach an election the terms of trade change a little and there is more emphasis on getting away on a Thursday now than there might have been, for example, at the beginning of a Parliament. One has to put things in the slightly broader perspective of which part of the parliamentary season one is talking about. At the moment there is every incentive for colleagues who are standing again to get back on a Thursday.

Mr Straw: May I, however, agree with Mr Rees-Mogg on the psychological point that he is making? Speaking only for one set of Whips, to my certain knowledge it suited one set of Whips—I am sure the other set of Whips had higher standards—to ensure that there were as few people around as possible—

Chair: May I just call Thomas quickly?

Q28 Thomas Docherty: I have to go to see the Chief Whip, of all people.

Following on from Sir George’s point, what greater expectation do we need at the start of the Parliament to help manage colleagues’ expectations? In that first year it is quite possible that there will be a lot of legislation, which will perhaps require until Thursday at 5 o’clock, with votes going on because of Opposition days and legislation. However, there will be times when, to use a military phrase, there is a lot of “hurry

up and stand around”, where colleagues will be encouraged, by very benevolent Whips, or sent back to their constituencies. In your experience, do you think that Members understand that what you see in the first year is perhaps not what you see later in the Parliament?

Mr Straw: But in my view the first year sets the tone. It is really incumbent on the leadership of parties, including the Whips Office—Leaders of the House on the whole get it, because it is their responsibility and they tend to like the Chamber and the House—to say to Back-Bench colleagues and Ministers, “Your first responsibility is here. You are a Member of Parliament and you are elected to represent your constituency in Parliament. That is what your constituents want you to do, and by the way, Monday through Thursday, you can be almost as effective handling constituency cases here and in the Chamber, especially with iPads and stuff, as you can be if you are in your constituency office.” That tone is set at the beginning of a Parliament.

I must say, the fag end of this Parliament is unusual, certainly in my experience, compared with any I have previously experienced, because normally there is loads going on at the fag end of a Parliament as the Government of the day are trying to get legislation through. On this occasion, because they are a coalition, they have basically been paralysed for a year, and there is virtually nothing to do.

Chair: Thomas, could I just say that as a Member of Parliament you are assiduous in both your attendance here and how you serve the needs of your constituents in your constituency? It is important to put that on the record. Sorry, Sir George—I cut you off.

Sir George Young: I was just going to dispute the assertion from Mr Straw that the Government are paralysed. There are as many Bills going through in the last Session of this Parliament as I think there were in the last Session of the previous Parliament.

Martin Vickers: When James was criticising Back-Bench debates—

Mr Gray: I was posing questions, not criticising them

Martin Vickers: Well, you think they are worthless, basically.

Mr Gray: Challenging.

Q29 Martin Vickers: Or challenging.

I wrote down, “Palestine” and “badgers”. Mr Straw, you drew attention to Palestine and said that you felt that it had had some effect. With your vast foreign affairs experience, you will know far better than I whether or not that is the case. The reason I wrote those things down is because

what James said is not the perception of the public at large. Votes were taken and, as the public would see it, ignored. Linking that to your concerns about the reputation of Parliament, I would be interested to hear your comments and how you would overcome that.

Mr Straw: As a matter of constitutional law, a resolution passed by the House does not have the force of law and cannot bind the Government. If you want to do that, you have to pass legislation. That is quite right. However, where a significant number of colleagues have voted, it is remiss of Governments of both parties to dismiss a vote on the grounds that it does not matter, because, osmotically and over time, these things do matter. Again, is about leadership.

Sir George Young: On badgers, I think what happened was that the Backbench Business Committee had a debate and a vote that was against a renewal of the cull. The Government then wanted to continue the cull and, because the only vote had been against, I think that they then decided—speaking from memory—that they needed another debate to get a mandate to reverse the previous decision, as it were. I think the first one wasn't wholly ignored. I may stand to be corrected, but speaking from memory I think we had to have another go at it.

Q30 Jacob Rees-Mogg: I was one of the very small number of people—indeed, I may have been the only one—who voted against the motion to stop the badger cull. I voted to continue the badger cull on the Back-Bench business day, but I do not remember a second vote to reverse it.

Nic Dakin: No, there wasn't a second vote.

Sir George Young: In which case, I withdraw that assertion.

Chair: We have one more question from Jacob, then David and Roger each have one.

Q31 Jacob Rees-Mogg: I would be interested to hear your views on time-limiting speeches and the point at which the time limit is so low that it becomes pointless. Where would you strike the balance between not calling everyone and actually having sensible contributions to the debate? It is a slightly leading question, because I think that three minutes is ridiculous and that it is better not to speak than to speak for three minutes, but I would appreciate your views.

Sir George Young: When I started there were no time limits; they are relatively recent. I am in favour of them. I think as a Back Bencher you ought to be able to say what you have to in 15 to 20 minutes. A Minister might need longer if he is to take interventions. Anything less than six or seven is quite difficult. I am in favour of time limits. I think there is a law of diminishing returns; the longer the speech probably

the less information. The person you have stopped from getting in by your long speech would probably have made better use of his first 10 minutes than your last 10 minutes. I am in favour, but I think three minutes is almost not worth having.

Mr Straw: I agree with George on those times. For some debates there is a good argument for having a time limit—albeit a generous one—on the opening speeches. You can have injury time for interventions. An important way that Ministers ought to be held to account is in debate. I talked about statements but if you are in a debate on a tricky subject and have loads of interventions, you really have to know your stuff.

Q32 Chair: When I was growing up through an admittedly sheltered and boring childhood, the most politically exciting times happened on “Question Time” when it was worth watching 30-odd years ago. That was when Robin Day said, “We are going to extend tonight’s programme because it is so interesting and important.” I think that happened twice. I would love to see that occasional flexibility in the House of Commons when the debate is of such importance—say about Syria—that a decision can be made quickly to allow the House to sit for a couple of additional hours.

Mr Straw: With great respect to my old friend George, I don’t think time has been so scarce not to have two days sometimes on Second Reading, and longer on Report. There is an awful lot of flim-flam. A lot of days are finishing before time.

Chair: Exactly. We occasionally end early. It should not be impossible on occasions, when the House demands it, that there is that passion and excitement to end late.

Q33 Mr Nuttall: Mine is a quick, non-political point. Will our witnesses give their views on this strange irony? On the one hand we are always told that the public do not like the conflict and the noise of PMQs. On the other hand, whenever I have requests from members of the public to attend, the only day they ever ask to come is a Wednesday to see PMQs. That might be unusual. I might be the only Member of Parliament who has noticed that. It seems that is the case, that the public like to see the conflict and the arguments set out in PMQs and a bit of liveliness. I never have requests to see business on a Monday, Tuesday or Thursday. Have the witnesses experienced similar requests from their constituents?

Sir George Young: It is entertainment; that is what they want. Last week the Prime Minister was in front of the Liaison Committee for two and half hours. Did he get any coverage? Very little. That should have been a much more interesting session: the Prime Minister being

cross-examined by the most experienced people in the Chamber, the Select Committee Chairmen, yet nothing came out of it. Yet they all want to go to Prime Minister's questions where you are lucky if you learn something new at the end of 30 minutes.

Mr Straw: It is theatre; it's like going to the zoo, especially with that ruddy glass screen. I often feel we are like animals in a zoo. It is pretty unedifying. Of course, people want to come to see it. There is a buzz in the atmosphere on a Wednesday. There is no reason why, with the re-jigging of the parliamentary timetable, you couldn't get more of a buzz on other days.

Q34 Sir Roger Gale: There is an elephant in the room that is going to potentially change the House for ever. As both of you go off into what I hope will be a glorious sunset, you leave behind a Parliament that is literally crumbling to pieces. What are we going to do? Are we going to decant completely or are we going to try to muddle along while the building is taken apart around us? You have both been party to these discussions, so what are your views?

Mr Straw: Mr Rees-Mogg will tell you that we took this into account when we looked at the governance of the House. My view is that if this place says you have to renew it section by section but that the House of Commons is not going to move from the Palace—there is no particular reason why the House of Lords should either—the planners will work round it.

I think it would be disastrous to move out. There is a lot of space in this building and, if necessary, the House of Commons can move to the House of Lords, the Lords can move into the Royal Gallery and you get on with it. We have much more space than they had after the war. I know that Church house was used for a period because the place was bombed. I do not underestimate at all the scale of the engineering work required, but it would be absurd to expect the place to move out.

Mr Gray: We would never come back.

Sir George Young: At the end of the day, you will have to balance the extra cost of working round and doing what Jack says with the removal and coming back, which I suspect would be cheaper because you can hand over the site and get on with it. The costs will therefore come down. There will be a debate as to whether we should stay and move around, as Jack said, and spend an extra x amount or go for the lower cost option—the clean break—of getting on with it and perhaps doing it more quickly and cheaply and then coming back. I don't think that any of this will happen until the economy is doing a little better

and there is the headroom in the public finances for what is a very substantial sum of public money.

Chair: I promised that that would be the last question, but I promised John that if he made it back, he could have a question. Can it be short, John?

Q35 John Hemming: It is a short question. I apologise for having a very long session of the Joint Committee on Statutory Instruments, which normally lasts only a few minutes.

Going back to an earlier point, do you think that the Backbench Business Committee should be able to table programme motions? At the moment, the Backbench Business Committee asks the Government to table a programme motion for debates, but do you think the Committee itself should be able to do that?

Sir George Young: I think I understand—you want a programme motion for your business. I think the Government has always given it. You cannot do it at the moment.

Q36 John Hemming: It has always given one, but obviously if it was sufficiently contentious, the Government would not give it. The question then is whether the Backbench Business Committee should have the power to put a programme motion down on the Order Paper.

Sir George Young: If you found that the Government was not always doing what you wanted—I think it always has—yes, but at the moment, I don't think there is a problem.

Q37 John Hemming: There is only a problem when there is a problem; that is the difficulty. The question is whether the Committee should have that power.

Sir George Young: Yes.

Mr Straw: Off the top of my head, yes, probably.

Chair: Can I draw the Committee meeting to an end by thanking you both for coming to see us today? I will say personally—it sounds a bit impetuous, having only been here for 10 years—that it has been a great privilege and honour for me to serve with you both. You both have unique styles, and I have enjoyed watching those styles. I have learnt a great deal from you both. You will both be much missed in the House of Commons, and I wish you every success in your future endeavours. Thank you very much.