



## Political and Constitutional Reform Committee

Oral evidence: [Government formation post-election](#), HC 1023

Monday 9 March 2015

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Members present: Mr Graham Allen (Chair); Tracey Crouch; Mark Durkan; Paul Flynn; Duncan Hames; Fabian Hamilton; Robert Neill; Chris Ruane; Mr Andrew Turner

Questions 32 – 159

### Examination of Witnesses

*Witnesses:* **David Natzler**, Acting Clerk of the House, and **Paul Evans**, Clerk of Journals, gave evidence.

**Q32 Chair:** Welcome, David. Is this your first outing in front of a select committee:

*David Natzler:* In front of?

**Chair:** A select committee.

*David Natzler:* Are you joking? No.

**Chair:** In your new acting capacity.

*David Natzler:* As Acting Clerk, I am not sure.

**Chair:** You are not sure?

*David Natzler:* I am not sure. I have obviously been in front of your Committee before, but possibly in a previous capacity.

**Chair:** Do you want to say anything to start us off, David, or shall we go straight in?

*David Natzler:* I think you have the questions, so we will try to do our best.

**Q33 Duncan Hames:** Good afternoon, gentlemen. Could one of you perhaps outline for us the usual timeline of events at the start of a Parliament, including the election of Speaker, swearing in of new Members, the Queen's Speech and the authority for the House to transact business?

**David Natzler:** I will start, if that is all right, and Paul is there partly to correct me, which may happen. A Parliament is summoned by proclamation to meet on a specified day. Until now, that proclamation has also been the one that dissolved the previous Parliament. As you know, dissolution is now a statutory process under the Fixed-term Parliaments Act, so no proclamation will be necessary for that. As in many things I am saying, some of these matters are for the Government or possibly are matters of law rather than parliamentary practice, but we assume there will be a proclamation at the time of dissolution that will indicate the day and the time at which Parliament is to meet.

**Q34 Chair:** Is this a royal proclamation?

**David Natzler:** Yes, sir.

**Chair:** Issued by the Clerk to the Crown?

**David Natzler:** Issued by the Crown through whatever they do to issue proclamations.

**Chair:** Also, presumably, the Crown acting on advice of the Prime Minister?

**David Natzler:** Yes, it is a form of ministerial decision.

**Q35 Chair:** So, in reality, the Prime Minister will decide when the House of Commons comes back?

**David Natzler:** Yes. That having happened, on the first day that the House of Commons is summoned to meet, first of all the Father of the House leads the House up to the Lords to hear the cause of summons, which is not a completely irrelevant point, and is also directed to go away and choose a Speaker. The Father of the House plus the House come back and immediately proceed to elect a Speaker. If the incumbent Speaker, first, is still a Member and, secondly, indicates to the Father of the House publicly in the House that he is willing to be re-elected, that question is then moved and put to the House for decision. If it is agreed, that's it for that day. The next day, day two, let us call it Wednesday because it often is, the Speaker-Elect leads the House up to the House of Lords, is approved as Speaker and lays claims to the undoubted rights and privileges of the House, returns, takes the oath and then the first day of swearing in takes place.

**Q36 Chair:** David, can I just ask you the timeline on this, please? Going by previous precedent in 2010, an election on 7 May, the swearing in of the Speaker would be on 19 May if we followed precedent.

**David Natzler:** No, the election of the Speaker.

**Chair:** The election of the Speaker would be on 19 May?

**David Natzler:** That would be on an exactly equivalent timetable; we just add a day—.

**Chair:** Unless it is changed.

**David Natzler:** Unless something changed, exactly that. Then there is swearing in— obviously you have all sworn in—which takes place under the Speaker's auspices. In other words, he lays down the days. The next week it is plain which day the State Opening will be, and we can come back to that, and on which the Session is opened by Her Majesty in the speech from the Throne. The Speaker will normally have two full-ish days of swearing in and then sometimes a mop-up day the day before the State Opening in which those who have not managed on the earlier two days can get in and take the oath. Therefore, normally around 27 May or 28 May, whichever is decided—it is not an exact science—is the day of State Opening. As you know, we then meet and we go up to hear the Queen's Speech. The House comes back. There is a suspension and then at 2.30 pm the

House resumes and the motion for the Address to the Crown is then moved and seconded and the business proceeds.

**Q37 Chair:** Just on precedent, David, that would be 26 May?

**David Natzler:** If it was a Tuesday, but we are aware that Monday 25 May is a bank holiday this year. We can discuss who decides, which is not entirely clear in procedural terms although it is in practical terms, what day the Queen gives the speech from the Throne. Conventionally, it would be either the Tuesday or the Wednesday of that bank holiday week.

The only real business that is carried out before the motion for the Address on the Queen's Speech, and having heard the Speech, is for the Clerk to say "Outlawries Bill. First Reading" and that is it. It is not moved by anybody and no further day is given. It is not real business and it is not, as is sometimes said, there in order to establish that the House can do what it likes before it proceeds to a motion for the Address. I believe it is there to show that the House can discuss matters of its own choosing other than those that may be in the Queen's Speech. In some mediaeval Parliaments in other countries you could only discuss what was in the commission. A monarch would summon Parliament and say, "I want you to discuss raising an expedition to put my brother on the throne of Sicily", and it was important that the House of Commons said, "Well, actually, brother, we are going to talk about disability benefit".

That is what it is for, but it does not go anywhere. It is not real business. It is not moved. No notice has been given of it. That is why it is a symbol that has some value.

**Q38 Paul Flynn:** What happens if the Speaker is not elected?

**David Natzler:** If the Speaker is returned by his constituency and indicates he is willing to be re-elected but is defeated, the Father of the House will then adjourn the House until 2.30 pm the next day and there will then be the procedure used in 2009 for the first time, the procedure for electing a Speaker.

**Q39 Chair:** We established, David, that the Prime Minister reconvenes the House of Commons. Does this not immediately give a conflict of interest since he is a party, possibly, in these circumstances we are discussing, to debates about the formation of a Government?

**David Natzler:** That is obviously a matter for your judgment. I do not think I said the Prime Minister reconvenes Parliament. The Queen convenes Parliament, certainly on the advice from the Prime Minister, but as for the choice of date, which is what you are talking about, possibly yes. It may be that an outgoing Prime Minister at the time of a proclamation might think it was to his or her advantage to bring it on early, to put it off late or whatever.

I do not think it is a technical decision, although in 2010 the length of time was unusual. In other words this extra week where you do not sit and you do not swear and so on and this year it would be the week of 11 to 15 May, the week where we will have induction. There will be induction of new Members, particularly by the parties but also by the service of the House. That was asked for by the Modernisation Committee and the Administration Committee wanted it so that it gave a little breathing space. Of course, in the events of 2010 that proved to be maybe helpful, maybe not. However, it was not that the Prime Minister put it off; it was general consent to say, "Let us have a little bit longer so that people can get settled in".

**Q40 Chair:** Before 2010 it made sense to have a few days' induction for Members but in 2010, not that anyone could have predicted it, but also in 2015 when there is a possibility of a hung Parliament it does not make any sense to delay the House sitting, particularly for something like induction that can take place while the newly elected Members are in Westminster. You're going to tell me that is, again, a matter for the Prime Minister.

**David Natzler:** That is a matter of opinion. I was just pointing out that in 2010, looking back, it is interesting that the delay that would prove to some people to be helpful, maybe not, was introduced for quite a different and bipartisan, generally-accepted reason. All parties asked the Government, “Please would you give us that week”, but you are absolutely right. No one is saying that week is crucially necessary to the running of the House of Commons. It was something that was asked for and may or may not be sought this time.

**Q41 Duncan Hames:** Once the proclamation has been made, is there any means by which the date at which Parliament first meets and indeed the date of the Queen’s Speech can subsequently be either brought forward or put back?

**David Natzler:** Can we do the two things separately? The date for the Queen’s Speech is not set by proclamation. On the question of whether the proclamation can be advanced, my understanding is, and this is not a matter of procedure but of law, that it can be advanced by proclamation. If, let us say, on 30 March the proclamation says, “Tuesday, 19 May, is the day of the first meeting”, and, for whatever reason, including I suppose during the election or immediately afterwards, the Prime Minister advises the Monarch to, by proclamation, advance the date, bring it forward, that can be done or it can be postponed. I think that would be done by, technically, a prorogation, but that does not matter.

The answer is it is still done by a proclamation of one sort or another. In other words, the date would be prorogued, which has happened. In other words, there have been occasions when Parliament has been summoned for a day and then, for various reasons, it has been put off. It has been delayed, which I know that is not what your Committee is interested in. It happened in 1924 and that was of a new Parliament. In other words, in 1924 the new Parliament was going to meet in late November after the election and it was put off for various reasons by two weeks.

Now, as for the Queen’s Speech, because the Queen’s Speech date, so far as we can establish, and I am being a bit cautious, it is quite hard to see when it is formally agreed. It has always just been agreed and the Government announces it. They normally announce it about the same time as the proclamation dissolving Parliament or, in this case, setting the date of the first meeting. You would expect them around 30 March to say, “Come back on 19 May”, if that is what it is, but whatever day they are choosing. I do not know which so I can speak freely and speculate. They would also say, “It is also anticipated that the State Opening will be on such and such a day”, the something of May or the something of June. They would say that, but it is not a decision and, therefore, it can be changed.

The last date at which it can be changed is when the House adjourns after its last swearing in day. Conventionally there is a swearing in day the day before State Opening, we believe. It has been recently going by Paul’s research. Therefore, at the end of that day the House just adjourns and, therefore, is going to meet the next day. There is an element of convention about this.

**Chair:** I am just keeping an eye on the time, gentlemen.

**Paul Evans:** There is a distinction between the Queen’s Speech in a session during the Parliament, which is effectively set by the prorogation proclamation, and the Queen’s Speech at the beginning of the Parliament, which is somehow free-floating and rather different. The two things are rather different and we are less certain about how the date for the Queen’s Speech at the beginning of the Parliament is arrived at.

**Q42 Chair:** The real politics of this is that there may well be a number of parties needing to talk to each other about a possible coalition and the House of Commons may not be sitting. Therefore, the discussions will be entirely in the province of party leaders. Therefore, David, is there any reason why the House could not meet and transact the business before the opening of the debate on the Queen’s Speech if that was the will of the Prime Minister?

**David Natzler:** Just to be quite clear, we have assumed that the House has met, elected a Speaker and taken the oaths?

**Chair:** On a day to be decided by the Prime Minister, yes.

**David Natzler:** Just so.

**Q43 Chair:** Therefore, one can assume the Prime Minister could call the House back earlier than that which happened in 2010? In other words, not leave 12 days before the swearing in because, of course, then all the deals would have been done, wouldn't they?

**David Natzler:** Chair, you have to be a little bit more careful. You then talked about what the Prime Minister decides in terms of the first meeting as opposed to opposed the idea.

**Chair:** Correct.

**David Natzler:** I am suggesting we have had the first meeting.

**Q44 Chair:** Well, I am taking you back then. I am challenging you to go back a stage and say in the proclamation the Prime Minister in effect could call the House back on a Saturday, a Sunday or a Monday after a general election when parties would be in full swing negotiating a coalition if that was what the numbers demanded?

**David Natzler:** Technically and it does depend a little on both legal matters and what the Government can do because they are in control of proclamations and Privy Councils and so on. Yes. If the Prime Minister of the day wanted the House to meet immediately after a general election, he could arrange that, I assume. He could summon the House to sit, not, as conservative as you have inevitably been, on the Saturday but on the Friday.

**Paul Evans:** It would depend upon the writs.

**David Natzler:** Well, assuming that we have received the writs of return, but there is no law that I know that says they all have to have been returned. Assuming the Northern Irish votes are all settled, you could then meet on the Friday or the Saturday. With agreement, if everyone was in favour of it, and "everyone" includes those people who are making prerogative decisions who would want to be assured that this was the will of the overwhelming majority, you could probably elide the various processions. Are you with me? No.

**Q45 Chair:** Are you saying the Prime Minister has to consult some people before he can bring the House back on, say, the Monday after an election?

**David Natzler:** No.

**Chair:** Okay, so he can get on and do that.

**David Natzler:** The speed at which things then happen does depend on some other actors.

**Q46 Chair:** I am at this moment less concerned about the processions.

**David Natzler:** No, you are concerned about it because until you have a Speaker, you cannot have a House.

**Chair:** That could happen on the Monday, let us say.

**David Natzler:** Then you have to elect the Speaker.

**Q47 Chair:** The House could sit and discuss whatever matters it wished. It could have an open-ended discussion where colleagues from all parties may wish to say what they felt about a particular other party or about particular policy things that they cared dearly about that are being discussed at that moment between the party leaders. That would be perfectly feasible on the parliamentary agenda?

**David Natzler:** That I am not convinced of.

**Q48 Chair:** What would prevent that from happening?

**David Natzler:** The question is: who would summon the House? Having got the Speaker and having raced through, which is quite conceivable—if there was an emergency it is what we would do. Again being risky, you could swear in at perhaps twice the speed you do now. Currently you do about 90 a half hour—

**Q49 Chair:** So, while the future of the country is being decided outside—

**David Natzler:** Can I finish?

**Chair:** No, I am going to interrupt you, if I may. While the future of the country is being decided outside this place, we, as Members of Parliament, newly elected by the British people, cannot have a discussion about that because of some procedural thing about how we swear in Members of Parliament?

**David Natzler:** I was not allowed to finish but we have discussed this before. It is not a procedural thing. It is statute law. You are welcome to, if you like, have a meeting of the House without having taken the oath but the seats will then be vacated. It is not a problem. It is a matter of statute and not of procedure that you have to take the oath. What I am saying is you could accelerate the process massively if there was an emergency or if that is what everybody wanted and “everybody” includes the Speaker, once you have elected them, because he then has quite a control over when the House sits.

If you had elided, so far as possible, all the various statutory and conventional proceedings, the issue would then be would the Speaker be willing, on his own bat as it were, to summon the House to debate, presumably, a motion and to allow it to be circulated and printed before the Queen’s Speech, I assume. I am saying to you that it is a very big question but that is the person who would eventually have to decide that. Otherwise he would wait for the State Opening and then for the motion for the Address, which is moved without notice. In other words, he would pursue, as the guardian of the constitution, the normal course.

**Q50 Chair:** When is the earliest day that you think the House could meet to transact business such as this?

**David Natzler:** Such as?

**Chair:** Such as a discussion—

**David Natzler:** A motion of some sort?

**Chair:** Well, I am asking for your advice on how we do this, David.

**David Natzler:** If you want to discuss a motion, then it has to be in writing available to the House a reasonable time before, even if it is a few hours. You have to have chosen the Speaker. You have to have given everyone the opportunity to take the oath to make sure they are not immediately having their seats vacated by taking part in proceedings. You would then have to persuade particularly the Speaker that he should, of his own volition, summon the House. How quickly could he do that? Very quickly. Monday or Tuesday, but this is all very hypothetical.



**Q51 Chair:** It could be within a few days of the general election if the Prime Minister and everyone else felt this was a helpful thing?

**David Natzler:** When you say the Prime Minister and everyone else, the answer is yes, if there was a consensus enough to protect the Speaker to doing that.

**Q52 Chair:** What is the longest delay the Prime Minister can put forward to stop the newly elected House of Commons meeting in order that it cannot discuss any issues like this? Do we know?

**Paul Evans:** I think the constraints on that are political rather than procedural.

**Chair:** It could be weeks or months, theoretically?

**Paul Evans:** In theory, yes.

**David Natzler:** There is no statutory obligation to summon the House. As Paul says, it is political and dangerous to speculate, but if there was seen to be a long, long delay, the Speaker would be appealed to to use his powers to do something.

**Q53 Chair:** The last one from me, is it possible for the Prime Minister to put, through the royal proclamation on 30 March, an option that, should there be an inconclusive result to the general election, the House shall meet on such and such a date or, if there is a conclusive result to the election, it can chill out; go and have three or four weeks' break and then come back when we are all organised?

**David Natzler:** That is a legal question. The common-sense answer would be no. He must say in the proclamation when he wants but, as he can change the proclamation, that is the better way of doing it. Obviously he can politically advertise that if there is an inconclusive result, he would be intending to follow your motion and bring it home earlier, but I think he would do it that way rather than leaving it with someone to interpret the proclamation and how decisive is a result.

**Q54 Chair:** We have just concluded a very important report on voter engagement and much of it talked about people's disenchantment with the political classes and the way Parliament conducts itself. Do you think that would be enhanced or reduced if the House were not to meet with its newly elected Members of Parliament, I stress newly elected, and to have a fix going on outside of the precincts of the House when it is perfectly possible for Members of Parliament to meet here and discuss, both in the House and within their parties, events that are happening outside? Is that a definition of an important reason for the House to meet?

**David Natzler:** Obviously I am not going to try to interpret that and it is not for me to interpret but I would say, just for the avoidance of doubt, MPs can meet here from 7 May onwards. There are meeting rooms for the parties, including for the PLP and the 22, and they are absolutely free to meet. It is no secret that the rooms are there ready for them to meet, as they were in 2010.

**Duncan Hames:** I recall, Chair, that my party met in the Grand Committee Room off Westminster Hall to debate that fix.

**Chair:** Only fitting.

**Q55 Duncan Hames:** Albeit in private session last time.

We have been discussing the context in which we might be able to act on a recommendation we heard from the Institute for Government, that a nomination vote to establish the authority of the new Administration should be held as early as possible in the new Parliament and business that would precede a Queen's Speech that we have just been discussing this afternoon would be one

such item of business certainly that the Chair has in mind. If there was agreement that this is what the House wanted to do, how could such a nomination vote be facilitated?

**David Natzler:** Paul may want to join in. We are in slightly hypothetical realms here, but if there were a desire for a nomination vote either before or—I would suggest a slight element of patience—the day after the Queen’s Speech were wanted, the classic way to do it would be for your Committee to produce a report and get it endorsed by the House. That is how we normally proceed if you want to change something and then everything changes amazingly quickly. It seemed to me, obviously having discussed it with Robert and Peter and so on, is that you still have the Queen’s Speech before. You can have, I suppose, a very brief Queen’s Speech that does not try to set out a legislative programme but says, “Members of the Commons, you are going to be asked to go away and nominate or endorse”, or whatever the name of the vote is, “a Prime Minister to recommend that name to Her Majesty to appoint”. That then becomes what is the Queen’s Speech. So you could theoretically do that on day one, by motion—the thanking in the address would also somehow include the name of that person.

Now, the disadvantage of that is that Members of the House of Commons will have no notice of what that motion is to be. On the Queen’s Speech day, the Speaker calls whoever it is who is to move the Address and it is a motion without notice. Of course, it is a purely formal one and it has been the same for a long time, so it comes as no surprise to anyone. To have a motion of such importance to the country, with the eyes of the nation on the House of Commons, which was not even on an Order Paper—obviously we would print it out if it was there—but for which no notice has been formally given, when you could do the same thing 24 hours later seems to me unwise.

My advice would be you do it on the Thursday or the second day. You have the day of the Queen’s Speech. You have the motion for the Address. You have the elegance of the opening of Parliament and that is the beginning of the session. The very next day, with notice, you have an Address to the Monarch saying that Mr XY be made Prime Minister, which may or may not be amendable, and that is another matter, and so on. You have the big politics. You have a proper day laid aside for it. You do not mix it up with the Monarch being in the Palace and all the panoply of State Opening. You wait 24 hours, if you have waited that long, and then you have a proper organised debate on this vital subject. Incidentally, that is what they do in quite a lot of other Parliaments, but they are patient for that 24 hours and get rid of the ceremony of State Opening, or whatever you like to call it, and then move on—that is my thought.

**Q56 Duncan Hames:** By definition, if we were to have this business, we would not have a new Government in place at this point. We would still have what in previous meetings we have described as a caretaker Government. There would, however, potentially have been quite substantive changes in the composition of the House, certainly in terms of party groupings. We might anticipate, for example, a large increase in what are currently very minor parties in this House and some other balancing changes. If the only Government at this stage is the caretaker Government, would where political parties be found to be seated in that new House be on the basis of the composition of the caretaker Government or would it come down to the physical presence of those Members claiming their space?

**David Natzler:** It really does not matter where you are sitting.

**Q57 Duncan Hames:** So the Government Bench is not the Government Bench at this point?

**David Natzler:** No, they are not. A Bench is a Bench is a Bench and the Speaker will be quite capable, with the party managers, to sort that out. There is only ever one Government and if there is a Government, I guess they would say they would be entitled to sit where they have always been entitled to sit while they are still the Government. It really is not a matter of moment.



**Q58 Paul Flynn:** If you suggest the swearing in of MPs might be a bottle neck if it goes at the rate of 90 an hour, which would take at least seven or eight hours—

**David Natzler:** No. Sorry, I said 90 a half hour.

**Q59 Paul Flynn:** Okay, so it is four hours. Then is it possible to swear in Members, after acquiring a dozen extra bibles, in groups of 10, 12 or 20?

**David Natzler:** That depends on your interpretation of the Act. Unfortunately we are hamstrung by the words of the Parliamentary Oaths Act which says that every Member has to take the oath “at the table in the middle of the said House, and whilst a full House of Commons is there duly sitting”. So that has been taken to mean that you have to be seen to swear individually to make sure that you have sworn. Twenty years ago, the Procedure Committee looked into the whole business of the beginning of a Parliament and made various recommendations that were not acted upon and, of course, that is always open. However, as that Act has been interpreted, the idea of mass swearing, as happens indeed in other Parliaments, has been taken to be against the terms of the 1866 Act.

**Q60 Chair:** Taken by whom?

**David Natzler:** I think it is fair to say by people who have looked at it. It has never been to court, as far as I know. It would speed it up, if I may say, but 180 an hour is not bad, which is what I calculated in 1996. It may have become slower. You are, of course, only proceeding with one stream. If you were you a real hurry and you proceed with two streams, you could do it in two and a half hours.

**Chair:** Thank you, David. Thank you, Paul. Annette and Sal, will you join us, please?

### Examination of Witnesses

*Witness:* **Right Hon Annette Brooke OBE MP**, Chair, Liberal Democrat Parliamentary Party, and **Baroness Brinton**, President, Liberal Democrats, gave evidence.

**Q61 Chair:** Bob, will you start us off?

**Robert Neill:** It may seem odd, Annette, but I have been asked to ask these questions because I can be neutral about it. I do not know why, but can I put it this way: if it became clear that there is going to have to be some negotiations about how a Government is formed after the 2015 election, what processes do you as a party have in place to ensure your parliamentary party is kept informed of what is happening and so on; same as last time or different?

**Annette Brooke:** I think that is a good starting point and it is one of the reasons I suggested that we should also have Baroness Brinton with me. Our party has complex structures but it does mean that there is always a great deal of engagement with all parts of the party. If we started with our Federal Executive, because Sal, as president of the Liberal Democrats, is chair of our Federal Executive and she could perhaps explain as clearly as anybody can our actual process and structures.

**Baroness Brinton:** Just to set this in a further context, as a party we still make our policy through members’ votes at conference and so that is absolutely key. It is the Federal Executive that effectively oversees the business of the party, but we have a Federal Policy Committee as well that is heavily involved in these discussions and, of course, there is the Lords Parliamentary Group as well. The Federal Executive last time met after the results and discussed with the leadership and the negotiating team what approach we would like to see if there is an inconclusive result.

One of the lessons we learned from last time was that with the Federal Executive, the Federal Policy Committee and the two parliamentary parties you clearly cannot have much in-detail discussion. So each of the other three bodies will now form a reference group, a much smaller group of nine people, who will work with the negotiation team much more closely. That is important because it means that as there are updates to the Federal Executive and the Federal Policy Committee and the Lords Group, they are kept better informed but without the need to have very large meetings of groups of people.

**Q62 Robert Neill:** Their remit is partly to go back to people with what is happening?

**Baroness Brinton:** That is absolutely right. One thing we have not mentioned is that last time we had a special conference that took place on Saturday 16 May, so four days after the coalition agreement was initially agreed, and that is now set in constitution in the party, as is the reference group and the membership of the reference group. We now have this formal structure and we are using the model of last time to make sure we go through all the consultation routes.

**Annette Brooke:** From the perspective of MPs, we came up here on the Saturday and I think we had at least four meetings including and up to Tuesday night when there was agreement and there were other meetings with other groups and so on over that time. So there was a lot of consultation with every single newly elected MP. We also had present at those meetings, for example, representatives from local government and representatives from Wales and Scotland, because obviously they had experiences of coalition to recall.

**Q63 Robert Neill:** Is that the same mechanism whereby, if at the end of those negotiations your party was going to support a new Government in one form or another, that is also how you get the sign off or approval or whatever it is for that process?

**Annette Brooke:** Yes, we would have to work in that way because of our constitution.

**Q64 Robert Neill:** Yes, I understand that. I think you have indicated to me that these are the little changes you have made to reflect the experience. Was that broadly satisfactory, subject to those changes in your experience?

**Baroness Brinton:** Ask us in a month's time.

**Q65 Robert Neill:** By then it is probably a reasonable way to look at it.

**Annette Brooke:** I was not chairman at the time but personal reflection would be a little more time would have probably been good, but I think the speed was precipitated the then Prime Minister resigning and that meant that things went faster than perhaps people would have liked. If you had planned it, although I doubt you would have planned for that, there would have been more time to reflect on the coalition document.

**Q66 Chair:** More time in terms of meeting a little earlier or in the agreements being signed a little later, or both?

**Annette Brooke:** We did go through line by line on the coalition agreement, but a little more time would have probably given more room for reflection. That is a personal perspective.

**Q67 Chair:** At the signing end rather than the initial negotiation?

**Annette Brooke:** Yes.

**Q68 Robert Neill:** If you do not want to say then don't, but do you have any particular plans as to when you expect your MPs to come down to Westminster or is that something yet to be decided?

**Annette Brooke:** I think we are concentrating on the general election at this point in time.

**Robert Neill:** That is very sensible from all points of view.

**Annette Brooke:** We have made changes as a consequence of what went on. The females in the party did have one stumbling block in the coalition agreement. I will not go into the details of that, but we made the point very strongly that if there were any future negotiation teams, we would expect a female presence among them.

**Q69 Chair:** Is there anything you would like to add? In terms of consultation with parliamentary colleagues and the party, you set the standard for the other parties—we are going to hear John Cryer and Graham Brady—who did not do much of any of this at the time. Were you quite proud of your record or did you look askance at some of the other parties when they were leaving it to their party leaders?

**Annette Brooke:** It would be true to say, and I think I would probably pass this comment for the future, it is incumbent upon all parties that are standing to have some preparation at least at the back of the mind, if not at the front. It is true to say that it was reported back to us that the Labour Party were not very well prepared for any discussions.

**Baroness Brinton:** In particular it was about who could make decisions and negotiate and that was the stumbling block. I do not think that is a secret because it was both in David Laws's and Andrew Adonis's books. That was a particular problem for the negotiators.

**Q70 Chair:** What is your view on what could be the expected timetable, if we follow precedent, where the House itself will not be recalled for 12 days after the election and, in essence, if previous precedent is gone by, most of the parties involved in the negotiations around a coalition will not be assembled and will not meet during that 12-day period?

**Annette Brooke:** Again, my personal opinion is that I would not see a real point in the House meeting fully until there was a coalition agreement of some sort. I personally think it would be quite good to discuss any coalition agreement.

**Q71 Chair:** Let me prompt you or provoke you further and say, if it is clear that coalition talks are going on and it is clear that discussions are underway about Britain's future in Europe, the retention or not of the Trident nuclear deterrent, and a number of other very significant issues for many people, do you think that you would get that message out by talking to the media quietly rather than having 10 minutes on the Floor saying, "I have some red lines here. My party should listen to me. These things I hold dear. These things we fought an election on", to contribute as a Parliament to the background debate that the party leaders would be having at that point?

**Annette Brooke:** I think we have a reference point from the last discussions because certainly what was in our minds, or my mind anyway, was the fear that the financial markets could go into freefall if we did not come up with something that was going to give stability. That was certainly something that motivated and did not lead to very prolonged and drawn-out debate, but certainly, looking at that timetable, and we still think it is possible to have a conference should that be necessary on 16 May, it is a pretty prompt turnaround with obviously the existing Prime Minister in place.

**Baroness Brinton:** One of the other things about the special conference is that the papers for that are published and there is obviously debate now on social network and other things. Not just within the party but the wider public also see some of the debate that is going on within our party and I think we felt we were somewhat in isolation doing that. I do not think there was quite the same debate going on with the Conservatives.

**Q72 Chair:** In order to sustain a coalition for five years, which has happened, is it not important that the foundations are quite strong; that people do make agreements and they do understand the consequences and there are unfortunate compromises sometimes to be made; that people are involved and people are allowed their say, which gives legitimacy to the strength of the coalition agreement that is necessary for it to last five years?

**Annette Brooke:** I think that is extremely important and I suppose one thing that quite pleases me, looking back, is I feel that the coalition in a sense defeated the mass media, because day after day there was this pressure, I think, to suggest that the coalition was going to collapse. We still, even now, get that with reports of the coalition divided and all the rest of it. We have all learnt a lot more about coalition in this country in that, if there is not going to be perfect agreement, it is an agreement to work together and I think they are very different things. But there should be that little more time to reflect on the difficult issues, and I think also MPs need to be prepared and I say that as a Back-Bencher, because I find it very difficult to reconcile all the pulls on you because it clearly is more difficult in coalition.

**Q73 Chair:** Were there to be no meeting of the House for 12 days and, in your case, no consultation or little consultation with your party, what would the consequences be in terms of the Lib-Dem party?

**Annette Brooke:** We would need to have the consultation with our party. It would have been impossible to have signed up to a coalition without that conference, I would say.

**Baroness Brinton:** It is in our DNA. That is the way we operate. Other people at the time said, "Oh, this is tortuous. It is very complicated", but the benefit of that arrangement was that members voted on the coalition agreement. They did not all agree with it, but we had a debate and they voted for it and they have supported it. Where they have not, they have recognised that this coalition period has to be delivered. Without that, I think we would have had very serious problems much earlier on and perhaps the other party in coalition might be seeing some of that now.

**Annette Brooke:** The coalition agreement was very important as a constituency MP because it was something you could share with constituents. I walked round ward by ward where people had doubts about it and I went through it. Having that agreed meant it was something that you could go beyond your own party and talk about.

**Q74 Chair:** Annette, Sal, thank you very much, unless there are any final words.

**Annette Brooke:** I don't think so, thank you.

**Chair:** Thank you very much for your attendance today. We appreciate your advice. Thank you so much.

### **Examination of Witness**

*Witness:* **John Cryer MP**, Parliamentary Labour Party, gave evidence.

**Q75 Chair:** John, how are you?

**John Cryer:** Surviving.

**Chair:** Good. Good to see you and congratulations on your appointment as chair of the Parliamentary Labour Party.

**John Cryer:** Election.

**Chair:** Election as Chair—acclamation though. We don't believe in this democracy stuff!

**Q76 Paul Flynn:** We appreciate, John, you were not in your present exalted position in 2010.  
**John Cryer:** You say the nicest things.

**Q77 Paul Flynn:** If it becomes apparent after the new election that there has to be negotiation on the new Administration, can you tell us what processes are in place in the Labour Party to keep party members informed of the negotiations?

**John Cryer:** To keep party members or MPs informed?

**Paul Flynn:** No, MPs.

**John Cryer:** I know Annette said that the Lib-Dems have a very complicated structure. The Labour Party, as you know, also has a complicated structure. It covers three elements: the Leader and the Shadow Cabinet; the National Executive, the ruling body of the party; and the Parliamentary Labour Party. Obviously the decision at the election is going to be for the electorate to elect MPs and hopefully we will form a majority Government. If there is no conclusive result, it is up to the leaders to enter negotiations but it is then for the Leader, and this is in the Standing Orders of the NEC and in the Standing Orders of the Parliamentary Labour Party—the latter has changed a bit and I will come to that in a minute—to consult, which he would do, with the National Executive and with the PLP. The Standing Orders of the PLP were changed slightly, I think two years ago, to include a passage about, in those circumstances, consulting with members of the Parliamentary Labour Party. That is what has changed since 2010.

**Q78 Paul Flynn:** What processes are there for the Parliamentary Labour Party to give approval or otherwise to any agreement that is made between the parties for a coalition?

**John Cryer:** As to the way it would work, and this is also partly in answer to your first question, the Parliamentary Labour Party meet in full every Monday evening and the Parliamentary Committee, which is the ruling body of the Parliamentary Labour Party, meets every Wednesday afternoon. Now, the Parliamentary Committee has a majority of elected Back-Benchers. There are others, but there is a majority of elected Back-Benchers plus the chair himself who serve on that committee. The Parliamentary Committee can call a meeting of the Parliamentary Labour Party at any point. Aside from the normal meetings on a Monday evening at 6.00 pm, the Parliamentary Committee has the power to call a special meeting of the PLP at any time, even presumably when Parliament is not sitting. A special meeting of the PLP could be called at any time to discuss whatever proposals.

**Q79 Paul Flynn:** In 2010 the possibility of a coalition between Labour and the Liberal Democrats was a viable proposal. Are you satisfied with the way your parliamentary party was consulted in 2010 on the decisions made and the negotiations carried out?

**John Cryer:** Paul, I am not convinced that it was a viable proposition. I was not on the Parliamentary Committee—

**Q80 Paul Flynn:** The arithmetic suggests it. I mean it was a possibility. It could have been done—

**Chair:** We are more interested in: are you happy with the level of consultation around that possibility and others?

**John Cryer:** But the one flows from the other. Yes, there were criticisms at the time, and since, that the PLP was not consulted. Whether there was a realistic possibility of a coalition Government between the Labour Party and the Lib-Dems then dictates whether there was going to be any

meaningful consultation. I was not on the Parliamentary Committee at the time. I have been on it since then.

My recollection, having not been on the ruling body of the PLP then, it was the previous Parliamentary Committee, was that there were no concrete, realistic proposals on the table and that the negotiations between the Labour Party and the Lib-Dems were not—I may be mistaken about this but my impression was that the realistic negotiations were taking place between the Liberal Democrats and the Conservatives, not between us and the Liberal Democrats. Therefore, my assumption would be that there was nothing to put to the PLP. Having said that, should the then Labour leadership have reported back to the PLP to let them know what was going on? Yes, perhaps they should have done.

**Q81 Chair:** But didn't.

**John Cryer:** No, not that I can remember.

**Q82 Chair:** Excuse me, Paul. Even if somebody somewhere has decided there is not likely to be a coalition with one partner or another—and there may be different views: Paul, for example, feels there was a possibility of doing something with the Liberals; I feel there was a possibility of doing something with the Liberals and other parties—should we not be allowed to attend the Parliamentary Labour Party meeting and have that discussion openly? In the end you are left with just talking to the newspapers. In a democracy, is that not right?

**John Cryer:** As I said, we are in a different position now because it is now in the Standing Orders of the PLP that the PLP should be consulted in those sorts of circumstances. So it is a different position. It was not in the Standing Orders of the PLP five years ago. Now, it may be that Gordon Brown, then as Labour Leader, was proceeding, with the best will in the world, trying to get something concrete that could be discussed. It may be that he should have gone to the PLP anyway, but maybe he had a different view. As you can tell, there are all sorts of different views in the Labour Party about the negotiations at the time. My feeling is that they were not realistic negotiations. The realistic negotiations were going on elsewhere, not involving us.

**Q83 Paul Flynn:** We are discussing about the situation whereby the great and the good of all parties could carve up a coalition without consulting the newly elected Members, and the possibility of Members coming here earlier than before. How early do you expect elected Members in your party to begin to come to Westminster, if there was this will to assert themselves before a new Executive takes over?

**John Cryer:** The House of Commons authorities have made arrangements for MPs to be welcome from Friday, and it may be that there would be a general consensus that Parliament should be recalled slightly earlier than has been planned at the moment. I assume what you are alluding to is the idea that Parliament would assemble on the Saturday. Personally, I just do not see that as being viable. As David Natzler said earlier on, you have the swearing-in.

You also have the fact, by the way, which has been raised with me by a few of our Back-Bench MPs, that some counts are not due to start until the Friday. Under those circumstances, recalling Parliament on the Saturday is pretty unrealistic.

**Q84 Chair:** The question was: when would be a good time?

**John Cryer:** I am not going to specify a date. I am answering the question in my own terms, not in anybody else's terms. What I would say is that I do not see how Parliament being recalled would add anything to any negotiations that were going on. It is not as if assembling in the Chamber of the House of Commons would add anything to any negotiations that were going on. As far as the negotiations are concerned, the important thing is that the Back-Bench MPs, and, for that matter, Front-Bench MPs, in each party are consulted on and get a chance to put their views across, but I



do not see how MPs assembling in the House of Commons after all being sworn in would add to that process.

**Q85 Chair:** In your view a party meeting is more important?

**John Cryer:** Consultation with MPs, yes.

**Q86 Chair:** When would that happen, John? Would that be after the 12 days—of course, it is all cut and dried by then—or will it happen in due time so that people can have a view?

**John Cryer:** It depends what the situation is, Graham. As I said before, the ruling body of the PLP has the power, and that is dominated by Back-Benchers. It is not controlled by the leadership. It would have the power to call a meeting of the PLP at any point, either during or before Parliament meets. They could do that if there was a feeling among those Back-Bench representatives, who are all elected by people who are outside the area of collective responsibility. Those Back-Benchers, representing the Back-Benchers who have elected them, can call a meeting of the PLP at any point.

**Q87 Paul Flynn:** You recall a precedent for Back-Benchers taking a decision that forced the hand of the House in 2003, when there was a feeling that there should not be a vote on the Iraq War.

**John Cryer:** Yes.

**Paul Flynn:** One Back-Bencher collected together signatures of a majority of Back-Benchers, I think, saying they were going to have a meeting anyway, in Church House, which forced the hand of the Prime Minister and the Government to have a recall of Parliament, which actually took place. It is likely that would not have taken place without the action of the Back-Bencher, who is now the distinguished member of this Committee, and with support from the majority of Members. If Members feel strongly about this, they do not want to see a carve-up by the leaders of the party, but they want to express their own opinion, should that not be done?

**John Cryer:** What does that have to do with the House of Commons assembling in the Chamber?

**Paul Flynn:** Again, if it is thought it is not going to be done under the rules of the House and it is something that could take place in Church House or somewhere elsewhere, I believe that would then have a similar result and force the hand of the Prime Minister who remains to recall Parliament so that the voice of Back-Benchers can be heard before any coalition is agreed.

**John Cryer:** Sorry, Paul. Are you talking about calling together the PLP or all the parties to meet together?

**Q88 Paul Flynn:** Yes, I am talking about what your view would be on that.

**John Cryer:** Calling all the parties together?

**Paul Flynn:** Yes.

**John Cryer:** I do not see how that would further any negotiations. The idea that there is a parallel between calling Parliament here to meet as the House of Commons, all parties as the House of Commons, in order in some way to further the negotiations towards forming a new Executive and what happened in the run-up to the Iraq War, I do not see the parallel. There was a clear unity of purpose, because you and I were both involved in that. There was a clear unity of purpose among Back-Benchers of all parties, not so much the Conservatives but certainly Labour and many Liberal Democrats and minor parties, that not only should there be a vote, that we were going to vote against but there should be a substantive motion, and all that happened. There was a substantive motion.

The parallel between that and the idea that calling all parties together in the Chamber of the House of Commons or wherever, and how that would further negotiations between parties in the event of a hung Parliament, I do not see that there is a parallel between the two situations.

**Q89 Chair:** We are just trying to find out, John, what your view is. You do not want to meet on a Saturday. You do not want Parliament to meet.

**John Cryer:** No, I am not saying that.

**Chair:** There is a power to bring the Parliamentary Committee together.

**John Cryer:** No, I did not say that. I did not say that. I did not say I did not want Parliament to meet.

**Q90 Chair:** What is it that you would like to do when everyone has been newly elected and a deal is going on between the party leaders? What would you like to do as the chair of a party?

**John Cryer:** I did not say Parliament should not be recalled earlier. I am saying that recalling on a Saturday is impractical. If there was a consensus that Parliament should be recalled for whatever reason, then that is fine. I do not have a strong view on that.

**Q91 Chair:** How are you going to get that consensus or find out about it?

**John Cryer:** As far as the consultations with Back-Bench MPs are concerned, that is for each individual party. I do not think that it is for Conservative MPs to argue that the Labour Party should—

**Q92 Chair:** No. No one is suggesting that, John. I am asking you very directly, John. I do not know how much more explicit I can be. What is it in your mind about recalling your parliamentary colleagues to talk about deals that may be going on, if there is coalition-making? What are you thinking?

**John Cryer:** I think the Parliamentary Labour Party should meet under those circumstances if there is something to report and, under those circumstances, it is up to the ruling body of the PLP to call a meeting of the PLP, but I do not see that that is connected to Parliament meeting as a single body in the Chamber of the House of Commons.

**Q93 Duncan Hames:** John, in previous meetings it has been made very clear by witnesses to this Committee that Gordon Brown staying in office for a period of time after the election was not just entirely honourable, but was constitutionally necessary. None the less, the point came where he did stand down.

**John Cryer:** Yes.

**Q94 Duncan Hames:** What I would like to understand better, and perhaps you could give us a view on, is whether it is feasible practically for the Labour Party to conduct negotiations on the formation of the Government in the circumstances in which there is a vacancy for the position of leader of the party. Does it just become impossible at that stage?

**John Cryer:** Why would there be a vacancy for leader of the party? I know what happened in 2010, but it is not likely to be repeated, is it? The last time we were in power, Gordon Brown was clearly seen by some elements as some kind of stumbling block. Whether they were right or wrong, I think there were all sorts of forces at play there. That is not likely to be repeated because we are not in power.

**Q95 Duncan Hames:** Do you take the view that once that did happen in 2010, it would have become impossible for the Labour Party to be led into a Government without its party leader in place?

**John Cryer:** We had a party leader in place. Once Gordon Brown stepped down, his deputy took over as leader of the party, as you would expect. To elect the leader of the Labour Party is a very

complicated process, more complex than any of the big parties in Britain. You cannot just magic a new leader out of the ether. We did have a leader in place.

**Q96 Duncan Hames:** The deputy leader, as acting leader, could in future lead the party into negotiations for the formation of the Government?

**John Cryer:** As I say, I was not involved at the time, but my understanding was that the deputy leader at the time did conduct negotiations in 2010, but that is hardly likely to happen this time because it is a completely different situation.

**Q97 Chair:** John, let us get this right. You think that in these circumstances—it may not happen, of course—the Parliamentary Labour Party could be reconvened in order to have a report back from its negotiating team or the party leader.

**John Cryer:** Yes.

**Q98 Chair:** Do you think it could take the initiative in requesting a meeting, saying that there are certain things that are in the programme of the party that they feel are red-lined and should not be put on the table in any discussions, so it is a nuance between a report back, which is really at the behest of the leadership or those negotiating, and taking the initiative so that people who have just been elected, not necessarily retreads like you and me, but people who are brand-new Members of Parliament for the first time ever, can have a voice during that week?

**John Cryer:** As I said before, the ruling body of the PLP, the Parliamentary Committee, is in no way under the control of the leader or the leadership. It is very much a Back-Bench body, elected by the Back-Benchers. That body could take the initiative. What I would expect was that if there was a strong feeling that the PLP should be recalled or called after an election, a meeting should be called, then I would expect that Back-Bench MPs would be contacting their representatives on the ruling body of the PLP and saying, “We need a meeting”, or, “We need this”, or, “We need that”. That is the way it works at the moment, and that is the way it has worked for quite a long time, more often in Government than in Opposition, but that is how it would work.

**Chair:** John, that is helpful.

**Q99 Tracey Crouch:** I am sorry; I am not an expert on Labour Party matters. You mentioned that electing a Labour leader is an incredibly complex, complicated process.

**John Cryer:** Yes.

**Tracey Crouch:** There are obviously three parts to that: electoral college. I just wondered whether or not the other two parts of your Members and your union friends play any role whatsoever in the negotiations in terms of coalition, or is it just literally down to the PLP to—

**John Cryer:** No. I mentioned at the beginning that there are three parts. There would be three areas of the process: the National Executive, the Shadow Cabinet and the Parliamentary Labour Party. The National Executive has representatives from all parts of the Labour movement, all elected but all areas of the Labour movement. You have mentioned the three areas. They are represented on the National Executive and, again, it is in our NEC Standing Orders that, under those circumstances, the NEC has to be consulted.

**Q100 Tracey Crouch:** So, the unions will have some formal role in the negotiation consultation?

**John Cryer:** The representatives of affiliated organisations will be consulted on National Executive.

**Tracey Crouch:** Thank you.

**Q101 Chair:** John, is there anything else you want to say while you are here?

**John Cryer:** I think we have covered everything.

**Chair:** Great. Thank you ever so much. Thanks for coming.

**John Cryer:** Thank you.

### Examination of Witness

*Witness:* **Sir Jeremy Heywood**, Cabinet Secretary and Head of the Civil Service, gave evidence.

**Q102 Chair:** Jeremy, how are you? Welcome. We are always very kind and polite to you; so if we can arrange a whisky and lemon, we will do that as well.

**Sir Jeremy Heywood:** I will just get some water.

**Q103 Chair:** Jeremy, you know what we are doing today. We are having a look at the immediate post-election position, and we have just been talking to the Clerks and two of the party chairs in the House, and we will have Graham Brady after you at 6.15 pm. Is there anything you want to say just to frame our discussion about what happened in 2010 and what may be different this time?

**Sir Jeremy Heywood:** Since you asked, Mr Chairman, I think it would be sensible for me to set out the four principles that I think will be guiding me and the politicians as well over the period ahead. Of course, this is all a very hypothetical discussion. There may well be a Government elected with a full working majority. I suspect we will not be considering that outcome in this Committee today, but let us just be clear we are talking about hypotheticals here in a way that is most uncharacteristic of people in my office. Let me just put that on the record to start with.

The basic principles that are important to bear in mind are, first of all, that there must be continuity of Government. We cannot have a hiatus in the British Government. There has to be clarity at all times about who is the incumbent Prime Minister, which is the incumbent Government, who is the Monarch's, the Sovereign's, principal advisor. That continuity of Government I think is absolutely essential. We should do nothing to jeopardise that.

Secondly, it is a long-standing convention and practice, and all the Prime Ministers I have ever worked with share it very deeply, that the Queen must be kept out of politics, not sucked into any sort of political controversy. None of us, the politicians or the civil service, must put her in a position where she is making controversial political choices or indeed playing any significant role in the political domain at all. Protecting the Sovereign from political controversy is the second important principle.

The third important principle is that after the people have spoken in the election, it is up to the elected representatives in the House of Commons to decide what Government formations have a chance of being accepted by the House of Commons and so on. Those are matters for politicians, not for the civil service, not for the media, and certainly not for the Queen, as I have said. It is for the elected representatives in the House of Commons to conduct those discussions about coalitions or minority Governments or interparty agreements. It is a matter for elected politicians.

Fourthly, it follows from that that from my perspective, as head of the civil service, the civil service's role is to support the incumbent Government of the day in the essential Government of Britain, but otherwise to remain completely impartial. In the Government formation, the civil service's role is to be providing logistical support, to provide factual advice, but not to try to sway the coalition discussions in one direction or another. We are impartial when it comes to that because that is an issue for the elected politicians.

Those are the four key principles that I will stick with. I think they are widely accepted by all main political parties. They are consistent with what is in the Cabinet Manual, and I think that that is going to be a very good guide to the discussion ahead.

**Q104 Chris Ruane:** What plans are there to announce the date of the first meeting of the new Parliament, and also of the Queen's Speech?

*Sir Jeremy Heywood:* I think it is normal to announce that at the time Parliament is dissolved on 30 March and I would expect that to happen. When I say what will be announced, that will be when Parliament comes back. The time of the Queen's Speech can, I think, be decided at a later stage. I am not sure whether that will be announced on 30 March.

**Q105 Chris Ruane:** What part of a later stage? Within how many days?

*Sir Jeremy Heywood:* I do not think there is any great constraint constitutionally on when it is announced, but in good time for the Queen's Speech itself to happen.

**Q106 Chris Ruane:** Our previous witnesses have told us that if the election result is unclear, the negotiations on Government formation may take longer in 2015 than they did after the 2010 election. I think it was 12 days after the 2010 election. What plans does the civil service have in place should there be an extended period of negotiations?

*Sir Jeremy Heywood:* The civil service continues to support the Government of the day on essential Government business and that will continue throughout this period, however long any process of coalition formation or minority Government formation takes. I do not think there are any other special preparations that are time-dependent. Clearly, we have a good eye for which international meetings will take place in May and which big Government contracts come up in May or June. We have an eye to those things, but essential Government business happens come what may, whatever the state of play is on the coalition negotiations, if that is the world we are in.

**Q107 Chris Ruane:** We heard previously, I think from Annette Brooke, that there was concern in 2010 that an extended period without a clear majority or without Government sitting threatened the financial markets. Are there any other risks to the country if there is no clear majority for any party in the House of Commons and early agreement is not reached?

*Sir Jeremy Heywood:* If you are asking me the question, "What risks might there be if it is unclear whether there is a Government with a working majority?" then there are many risks attaching to potentially unstable Government. I think it would be quite difficult to speculate in specific terms. It would depend entirely on the nature of the discussions that were taking place among the parties and so on.

**Q108 Chris Ruane:** Would it would be better for the country if that period was shorter, rather than longer? There is more uncertainty for the financial markets and other aspects of political life.

*Sir Jeremy Heywood:* It would depend on whether there was great controversy on those issues among the different parties. You do not necessarily have to have unanimity of view to avoid a financial market crisis. I do not think anyone is suggesting we are going to have a financial market crisis in this country any time soon. It is very difficult to speculate. This is hypothetical situation on hypothetical situation.

The key point is that there has to be continuity of Government, and at any point in time that there is a Government of the United Kingdom and that is supported in dealing with essential business by the civil service. If a decision is needed, then the Government can take it. They have the authority to do so.

**Q109 Chris Ruane:** The Fixed-term Parliaments Act enabled the civil service to make plans so that, as far as possible, major decisions will not have to be taken during the election period or immediately afterwards. Has the Fixed-term Parliaments Act helped you as a civil servant to plan better for this changeover period?

*Sir Jeremy Heywood:* It has certainly helped to plan when the election is going to be so you work out at what point during the five years certain things can happen. I do not think it has materially helped in the period after, at the start of a new five-year term, because whether or not you have uncertainty depends on the outcome of the election. In many scenarios, you may not have any uncertainty.

**Q110 Chair:** Jeremy, looking at the big political picture and where we are in terms of people's perception of politics, we have done a recent report on voter engagement. Although you are here and will always be here in support of the Government of the day, we fully understand that, and not necessarily Parliament per se, do you not feel that one of the risks that Chris alluded to earlier is a lack of legitimacy if the political parties are not consulted, effectively; if this is just a matter of a few leaders getting together and sorting out a coalition? Is there not a risk that the coalition that is formed could be an unstable one, not involving all the newly elected Members of Parliament, not involving their respective parties? Is that a risk, in your opinion?

*Sir Jeremy Heywood:* First of all, again, let me remind everybody we are just talking about one potential scenario here. We are not necessarily going to be talking about coalitions or minority Governments and so on.

**Chair:** No, we can take that for granted.

*Sir Jeremy Heywood:* Secondly, I think that is an issue for the political parties themselves as to how they wish to involve their memberships or their parliamentary parties in any coalition framework approval or whatever. It is not a matter for me as Cabinet Secretary. All I would say is that, over many decades now, approval of the Queen's Speech has proved to be a very robust and credible way of determining whether or not a Government can command the confidence of the House of Commons, not just as a theoretical construct but as a Government that is trying to achieve certain things. You could approve a Government in outline, but until you know what it is that a Government is going to achieve, it is not clear what it is the House of Commons is approving. I think we have a tried-and-tested approach that has stood the test of time, as I say. Personally, I think that is well understood by everybody. Certainly in the civil service it is well understood, and I think in the House of Commons too. I would be a little bit reluctant to move away from that unless we were absolutely sure there was something better.

**Q111 Chair:** Do you think parliamentarians are capable of making a thoughtful or helpful contribution in the debates around coalition-making?

*Sir Jeremy Heywood:* Of course. Of course, but it is up to the leaders of the different political parties to decide how they wish to take advantage of that wisdom.

**Chair:** That is what worries us all.

**Q112 Chris Ruane:** I think question 16 concerns constitutional principles, but that has been covered with the four principles at the outset. Both of our witnesses last week suggested that an incumbent Prime Minister, defeated in an election, should not be able to resign until a new Government has been formed. Why is this not currently an essential requirement on the incumbent Prime Minister?

*Sir Jeremy Heywood:* I think there is a debate about this that has not been fully resolved. My understanding is the Lords Constitution Committee takes the view, or took the view last year, that there was not an actual duty on an incumbent Prime Minister to behave in that way. It was more of an expectation than a duty. This Committee obviously takes a different view. Some of the experts



you have heard take the view there is a duty. The passage of time will determine whether or not what happened last time around will become a constitutional convention. That is what the Cabinet Manual says, which seeks to represent where we are at a point in time in terms of the understanding of what conventions exist and which are in germination.

Frankly, either way, it does not make a huge difference in practice. The reality is what Gordon Brown did last time was generally applauded, not in every single quarter, but the idea was that you would stay in Downing Street until it was pretty clear who would be better placed than you to form another Government. That is what he did and that is what happened, and we ended up with a very smooth transition. I would certainly urge a future Prime Minister in the same position to adopt a similar approach. Certainly, I think it is quite important that this is widely debated and discussed and hopefully agreed before the next election, just in case that issue arises again, which it may or may not. I think it would be very unfair, particularly if it took slightly longer next time than just the five days it took last time, if the incumbent Prime Minister was criticised for staying around in Downing Street when he was simply doing what most people would regard as the expectation placed upon him.

It is good that you are having this discussion and it is good that there is a debate about that so that, before we get to that issue again, this time or next time or some point in the future, there is a general understanding of what is the right thing for a Prime Minister to do.

**Q113 Chris Ruane:** Why has the Cabinet Office been reluctant to use the term “caretaker Government”, and do you think that the Cabinet Manual properly explains the different rationale for the rules in the caretaker and the purdah periods?

*Sir Jeremy Heywood:* I do not think we have been particularly reluctant to use the term. I have certainly never expressed any great reluctance to use it. All I would say is that the term we use, the purdah, and restrictions around purdah, is more commonly understood in the civil service than in Government, I think. Since the current arrangements seem to work quite well, we have not found the need to invent some new technical term, but I do not think there is any great difference of substance between those who advocate that, particularly Mr Robert Hazell, and myself. I do not think there is a great difference of view, and the Cabinet Manual—and you would expect me to say this—does explain very clearly the different sorts of periods.

**Q114 Chris Ruane:** The arrangements for the end of the caretaker period set out in paragraph 2.30 of the Cabinet Manual are said to be unclear. Do you agree that they are unclear? Is there a need for refinement?

*Sir Jeremy Heywood:* We are always prepared to look at how this can be refined if people find it unclear. It is not just for our value and our benefit. To me, the period of uncertainty comes to an end when it is clear that a Government can command a majority in the House of Commons, can command the confidence of the House of Commons in its programme. I think it is pretty clear in practice when those periods come to an end.

**Q115 Mr Turner:** The Cabinet Manual suggests that if there is a decision to be made during the caretaker period, then the incumbent Government should either make their own arrangements or consult with the Opposition. Which would they do first?

*Sir Jeremy Heywood:* That will depend very much on the particular circumstances. What is absolutely clear is during that period, whether you want to call it a caretaker period or some other terminology, the Government is the Government of the United Kingdom and have the right to govern and to take essential decisions with the support of the civil service. By long-standing convention, and I have worked for Governments of all different hues politically, all Governments have adhered to this. They will not, in a purdah period, take long-standing decisions, particularly

those of a financial nature, unless they absolutely have to. In cases where they felt they really did have to, it would be courteous to explain that to the Opposition.

**Q116 Mr Turner:** This is a matter of courtesy, rather than a genuine argument about which way the Government should go, and the Government in the end would take the decision even though they had minority in the House?

*Sir Jeremy Heywood:* My experience is that Governments in that position do not take discretionary decisions that they know to be controversial in party terms. They do not do that. If they are forced to take a decision because an issue has been presented, either a European Union decision because the Council happened to take place in an election campaign, or because some crisis has happened, a decision has to be taken. You cannot just postpone all decision-taking completely. They will try to do it on a consensual basis, particularly if there is any suggestion that another Government might take a different view. This is not a legally binding set of rules. That is why you have to have flexibility.

**Q117 Mr Turner:** No, of course. The problem last time was that the meeting took place on the Saturday, that his consultation amounted to telling them what was going to happen, and the other parties accepted that.

*Sir Jeremy Heywood:* That is my understanding of that.

**Q118 Mr Turner:** Do you think that is a consultation?

*Sir Jeremy Heywood:* I believe all three individuals were happy with the degree of consultation that took place. There was recognition that there is only one Chancellor at any point in time. A decision had to be taken there and then; it could not be postponed. The right person to make the decision in the end was the then-Chancellor of the Exchequer. As far as I know, everyone was happy with the way that was handled.

**Q119 Mr Turner:** You are saying as far as you know. You mean you did not know?

*Sir Jeremy Heywood:* I have not spoken personally to the three individuals concerned, but from what I read, what I understand their positions to be—

**Q120 Mr Turner:** Who does know what happened?

*Sir Jeremy Heywood:* I assume my predecessor, the Cabinet Secretary at the time, knew.

**Q121 Mr Turner:** Yes. I think the problem is the difference between consultation and—you cannot expect agreement, necessarily—a full understanding. I am not suggesting that it was not clear what was going to happen, but it appears that the decision very clearly was, “He is the Chancellor. He must get on with it”. That was what I read into the view of the Conservative and Liberal Members.

*Sir Jeremy Heywood:* Yes, I agree. I think that is the right interpretation. That follows from the first of the four principles I set out, which is, at any point in time, there can be no ambiguity about who is the Government of Britain. There is an incumbent Government at any point in time. In the end, if a decision absolutely has to be taken, cannot be postponed, or it would be illogical or counterproductive or expensive to postpone it, then the Government of the day has to take that decision. As a courtesy, it would be sensible to raise it with the other two people who might be involved in the future. I think it was handled exactly right.

**Q122 Mr Turner:** Thank you. What safeguards are in place for civil servants if a caretaker Minister wants to, or indeed does, go beyond the restriction on authority set out in the Cabinet Manual?

*Sir Jeremy Heywood:* Could you repeat the question, sorry?

**Mr Turner:** What safeguards are in place for civil servants if a caretaker Minister wants to go beyond the restriction on authority set out in the Cabinet Manual?

*Sir Jeremy Heywood:* There are the traditional safeguards of accounting officer directions, which apply in this period as in other periods, in cases where a civil servant or Permanent Secretary feels that a Minister wants to go ahead with a project that would not provide value for money or would not be feasible in some way, so that carries on in the same way, only with immediate publication being the presumption. Otherwise, this is just the normal checks and balances. It is basically a reputation risk and ultimately a political risk if someone is seen to be playing fast and loose with what are established conventions. The Cabinet Manual sets out what are generally accepted conventions, and if people are seen to breach them, then in the end the sanction would be a political and reputational one.

**Q123 Mr Turner:** All right. In 2010, the Cabinet Office published the guidance for civil servants prior to the election. Do you propose to do the same this time? If so, when do you expect to publish the guidance?

*Sir Jeremy Heywood:* This is the election guidance for during the purdah period?

**Mr Turner:** Yes.

*Sir Jeremy Heywood:* We will publish that at the time when the purdah period starts.

**Q124 Paul Flynn:** We could be headed into uncharted waters for this country in May, and because of the decline in support of the two main parties, we then end up with many parties being represented. In other countries, it is common for two competing groups or more to form coalitions, and someone has to take a decision then which one is asked to form a Government. It is based not just on the numbers involved. It is also based on the durability and stability of the groups. Some groups might not look to be wanting to stay in the coalition with anyone. We might find ourselves in that position here, where there are two equal groups, a Conservative group and a Labour group, with some other parties with them. You say you do not want the Monarch to be involved in this. Who else would take the decision to invite them to form a Government?

*Sir Jeremy Heywood:* The elected politicians would take the decision, and very specifically, if the incumbent Prime Minister thought that he had a realistic chance of winning a vote on the Queen's Speech, then he would have the first right to do so under our Cabinet Manual rules.

**Q125 Paul Flynn:** I do not know if you recall Robert Rhodes James, the historian and former Conservative Member of Parliament for Cambridge, writing about the situation when the Conservative Government, the Cabinet and others decided to get rid of Margaret Thatcher. The great anxiety in the party, according to Robert Rhodes James, who was an insider, was that the Prime Minister would call a general election, and she was more popular in the country then than she was anywhere else, and she could well have been re-elected. The situation then would be for someone to act in the interests of the country and judge that perhaps Mrs Thatcher would be acting to call a general election in her own personal interests, and that person is the Monarch.

**Chair:** I feel a question coming on, Paul.

**Q126 Paul Flynn:** Is this not precisely the Monarch's job and why the Head of State is there?

*Sir Jeremy Heywood:* No, I do not agree with that, Mr Flynn. I think that would be a bad mistake to drag the Sovereign into an issue of political controversy in that way.

**Q127 Paul Flynn:** That is what her role is, and the role of Head of State is that, to act for the nation above a Prime Minister or a party leader who starts acting in their own interests or their own party interests.

**Sir Jeremy Heywood:** We will just have to agree to differ on that. I do not think that is the Queen's role in this country.

**Q128 Chair:** Sir Jeremy, can Ministers who have lost their seats continue to serve in a caretaker Government and take decisions?

**Sir Jeremy Heywood:** Yes, they can.

**Q129 Mark Durkan:** Taking your health warning that this is purely hypothetical, we are talking here about contingency circumstances and so on. If there are discussions between parties following the general election, how far is the involvement of the civil service in those discussions subject to approval from the Prime Minister? Has that already been sought? Is it already there?

**Sir Jeremy Heywood:** The short answer is it is all subject to the approval of the Prime Minister. I have discussed it with the Prime Minister, and he has agreed in principle that the civil service should play the same role in 2015, if it is needed, as was played in 2010. We have not yet got into any detail and I would want to seek his advice on a few detailed points. Yes, in principle, that has already been agreed.

**Q130 Mark Durkan:** Is someone drawing up options as to what level of support might be required, possibly going beyond or learning lessons around some of the limitations from 2010?

**Sir Jeremy Heywood:** I may well do that myself, but my starting point is very clear, which is that the arrangements worked perfectly well in 2010 and do not really need to be changed. We had no negative feedback from any of the political people involved last time around about the role of the civil service. I think it worked very well, so my presumption is that we will carry on pretty much as we were before.

**Q131 Mark Durkan:** In the 2010 negotiations it seemed that civil servants produced factual briefings from the relevant departments for the negotiating parties who asked for it. That was supplied to those who requested it. Do you think that in future circumstances, if they arise, that information should be shared with other parties, or should it only be provided if and when they request the same information?

**Sir Jeremy Heywood:** That is the sort of issue I would need to talk to the Prime Minister about, but the fundamental point is correct, which is that the advice provided should be essentially of a factual nature, rather than a policy advice nature, if I can put it like that. We would be very happy to supply information on the cost of something or the legislative requirements of something or the timetable required to do something in practical terms, but not give policy advice to suggest that that policy is better than that policy, for example. That is the nature of the advice we would give, as well as logistical support and practical support of that nature, if that was required, but it would not go beyond those things.

Of course, if the same question is asked by two or three different parties, then we give the same answer.

**Q132 Mark Durkan:** What if it is not the same question that is asked by two or three different parties? Maybe they ask different questions. The same question may be raised in the civil servant's mind behind all those three different questions.

**Sir Jeremy Heywood:** I have to work through all this with the Prime Minister yet, but my assumption is that we would want to try to avoid discussions going on in one coalition grouping, to use Mr Flynn's earlier comments, leaching over into a different coalition grouping by giving any hint of the sort of issues that might be have been referred to earlier. I think a degree of confidentiality would be required. However, within the particular coalition discussion that was

going on, if that is the scenario we were talking of, I would expect a degree of openness as to the information that was being provided.

**Q133 Mark Durkan:** Would there be any fairly basic or generic information that you think should be supplied to all parties as a matter of course? There could be a range of parties that find themselves invited into negotiations, maybe on very partial issues. Some of the smaller parties might find themselves approached or sounded for support in relation to a select range of issues. Would there be any circumstances in which the civil service feels it should at least share more generic information to everybody?

*Sir Jeremy Heywood:* I cannot immediately think of a case, because I do not think we would want in any sense to be leading the witness in any way by suggesting, “Here is some information you have not asked for but we think you ought to have”. We are there to provide advice on request.

Of course, if it turns out that six out of seven parties have all asked for the same thing, then conceivably it might make sense just to produce a general note, but we are talking very hypothetically now. Basically, our task would be to provide advice of a factual nature to those parties that asked for it, and on a confidential basis, for whichever discussion is going on at that time.

**Q134 Mark Durkan:** Taking examples from the devolved situation, in Northern Ireland it is different in that the Government is formed on the basis of the agreement, but the programme for Government is then drawn up and does involve not just negotiations between the parties but clearly sourcing a lot of advice and appraisal from the civil service as well.

In Scotland and Wales, the civil service seems to have provided degrees of support in negotiations on the formation of the Government that maybe goes beyond what has been provided so far in Westminster. Do you think that the civil service in Whitehall could provide more than the supposedly factual information that is asked for by the negotiating parties?

*Sir Jeremy Heywood:* We clearly could provide more policy advice. Personally, I would not favour that, but if a future Prime Minister said, “I would like the civil service to advise all three or all four or all seven parties”, then obviously we would have to do that if that is what the Prime Minister wants us to do. My own view is that it is very—

**Q135 Mark Durkan:** Or the current Prime Minister, if he said that.

*Sir Jeremy Heywood:* Exactly. The current Prime Minister. My view is, though, that the civil service should remain impartial and be seen to be impartial as between the different parties involved in those sorts of discussions. If we start to give policy advice on the specific ideas that are being debated, there is a risk, even if totally unintentional, of our appearing to be disparaging one party’s programmes to the advantage of a different party in that discussion. I think it would be more difficult to preserve the perception of complete impartiality the more you go down the road of providing policy advice on sensitive policy issues, as opposed to objective, factual advice.

This is clearly an issue to be debated and we need to look more carefully at the Scottish example, if there is political interest in it, and see whether we can learn from it and if there is a way of doing that while meeting the concerns I have. Let me just repeat: last time around, none of the political parties wanted the policy advice of the civil service. They were very keen to do the coalition discussions themselves without the civil service in the room, and they seemed perfectly capable of reaching strong agreements among themselves without the civil service being present. That is why I drew the conclusion that the previous arrangements were very workable and perfectly satisfactory, and that is my starting point for this time round.



**Q136 Mark Durkan:** Would there be any circumstances where you could see the civil service being asked to provide advice against particular policy options?

**Sir Jeremy Heywood:** That is to my point exactly, which is, as soon as you get sucked into a discussion not about factual advice but about policy advice, then indeed, you are effectively being asked to provide advice against policies as well as in favour of them. I think you could easily find yourself in a position where your position could be caricatured as favouring one party or one coalition over another, and that would not be the right place for the civil service, which has to be impartial, has to be able to serve Governments of whatever complexion, and should not be criticisable for favouring one coalition or another. That would be totally against our ethos as a civil service.

**Q137 Chair:** In 2010 the then-Prime Minister extended the period before recalling Parliament through the Royal proclamation prior to the general election, and we have heard that part of the reason to extend it was the induction of Members of Parliament. Somehow that prevents the House from meeting, we are asked to believe, I suppose. I do not know whether you were involved in that discussion at all.

**Sir Jeremy Heywood:** In 2010, no, not particularly. My recollection was it came from the Wright Committee recommendation, so it was a Committee of this House, I think, that recommended 12 days, and the decision was taken on that basis.<sup>1</sup>

**Q138 Chair:** I am glad the Wright Committee got one thing wrong. Given the higher probability of a coalition coming forward in 2015, you presumably will advise the Prime Minister on whether there is, again, another 12-day break when Members of Parliament are just elected on 7 May, the biggest ballot in the whole of the United Kingdom, but would you still be advising the Prime Minister, in the light of 2010, that he should keep fending off Parliament and its parties until at least 12 days after a general election, during which time a deal will doubtless be struck, should there indeed be a coalition in those circumstances?

**Sir Jeremy Heywood:** I am not aware there is a groundswell of opinion against the 12 days last time around, which was the recommendation of a House of Commons Committee. If you are telling me there is a strong feeling that 12 days was wrong in some way, then I will take note of that, and, no doubt, as the Prime Minister is finalising his position on this, he will want to take note as well. My impression was that the 12 days last time around worked well. It certainly would not preclude conversations between parliamentarians and party leaders on coalition formation, to go back to our earlier conversation. As I say, this originally hailed from a House of Commons Committee, the details of which I would have to go back and understand all the reasons. I think 12 days is not abnormal by historical standards.

**Q139 Chair:** It is not that Parliament should be sitting; it is that the parties themselves should organise in Parliament prior to the House electing a Speaker and whatever, and have meetings using the facilities of the House to interact with their negotiating teams in what will be a decision that will affect the governance of the country for the next five years. It is not that you feel it is okay to park them. It is that Parliament is not necessarily the right vehicle; that meetings inside the parties are the appropriate vehicle for accountability.

**Sir Jeremy Heywood:** First of all, most of those issues are not for me. They are for the House authorities and the Acting Clerk and so on. I come back to the point I made earlier though, which is, of course, in the end, parliamentarians get to decide whether or not the Queen's Speech that has been put together is satisfactory or not. In the end, no deal that is cobbled together in the ways that you, slightly pejoratively, described could possibly survive if it did not command the confidence of

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<sup>1</sup> **Note by the witness:** "The recommendation for the 12 days between the date of the election and the first meeting of Parliament in 2010 derived from a report of the Modernisation Committee (First Report of Session 2006-2007)."



the House of Commons when it is put to that vote. That is the test. In the end, Parliament and the House of Commons will decide, regardless of these logistical points.

**Q140 Chair:** Yes, but there is a question of legitimacy that the result of the election needs to be respected, and that one of the ways to respect that is to enable those who are elected by the British people to have some sort of means of communication on deals that are being done to create a coalition.

**Sir Jeremy Heywood:** I totally agree.

**Q141 Chair:** Is that not a great responsibility, Jeremy, which you bear, as we all do?

**Sir Jeremy Heywood:** Basically, we are not disagreeing. There has to be a point at which the elected representatives of the people legitimise the deals that have been done. The point at issue is whether the traditional mechanism for doing that, which is the Queen's Speech, is now outdated or too late or is flawed in some other way. That is not my view. That is not the Government's view. It probably is your view, Mr Chairman, but I think that is what the debate is. It is not about the role of MPs. Of course MPs have the final say, and the House of Commons will decide whether or not the Queen's Speech that has been put together by the parties should be supported or not. If it cannot be supported, the precedent suggests that the Government will not survive much longer.

**Q142 Chair:** Jeremy, any final words, or have you said everything you need?

**Sir Jeremy Heywood:** That is everything.

**Chair:** Jeremy, thank you very much for your time.

**Sir Jeremy Heywood:** Thank you.

**Chair:** A pleasure to see you, as always. Thank you so much.

### Examination of Witness

*Witness:* **Mr Graham Brady**, Member of Parliament, Chair, 1922 Committee, gave evidence.

**Q143 Chair:** Graham, welcome. A great pleasure. Thank you for accepting our invitation. We have spoken to the Chair of the Parliamentary Labour Party, to the Chair of the Liberal Democrats in Parliament. You are our third and final party chair. You know we are talking about the immediate post-election situation in terms of the House being recalled, in terms of: should there on this occasion be a coalition? Are there any things you want to say to start us off before I ask Tracey to come in?

**Mr Brady:** Only to say Sir Jeremy, I gather, gave a health warning from a civil service point of view. I will give a similar health warning that while we are talking about what happens following general elections, which are inconclusive, at some future date, of course I am very confident that we will have a clear and satisfactory outcome on 7 May.

**Chair:** We are looking at a hypothetical and that is where our focus is today. I think Mr Cryer may have said something similar.

**Q144 Tracey Crouch:** It is my pleasure to be able to ask you these questions, Graham. If it becomes clear that negotiations on a new administration are likely after the 2015 election, what processes are in place to ensure that the parliamentary party is informed of the negotiations?

**Mr Brady:** I think the crucial difference from our point of view is that in 2010 this came as a surprise to all of us and our institutional framework simply was not there to deal with it; the Chairman of the 1922 Committee had not stood for re-election, the procedures that we had in place did not provide for the 22 to roll on until such time as there was a further election. This time we

have put that in place, so if there were to be a need for consultation, then the officers and the executive of the 1922 Committee would continue. Those who were fortunate to be re-elected would continue until such time as we had a further sensible opportunity for an internal election to replace those officers.

**Q145 Tracey Crouch:** What you are saying is that the Chairman and the officers, the executive as it stands today, would exist until a future point beyond negotiations. At what point would you then see the 1922 elections taking place? Immediately after negotiations? How long would you stay in place?

**Mr Brady:** I think that would be a matter for the 1922 executive to decide, but the point is that we think it is important that there should be a body there to represent the Conservative Parliamentary Party and to ensure that there is a vehicle for any discussions or negotiations. Clearly, our purpose would not be to remain in office in perpetuity, regardless of the will of our colleagues.

**Q146 Tracey Crouch:** There is a question around whether or not the Parliamentary Party will have the opportunity to give its approval of the outcome of negotiations. Do you see the role of the Parliamentary Party just to advise and consult, or would you see that there should be an opportunity for the party to say yea or no to the outcome of the negotiations?

**Mr Brady:** I think both would be essential. There is no point in forming a coalition or coming to any arrangement in which the parties are not comfortable with the content of an agreement, and that is best achieved both by involving colleagues in discussions and then by taking their view in a ballot at the end of the process.

**Q147 Tracey Crouch:** You alluded to previous discussions on coalition. Unlike the Liberal Democrats, we did not get an opportunity within the party to have a discussion about coalition. How satisfied were you with that outcome? Clearly, now that the changes are in place, you do not see any repetitions of that dissatisfaction.

**Mr Brady:** The circumstances took everybody by surprise. As I have said, the 1922 Committee was not properly constituted to ensure a proper consultation of colleagues. There were also, as you know very well, a very large number of newly elected Conservative colleagues, and while I hope there will be a great many newly elected Conservative colleagues this time, it is likely they will be a smaller percentage of the whole. I think the expectation among colleagues now, especially those who were present last time, is that there should be a much better mechanism for including all of us and making sure that the views are heard, and that we have a mechanism at the end of that to consent or not.

**Q148 Tracey Crouch:** When do you expect elected MPs to begin to come back to Westminster after the general election?

**Mr Brady:** There is the usual process of MPs coming to swear in. I am sure that the parties will also have some induction process in place for new MPs. I am confident there will be a process of Members returned or elected for the first time on 7 May, arriving at Westminster in the early part of the week that follows. What is going on in Parliament at that point—obviously, I have heard some of the previous discussion—is another matter, and it is not clear when Parliament will formally sit for the first time, but I think it is also a fair bet that if we were to have an inconclusive outcome, MPs of all parties would probably want to get to Parliament to be involved in any discussions and to make sure that they are fully informed and able to contribute to that process.

**Q149 Tracey Crouch:** What is your view on the recall of Parliament on the Saturday immediately after the election, if the outcome of the election is uncertain?

**Mr Brady:** My instinct is that the Saturday is probably a little bit too soon, especially for those Members who may not get a result until very late in the process. It is possible that some people might not know that they have been elected until late on the Friday. Saturday feels, from a practical viewpoint, a little bit soon. I can see no reason why Parliament could not come back early the following week, but the Saturday I am not so certain about.

**Q150 Chair:** The time lag between the general election taking place on 7 May and when the House first comes back, which is to elect the Speaker, if we follow the precedent of 2010, is 12 days. Correct me if I am wrong, Graham, but you are saying, in the circumstances of a potential coalition, the House coming back the week after the 7 May election, so 11 May is the Monday, 12 May is the Tuesday and so on, so coming back in that week, rather than waiting until the 19th, would mean that there would be the ability of all parties to interact with their leaders or their negotiating teams, and that is something that you seem to favour.

**Mr Brady:** Again, I refer to the evidence from Sir Jeremy that you have just taken. There are two very different functions involved here, and there is nothing at all to prevent Members of Parliament from coming to Westminster and interacting in their party groups and discussing possible arrangements. In some ways, that is likely, I would have thought, to be more relevant to the immediate business of any discussions about coalition arrangements or anything else that may be appropriate. Whether Parliament should be sitting really is more of a question about the ability to hold the Government to account. As long as the period is not too long, I am reasonably comfortable with it, but I did hear the earlier exchanges.

**Q151 Tracey Crouch:** What do you define as too long?

**Mr Brady:** That would depend partly on the circumstances. Certainly if it were to take weeks for any arrangement to be made, you could quite easily find that there would be a strong public expectation that an incumbent Government ought to be held to account by Parliament, but this is perhaps a hypothetical too far.

**Q152 Chair:** Do you think Parliament should be able to come and meet of its own volition, rather than have the Executive—you talked about accountability—decide when we are going to meet? Is that not rather a contradiction in terms?

**Mr Brady:** I am sympathetic to that argument.

**Q153 Chair:** That would be a change in Standing Orders or a change in statute, in order that Parliament automatically came back after a general election, not on the grace or favour of an incumbent Prime Minister.

**Mr Brady:** As I think you know, my view is that the Executive has far too much control over our Parliament in all sorts of ways, and that would be one of them.

**Q154 Duncan Hames:** Graham, we reflected earlier on Gordon Brown's resignation after the 2010 general election, and I asked the Chair of the Parliamentary Labour Party how—indeed, whether—the Labour Party would be able to enter into negotiations on the formation of the Government without their leader in place. He sought to persuade us that they had an arrangement with a deputy acting up, so there would be no reason why this would be a problem. Is it not the case that, in practice, it is not possible to lead even the Conservative Party into coalition negotiations without the leader still in post?

**Mr Brady:** I think it would be quite difficult to conduct coalition negotiations without a party leader.

**Q155 Duncan Hames:** In your own party, if, for example, David Cameron were to resign as Gordon Brown did as leader of the Labour Party, how would the Parliamentary Party be led in the choices that it was making in the interim until a permanent replacement was in place?

**Mr Brady:** I have no idea at all.

**Q156 Chair:** How long would it take us?

**Mr Brady:** I think generally it is preferable if party leaders do stay in post for long enough for a degree of stability and clarity to be achieved.

**Duncan Hames:** Thank you.

**Q157 Chair:** A broader question about the legitimacy of this whole process. We have just spent a long time doing a thorough report on voter engagement, and people are ever more, sadly, disengaged from our politics. As well as it is important for Members of Parliament to be engaged in this process, Graham, do you think that the public would feel that it would be quite strange and perhaps intolerable that the people they have just elected on 7 May are parked when this process is going on, purely between party leaders? Is that not another reason that there should be interaction with the parliamentary parties of all persuasions?

**Mr Brady:** Yes, and I think it is absolutely essential that Members of Parliament should be seen to be involved in any discussions of that sort. Of course, again, there are many ways in which that can happen and there are lots of opportunities for elected Members to make their views public and to be open and clear about that. In those kinds of circumstances, the public would be very engaged and watching to see the outcome and would have a very strong appetite for that kind of information.

**Q158 Chair:** If we are not careful, it will be a media circus and everyone will get their information from the media, rather than from the political parties actively engaged in the process, should there be a process.

**Mr Brady:** I think we would all have to do our best to communicate as sensibly and responsibly as we could.

**Q159 Chair:** Graham, do you have any final thoughts with this event coming up in the not-too-distant future?

**Mr Brady:** I would just reiterate my absolute confidence we will get a satisfactory outcome.

**Chair:** Graham, thank you very much for your time.

**Mr Brady:** Thank you.

**Chair:** I appreciate it. Thank you so much. Thank you, colleagues. I appreciate it.