



Procedure Committee

Oral evidence: Procedure under coronavirus restrictions, HC 300

Wednesday 1 July 2020

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[Watch the meeting](#)

Members present: Karen Bradley (Chair); Jack Brereton; Bambos Charalambous; Sir Christopher Chope; Nigel Mills; Gary Sambrook; Owen Thompson; Liz Twist; Suzanne Webb.

Questions 120 - 166

Witnesses

Dr John Benger, Clerk of the House of Commons; Matthew Hamlyn, Strategic Director, Chamber Business Team at the House of Commons.

Written evidence from witnesses:

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



Examination of Witnesses

Witnesses: Dr John Benger and Matthew Hamlyn

Q120 **Chair:** Thank you very much for coming to see us again and for this time giving evidence in public. My apologies for the late start; the Division at around 2.20 pm has delayed a number of Members, as I am sure you will understand. Unfortunately, we were not in session when the Division was called, so we could not suspend the Committee. We had to wait to start late, which is a frustration but I am sure you will understand and appreciate that. As I say, I do appreciate you coming again to give us evidence.

We must admit that when we asked if you could come, we thought there might have been more changes to the way our business was conducted in the Chamber, but clearly the decision of the Commission on Monday to stick with 2 metres has meant that the changes we were perhaps envisaging having to analyse today have not happened.

We have seen the Leader this morning. I know you have not had a chance to hear the evidence but there will be a transcript on *Hansard* as soon as it is available and on the Committee website. Could you start by explaining to the Committee the reasoning behind the Commission's decision to stick with a 2-metre rule in the House of Commons Chamber?

Dr Benger: Thank you, Chair. For the record, I am John Benger, the Clerk of the House. This is my colleague Matthew Hamlyn.

Chair: My apologies. We don't have nameplates. You would normally have them.

Dr Benger: The Commission had a paper from Public Health England and an oral briefing from a senior official of Public Health England. The implications of "1 metre-plus" were explained to members of the Commission, so all the emphasis was on what "plus" involved. Everyone knows what a metre is but what "1 metre-plus" is, in the context of the Chamber and Committees, is more complicated.

The official from Public Health England made the point that the Chamber is a particularly complicated space. It is a public space. Already quite a large number of people are there. It has ventilation and air-conditioning. People are coming in and out and there are a number of people who cannot move. The mitigations that we would need to secure to deliver the "plus" element were things such as: face masks; Perspex screens, which would probably go around three sides of the Member, boxing them in; Members not standing to deliver speeches because that increases the area in which the virus could be transmitted if anyone was carrying it; and not speaking loudly. Any form of shouting is an aggravating factor.

Faced with those scenarios, the Commission did not feel that the rather limited number of additional Members we would get with "1 metre-plus" justified those quite extreme actions. But they did ask me to go away and



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look at Bill Committee rooms to see whether at least some of those mitigations—not face masks, but certainly the boxing—might be more appropriate there than in the Chamber.

Matthew Hamlyn: I was not at the Commission meeting, so John is the expert on that. I do not have anything to add.

Chair: We have concern because, as you rightly say, it is a very complicated public space but it is probably the most visible public workspace in the country. Suzanne Webb has some questions on that topic.

Q121 **Suzanne Webb:** Some of this has been answered, but I want to explore more about what factors were taken into consideration to not implement the 1-metre rule. You have explained some reasoning in there, but I am looking at the fact that we should be setting an example to everybody out there and employers and employees in how we monitor and manage this “1 metre-plus”. Is there any detail on that?

Dr Bengler: I have to be aware as the corporate officer of risk. The Speaker has been extremely consistent throughout the coronavirus crisis that he will be guided at every step by Public Health England advice. He has left no one in any doubt about that.

We are doing our best to maximise all the functions of Parliament to the best of our ability and I take very seriously the fact that the country needs to see Parliament in action. We got Parliament in action really quickly, even when the Covid crisis was at a much higher pitch in terms of rates of transmission. But my own view is that it would not be appropriate for Parliament to set an example that breached the public health guidance that the rest of the country was being asked to operate under. That would be a rather perverse example.

Q122 **Suzanne Webb:** Yes, I fully understand the risk aspect to it. Was the advice in writing from Public Health England on how we should manage our operations here?

Dr Bengler: Yes. As of this morning, we cleared a memorandum from Public Health England to the Committee that sets out the basis. That was added to by the oral briefing from a senior official in Public Health England. What I have told you is a fairly accurate summary of the discussion that took place in the Commission. Some of that information is in the document you have and some of it came in oral briefing.

Q123 **Suzanne Webb:** There is just one aspect, if I may raise it. It is the fact that in the Chamber we are all forward facing so we are always looking into someone’s back and certainly the distance between the Government benches and the Opposition benches is more than 2 metres.

Dr Bengler: That is definitely a mitigating factor and it was taken into account, but it is not a sufficiently mitigating factor for the potential projection of particles over a range.



This is a politician's decision and the non-Member members of the Commission did not engage in the discussion. This was a matter for the Members about the idea of people sitting down to deliver speeches and the idea of people speaking quietly into a lapel microphone. The sound system in the Chamber is very complex; I mentioned this last time I came to the Committee. It is a very sophisticated system. I am not convinced that everyone having a lapel microphone in the Chamber would work. Certainly the atmosphere, which I know a number of Members think is a little too calm in some ways, would be even more subdued.

The Commission did not agonise over it. They saw it as a fairly clear decision at this stage, but this is a dynamic situation that may well change when we come back from the summer Adjournment. Then we will look at it again, I am sure.

Suzanne Webb: That answers the follow-up question about when this will be reviewed.

Q124 **Sir Christopher Chope:** Can I ask the Clerk whether the exact words of the written advice from Public Health England are available to the Committee? He referred to a memorandum, which sounds as though it is a précis rather than the actual document. Is there any reason why we cannot see the actual document? Is there any reason also why we cannot see a transcript or a very full note of the discussion that took place at the Commission meeting?

Dr Bengler: You would have to apply to the Commission for that. I am not able to divulge Commission documents. There is not a formal transcript kept of Commission meetings, so there is not a "he said, she said" transcript. That has never been the case for Commission meetings, as far as I am aware.

The Public Health England advice was written at pace to give something to the Commission in time for a meeting on Monday morning. Certainly the gist of it or the bulk of it is in the document that is before the Committee. I am confident that I have not missed anything out that the Commission discussed, if you see what I mean, by referring to the oral briefing, which was at least as important as anything in the written briefing. Members of the Commission were able to ask the official from Public Health England to amplify particular points—for example, on the relative merits of standing and seating, which may or may not have been in the memorandum you get but was certainly something he mentioned.

I am confident that you have before you, in what I have said, everything relevant that was before the Commission.

Q125 **Sir Christopher Chope:** Is there any reason why we cannot see the unexpurgated version of the evidence given by Public Health England? Perhaps you could let us know the name of the official of Public Health England.



Dr Bengler: Sure. The official was John Simpson from Public Health England. You will need to apply to the Speaker as Chair of the Commission if you want to see any earlier version of the papers that came before the Commission. I promise you that, at least in my view, between what you have now and what I have told you now, I do not believe there is anything significant missing. But of course you must make your own judgment on that.

Q126 **Sir Christopher Chope:** The reason why I am asking these questions is not just for the benefit of Members of Parliament but potentially if, for example, theatres were thinking of reopening and the issue of projection when people are using their voices to reach members of the audience. That is why I am asking about this. What role does John Simpson have with Public Health England? What is his status?

Dr Bengler: He is a senior official in Public Health England but I do not know his exact title, I am afraid. We can supply that to you.

Your point about public spaces is very well made. My understanding is that there is very specific guidance to a range of businesses and organisations. There is also guidance forthcoming very shortly for employers, which we will certainly be looking at very carefully when it comes out. I gather that is imminent.

Q127 **Sir Christopher Chope:** But it is only guidance of course, is it not?

Dr Bengler: Yes.

Q128 **Sir Christopher Chope:** That means that “so far as reasonably practicable” comes into play.

Dr Bengler: We had this discussion last time. I said to you that Parliament can essentially do what it likes as long as it stays within the law, although it tries to follow best practice in health and safety at all times. Yes, this is guidance.

Q129 **Sir Christopher Chope:** To finish off, what do you recommend we should do to be able to get a copy of this actual document? Do we have to write to the Speaker?

Dr Bengler: Yes. You should write to the Speaker as Chair of the Commission.

Q130 **Sir Christopher Chope:** Was the earlier advice given by Public Health England also in writing?

Dr Bengler: I thought that was what we were talking about. The later cleaned-up version is what you have. It does not, essentially, miss out anything in great detail. It is just that they dealt with some of the material more orally than in writing.

Q131 **Chair:** Sir Christopher was talking about the earlier advice from Public Health England that originally—



Dr Bengier: That was contained in the Speaker's letter. There were no germane differences. I do not know whether there was any written advice that preceded that but I know that absolutely all the relevant advice was in that letter.

Q132 **Chair:** Thank you, Dr Bengier. We may consider writing as a Committee to the Speaker so that there is full visibility on this.

That raises a couple of other points. We talked last time you came about the difficulties of using the galleries and the microphone system. Is any further work being done on that? It feels as if, now the Government's guidance has moved to "1 metre-plus" but we still are unable to move to "1 metre-plus" in the Chamber, we may have to think about this being slightly longer term than any of us hoped for.

The other question that we always have to ask is to ensure that the staff who work in the House of Commons are fully protected. With this point about speaking and the longer distance that maybe the particles can travel if one is speaking loudly and standing up, we want to make sure that the staff have full protection and are not being exposed in an unnecessary way.

Dr Bengier: The advice I have had from our broadcasting team is that it would be quite a significant operation to make those spaces viewable by the fixed cameras in the Chamber and the very complex sound system, but not impossible. Those spaces seem to me to be used very well by Members as subs benches to come off when other people leave the Chamber. We almost need that because it is very important we keep a flow of people.

If you have looked at some of the call lists for statements, we can have 50 names on a call list. They are obviously not all in the Chamber at the same time. To give people somewhere from where they can nip into the choir of the Chamber when they are ready to move in and other people seems to me to be quite advantageous.

Chair: That is very helpful. Thank you. We are now going to go on to use of other parts of the palace and the "1 metre-plus" rule. Bambos Charalambous has some questions on that.

Q133 **Bambos Charalambous:** My question is about the general Committee rooms. I am currently on a Bill Committee. We have used the Boothroyd Room and also Committee Room 10. We still have to practise social distancing. It was easier in Committee Room 10 but not in the Boothroyd Room. Do you have any thoughts about whether "1 metre-plus" could be better applied in those rooms and in other Committee rooms as well?

Dr Bengier: We are doing a bit of work on this right now. It could be. If you look at Committee Room 6—I have a picture of it here—there is an example of what a boxed screen would look like for members. It looks like an old-fashioned bank with screens on either side. Using those screens and using "1 metre-plus", I believe we could, first, bring more



rooms into play and, secondly, potentially boost the numbers of members on each Committee who could take part.

At the moment, I imagine that you are finding only a couple of rooms work with 2 metres and most members of the Committee in the main area. The other rooms have members sitting in the background and coming in for their bit or using almost a form of unofficial pairing while maintaining quorum.

We are looking into that. With some mitigations put in, we can get to the stage by September, which is when we have been asked to get to this stage, where we could potentially run up to half a dozen PBCs in rooms. The more mitigations we put in, the more of those rooms can have a larger number of members in them. But let us not pretend this is still back to normal. Public Bill Committees on big Bills in the past have had much higher numbers of members in certain circumstances. As with all these things, we are still having to adapt, modify and compromise to keep the show on the road as best we can.

Q134 Bambos Charalambous: My comments were also about the Select Committee rooms, which tend to be rooms such as this one. I wondered if there are any modifications. We have a bit of a hybrid system here today.

Dr Bengier: The extension of the hybrid arrangements for Select Committees is done under the authority of the Speaker. The feedback I have had from colleagues in the Committee Office is that it seems to be working very well. That is the general feeling, as we are seeing today. I have not had any pressure to modify those arrangements transmitted to me so far.

Q135 Bambos Charalambous: Do you think there is a need for any changes in the procedure?

Dr Bengier: I would have thought not at this stage. Are you aware of any, Matthew?

Matthew Hamlyn: No, but I would add, Chair, that the difference between Select Committees and general Committees, of course, is that Select Committees can make use of remote participation, which means there is less pressure on the space and more rooms are usable for Committees like this. General Committees do not have that facility, so the difficulty is finding enough Committee rooms.

Some work is being done with colleagues in the Public Bill Office and the In-House Services team to work out what we need to do. We could, given a couple of weeks and sourcing all the Perspex we need, create enough rooms to run properly socially distanced "1 metre-plus" Bill Committees regularly in more rooms than we have now. That would get us up to potentially having six concurrent Bill Committees, which is what we have been asked to provide for. It takes a bit of time to literally build the spaces.¹



Q136 **Bambos Charalambous:** Can I ask about when you are at the Table in the Chamber and social distancing there? That is quite problematic with the Front Benchers coming out and the Whips and the Speaker.

Dr Bengier: Matthew does Table duty, too. On the whole, I have found it pretty good. The gaps are measured quite precisely, so there should not be people near us. We are far enough away from the occupant of the Chair. Inevitably, people need advice from the Table. They are asked to e-mail it. We monitor the inboxes very carefully. We get notes shoved across the Table. It is fine. It does not feel particularly risky to me. I am glad to say that Members do not come and whisper in my ear as they used to.

One thing the Speaker has noticed is that on occasions Members are huddled around the edges. They may be quick conversations and I completely understand why that might be necessary, but he makes the point that the nation sees that and he typically gets letters and e-mails whenever anyone notices that happening. It is something we should be mindful of. I have not personally had a problem with it. Matthew?

Matthew Hamlyn: In the last couple of months, I can think of only one occasion when I felt a Member was uncomfortably close and it was only very briefly. There is an issue here about how long you are in close proximity to someone.

There was last minute excitement about which vote people were going to take. It was a really complicated procedural moment involving Back-Bench Members who were very passionate, rightly, about a Bill. We all fell back into the standard practice of clustering around the Table because he was concerned about getting something completely wrong. I had enormous sympathy for the position he was in. I did find myself slightly shrinking back, but that was 10 seconds or something. Most of the time we have got quite good at having hissed conversations with the people on the Front Bench.

Q137 **Bambos Charalambous:** Do you find the Adjournments help in that as well?

Dr Bengier: The little suspensions are really useful. The Speaker has kept those going. Sometimes we can dispense with them when the Chamber is very empty, but we like to wipe down the Dispatch Boxes, just as we have done here; they are an area of physical contact and there is spittle

¹ *Note by witness:* Since this evidence was given to the Committee, further guidance has been received about additional "one metre plus" requirements for general committees, going beyond the need to construct extensive Perspex screens, such as the need for Members to address the Committee sitting down and to wear masks when they were not protected by screens. Given these further requirements, the decision was taken not to pursue the "one metre plus" option in general committees; instead, work will continue to ensure as many rooms as required are viable on the basis of attendees maintaining a two-metre distance, as in the Chamber.



and so on. It is also very useful for Table Clerks and other officials to do a quick hand-around without it being obtrusive.

Matthew Hamlyn: Even when there were two of us there at once, we would normally do a handover at the Table, very close together and whispering. If you have even a couple of minutes, you can stand well apart behind the Speaker's Chair and say three things to know that are about to happen. Then we can get on with giving, I hope, reasonably seamless advice to the Chair. Even when it is only a couple of minutes, they can be very useful.

Q138 **Liz Twist:** I want to ask about whether there had been any more consideration or discussion with the Leader about virtual Bill Committees. Some of us took part in a test and it seemed quite successful. What are your thoughts on that and has there been any detailed discussion?

Dr Bengier: There has been no such discussion. We have not had any indication that the Leader is eager to pursue that option at the moment. A little bit of work was done on it and I remember those experiments being done, but we have no suggestion that the Government, who would need to table the relevant motion, are keen to pursue that.

Frankly, from a practical and technical point of view, it is easier in many ways to run Public Bill Committees physically. It is a complicated process with lots of transactions, lots of interruptions, moving of amendments, withdrawing of amendments and things. All of it is perfectly possible. You could definitely do it virtually. But from the point of view of, for example, Hansard, they would find it easier to do a PBC physically than virtually.

Q139 **Liz Twist:** I asked because we talked about the capacity of the various Committee rooms to hold Public Bill Committee meetings. I believe that not all of them are capable of holding a full Committee.

Dr Bengier: It is helpful to have an opportunity to clarify this. The main constraint about increasing the number of simultaneous Public Bill Committees we have is not physical room space. Public Bill Committees, probably more than any other proceeding, require high numbers of specialised staff, specialised software and specialised equipment. Whereas on select Committees we have a large number of staff who have been in the Committee Office and who could swap around between Committees if they needed to, you cannot just have a go at clerking a Public Bill Committee.

Public Bill procedure is quite complicated. Of course people pick it up quite quickly, but there is a much longer training period than there would be even, for example, to edit questions in the Table Office. The software that is used to produce amendments is specialist software that you need to be trained to use. It is very complicated. It is not written in Microsoft Word. It is written in something called FrameMaker. We have specialised publishing units where staff need to be trained in FrameMaker. There is the whole Hansard process.



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Those are the things that are slowing it down, not the number of Committee rooms. It is personnel and equipment, not really rooms. The number of rooms is probably at the bottom of the list of problems. It is still a problem but not a massive problem.

Q140 Liz Twist: I am coming at this from the perspective of members of the Committees. A few of us have probably experienced a request to have pairings because the Committee rooms are not big enough.

Dr Bengier: Yes, and I tried to cover that a little bit in my previous answer. You are right. That is where the box screening might come into play. With box screening, we can quite significantly increase the capacity of the rooms at the moment. If we get the capacity up to 17 or something like that, most Bill Committees can operate very effectively with that sort of number. I hope we will be able to make some progress on that. I believe there is a national shortage of the Perspex that is needed—not surprisingly, because any number of organisations are using it at the moment. But we are confident that we can put those physical arrangements in place.

Do you want to say anything on that, Matthew? You have probably been following it more carefully than I have.

Matthew Hamlyn: You have got yourself very well briefed, if I may say so.

On the virtual Public Bill Committee where we started doing that—and thanks very much to you and other Members who took part in our trial—I would add that we did not have political direction to go on doing more work; running two horses at once in case one of them was tipped to win was beyond our resourcing. We found that we had a political direction to make socially distanced PBCs and we have focused on that. Most things can be achieved if you have enough time and enough people to throw at them. On this occasion we did not have any time and the people were pretty stretched already, so we focused on the one thing that we knew the usual channels had told us they wanted.

Chair: We are going to move now on to the virtual scrutiny proceedings and I want to bring in Jack Brereton, please.

Q141 Jack Brereton: I want to ask a few other questions first, if I may, particularly with regards to social distancing, which you were referring to a minute ago. Yesterday we had quite a number of votes and some concerns were raised about how close colleagues were getting to one another and to members of staff. That was raised with the Leader earlier today. Do you have any concerns about that?

Dr Bengier: I do have concerns, yes, because these are your colleagues and my colleagues. Apart from anything else, these things are picked up and people notice them. Staff say things to me and Members say this to me as well. The Speaker will be making an announcement today in the



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Chamber at some stage to say that Members must observe social distancing.

We are on our fourth different Division system of 2020. We found that the latest system is delivering much quicker Divisions and we do not want to keep Members hanging around unnecessarily—we do not want to keep staff hanging around unnecessarily, either. If we have a sequence of half a dozen Divisions, it can take a long time. But the assumption is that Members will observe social distancing. Our timings are based on the completion of the Division, but it is very difficult in practice for my colleagues to ask Members to stand further apart. It is surely self-evident and we all should know what 2 metres looks like now. We all spend half our lives at the moment 2 metres apart. We ask Members and colleagues as well—I see colleagues huddled together sometimes—to observe it.

The time has reduced quite significantly. That is worth saying. We have gone from 25 minutes under the new system to locking the door to 12 minutes today and last night. The pressure has come down and we will have to see how that goes. I do not believe it is as a matter of fact, but if it was thought to be aggravating the situation, I am sure the Speaker would not hesitate to raise the time again.

Q142 **Jack Brereton:** There did seem to be quite an urgency to get colleagues through Lobbies last night, certainly, because of the number of votes we had and that did somewhat aggravate the situation.

Dr Bengier: That is very helpful. I will reflect that back to the Speaker and deputies and report that back. That is very helpful. Thank you.

Q143 **Jack Brereton:** Moving on to the virtual participation, what level of participation and take-up are we seeing so far with virtual participation in scrutiny proceedings?

Dr Bengier: In any one week—Matthew will correct me if I have these figures wrong—around 100 Members are participating virtually. That is the rolling average.

Q144 **Jack Brereton:** Is that more or less than was the case when we were operating hybrid?

Dr Bengier: Far fewer. I do not know what the average figure was when we were operating hybrid. We can find that out, but my belief is that there are many more Members participating physically. That has been my impression from being in the Chamber throughout this period. If it is helpful, we can go away and do a snap analysis of a week during hybrid and see how it differs.

Matthew Hamlyn: May I add one rider to that? When we were operating the fully hybrid proceedings, we were sitting only three days a week but, on the other hand, each day had more hybrid time in it because everything we did was hybrid. We would probably want to look at it. We are not quite comparing apples with apples, but we can certainly have a



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look. In the last week 108 Members took part virtually and it was pretty much the same the week before. A bit over 100 is the rolling average over four sitting days.

Q145 **Bambos Charalambous:** You mentioned the timings yesterday. I know the Deputy Speaker produced the timings for some of the votes last night. I know some people were held in the queue and did not vote and then one Member had a proxy and voted in two different Lobbies.

Dr Bengier: That is allowed to happen. That has happened a few times.

A Member designated as a proxy may cast their own vote one way and the proxy vote the other. That is permitted.

Q146 **Bambos Charalambous:** It was really about the timings.

Dr Bengier: Yes. There was an issue. The doors, having been locked, were then subsequently unlocked. This morning there was a discussion about this in the Speaker's conference to try to work out what happened. There is an investigation in progress. We need to make clear where one queue starts and one queue stops and this sort of thing. The Serjeant-at-Arms is all over this. He and his team have worked really hard. You will have seen them in the queues trying to advise you on what the particular vote is on and where we are. We are so used to votes taking a long time and the fact that they are relatively quicker may be causing a little bit of confusion, but my impression is that we are all getting used to it quite quickly and are adjusting.

I take away the point that has been made that possibly the 12 minutes is putting on more pressure. The current plan is 15 minutes for the first Division and 12 minutes for subsequent Divisions on the basis that Members should all be around the premises then and so ought to be able to speed up a little bit on a subsequent Division. We can look at these timings and get reports from the Doorkeepers and Serjeants and seeing how it is shaping up.

Q147 **Chair:** Yesterday in particular there was confusion about where one queue ended and another started. Certainly my observation—and this is just an observation—is that Members are starting to huddle as they wait to be able to rejoin the queue. There is not space for huddling, even in a socially distanced way. That is where there are some problems. I wonder whether something could be done about knowing the end of a queue and then not letting more people into that queue and making them go into a different queue perhaps and having one queue that was only for the first vote and another queue that starts for the second.

Dr Bengier: That is right, Chair. That is exactly what we are working on. The Serjeants are thinking of a sign system, a bit like when you go on the Eurostar and you are in the queue for the 1700 train and not the 1900 train or whatever.

Q148 **Chair:** Yes. Also, because of the way the queuing goes backwards and



forwards in Westminster Hall, people were not sure whether they were joining a new queue or joining an old queue. It was just very confusing yesterday. We will get used to it and we know you are doing your best, so don't worry. This is constructive comment rather than anything else.

Matthew Hamlyn: I would add—and I am not saying this just because I am on duty today and we have another six Divisions to look forward to—that one of the complexities is that often we do not know how many Divisions there are going to be at a particular point and precisely what they are going to be on.

Most of my conversations so far today have been about precisely which votes might happen when we get to 8.50 this evening. I know full well, because I know how politics works, that the three votes we think there are going to be might be completely different by 8 o'clock and we cannot really devise signage for that saying, "This might or might not be amendment 57". We keep doing our best and we keep learning every time we do one.

Chair: It will be very good when Members know that it is amendment 57 and know which way to go at that point. If we can go back to virtual participation, Owen Thompson has some questions about the self-certification process.

Q149 **Owen Thompson:** It is just a really quick one at this stage. Do you have any concerns about the way the virtual self-certification has been operating?

Dr Bengler: There were a few teething problems, particularly in week one. Some of them arose from Members getting concerned, quite reasonably enough—goodness knows we all do—because things have changed quite a lot, practically day by day.

In the first week, there was a little bit of confusion between some Members who had not quite worked out we were on a different basis than we were in the hybrid Parliament. There were a couple of instances of Members thinking that it was a matter of choice whether or not they participated virtually or physically, whereas in fact there are criteria laid down for the self-certification based on a number of principles.

We have a degree of flux every day, as you would expect. People's circumstances change from day to day. They may need to self-isolate. The guidance may change in a particular jurisdiction or whatever. We would expect there to be a degree of flux. It causes quite a lot of work, I will be honest. A lot of the work is in the Speaker's office and managing all of this stuff is quite hard.

We notice occasionally there are Members down for proxy voting and to participate virtually and then still seeking to speak in the Chamber, and that cannot be right. That is specifically proscribed. But we have had only a couple of examples where we have needed to intervene. Normally we



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can clear it up. It is a mix-up very often. On the whole, problems are diminishing rather than growing.

Matthew Hamlyn: Specifically on self-certification, the House gave the Speaker a pretty broad remit to manage that. He made it, in effect, a weekly thing with a cut-off point and on a Friday we have a list of Members who are signed up and self-certified for the following week. That gives everyone, including the Members, a bit of certainty.

There is a bit of an interaction that has not always quite worked between virtual participation, which is set up under one resolution of the House and is managed in one way, and proxy voting, which was piggybacked on to an existing resolution of the House that was set up to do something else. Although they deliberately have very similar criteria for eligibility, they operate in very different ways. Members perhaps—once again, not unreasonably—may have thought, “If you ask for one, you get the other one”.

The other complexity is that although one is managed on a weekly basis, because of the way the founding resolution for proxy voting works, it allows any Member on any given sitting day to apply for a proxy vote or to give up their proxy vote with effect from the next sitting day. It was invented for parental leave, which tends to be planned quite a long way in advance. You might extend it or decide to come back a bit early and just occasionally you might want to suspend it because there is a major event in the House. But the numbers are very low and the quantum of data we are trying to keep track of is very small. We have now increased that enormously to 173 proxy votes in operation. It is different every day, which is one point, and that is an additional overhead that we try to manage.

Dr Bengier: To give you a sense of scale, there are two proxy votes for parental leave at the moment, so the scale is massively different.

Matthew Hamlyn: If I was asked, with an administrator’s or a bureaucrat’s tidy mind, what I would like them to tidy up, it is some way of bringing more consistency into the management of and assumptions behind the two schemes, at least while we are operating for whatever reason with a very large number of proxies. That is as much to protect Members as anything else.

I am always worried that in principle to get a proxy vote you have assured the Speaker, who has issued a certificate that appears in the formal proceedings of the House, that you are unable to attend Westminster for a public health reason. Then you forget because it is the following week or something happens and you are there speaking in the Chamber or even, theoretically, just walking through Portcullis House and you have broken that undertaking. I do not know what terrible sanctions might befall you but it is not a position we want Members to be in.



Were this scheme to survive any length of time—and I am conscious you are undertaking an inquiry and have been for some time now—it is an area for administrative management of the numbers of proxy votes at this level.

Chair: This is the longest ongoing inquiry, perhaps.

Q150 **Owen Thompson:** I am conscious that there were one or two teething problems when Members had the proxy in place and had not necessarily appreciated they still had that in place when they were then attending for virtual sittings. I am aware of some who were in fact in the Chamber to ask questions. At the point at which that was spotted, they were, understandably, asked to leave and were not able to ask their questions. Would it be the plan to eventually merge the two together?

The other element here is what feels like a change over the last week. Rather than having to self-certify on an ongoing weekly basis, it now appears anyway that self-certification is an ongoing thing until it is notified differently. I suppose it is when there are continual changes like that that there is the potential for greater confusion from Members.

Dr Bengier: I feel sorry for you. It is hard enough being a Member, I imagine, without having to be aware of fast-changing rules. It is a fast-changing situation. It is a very dynamic situation in the country and it is not surprising you say that. It is plain common sense. If you have an underlying health condition that means you are going to require that throughout, it is a bit ridiculous constantly renewing it because you will be saying the same all the time. That seems to me very sensible.

Could they come together? That is up to you in the first instance and presumably the Government's response to any report you make and ultimately the House. It is worth saying that—I hope I am right in this—the conventional proxy voting resolution expires at the moment on 28 July. I don't know; I am not privy to the Government's thinking on this. I imagine they will be looking to extend it, but at the moment there are different regimes. I cannot really say whether the Government would think it desirable to conflate them or not.

Matthew Hamlyn: It is a matter for your Committee, the Government and the House itself to decide how it wants to handle it but whatever decisions are reached, conceptually these arrangements are in place to allow Members who cannot be here to take part as far as possible and represent their constituents as much as possible. If your conditions mean that you cannot be here to vote and you need a proxy, it probably also means you cannot be here doing anything else. There is a logic there.

If you were starting from square one, asking how we should make arrangements for colleagues in this position, you would probably create a single scheme that says, "You cannot do these things because they are too important and can only be done physically. These things you can do virtually, either through video-conferencing like this or through another



colleague having your proxy vote". Then you would say, "There are similar conditions and similar criteria apply". You would probably always need some kind of emergency brake.

One of the odd things about proxy voting—and I am sorry if I have bored the Committee with this before—is that at one level it is very rigid. During the course of a sitting day, in theory, you cannot change your status. Clearly, that is madness because there is always going to be an emergency and the Speaker has used his discretion on occasion. It would be quite nice if that discretion was sort of built into the system, but it is also incredibly flexible. On any day of the week, notionally, you can change your status. Bringing that a bit more into line with a default period but with a button to press in the case of emergency when circumstances very suddenly change would be sensible. This is all very much dependent on longer-term prospects for the pandemic, I guess.

Q151 Chair: I wonder if there is a way of having a notification system. If someone applies for a proxy vote and is successful, there could also be a notification that says, "You will also have to apply to participate virtually". Clearly, if you are on parental leave, you may not want to participate virtually. You may want to have those first few weeks with your child. The proxy vote enables you to have that proper time with your child without feeling the need to apply to participate in a statement or urgent question. I wonder if there is a way of having some sort of notification.

Matthew Hamlyn: Either you could do that or I suppose the House could just resolve that if a Member applies for one they are automatically enrolled in the other. If you are deciding, "I am on parental leave", it does not really matter what your status is with virtual or non-virtual anyway if you are not turning up. You could do it either through a resolution of the House or with an out-of-office e-mail, a bit like Amazon: "We see you have just bought a proxy vote. Would you be interested in our other product?"

Q152 Bambos Charalambous: Some proxies are frustrated by the inability to participate in general debates and that has caused some confusion. That has made some people want to cancel their proxy. That has led to the chopping and changing for certain situations. It might be a technical issue, but I was not sure what the reason was behind not being able to participate in general debates.

Matthew Hamlyn: It is because of the resolution of the House. It says that it is a trade. You say to the House via the Speaker, "I cannot be in Westminster for these reasons", and the House through the Speaker's certificate says, "We will give you this special access that other Members don't have". The starting point is, "I cannot be at Westminster" and you have in effect said, "I cannot do physical things in Westminster". Virtual scrutiny proceedings stop after questions and statements and it is baked in. It is a feature not a bug, I am afraid.



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At the moment, most business, for reasons that other members of the Committee have raised, is planned rather further in advance. We know usually on day one what the urgent questions are going to be on day two and that gives time for a Member to cancel their proxy vote for the next day if it is flagged up. It is a bit clunky, but we invented it only about five minutes ago as a system.

Chair: Owen Thompson has one final point and then I am going to bring Gary Sambrook in. He wants to ask about Divisions. He has to go to a meeting. If I can go to Owen first and then we will return to virtual participation after that.

Q153 **Owen Thompson:** This is following on from the points you were making. Medical or parental leave reasons are pretty clear and can be planned well in advance, but some of the public health measures might come up particularly quickly.

I am thinking here of mostly on a Monday, for example, when urgent questions and statements are applied for in the morning and taking place in the afternoon. The one-day period can have quite a significant impact there if a Member suddenly finds that the situation has changed pretty quickly. Some of these things are perhaps catching people out. I totally appreciate the situation we are in and it is so fast moving, but how can we perhaps adapt to take account of these scenarios?

Dr Benger: It is a fair point. A dilemma we face is how far ahead we plan the resources we put into this because a lot of this stuff is very expensive, to be honest. A lot of the virtual elements trigger quite a bit of cost and you could do a lot more. You could have a large cast of Members able to participate virtually and at shorter notice or able more spontaneously to intervene. But all these things require technological solutions and time and resources, often from people who are very stretched and in some cases have not had a break for a very long time, frankly.

It is quite hard for me to judge sometimes the extent to which it is a legitimate use of public funds to invest in something that at the moment the House has not shown it has the will to go in this particular direction and balancing that against the need to be resilient for changing circumstances and for the House choosing to go down a different route or for a second wave of the disease or something like that. We are making these judgments quite a bit at the moment and trying to strike a balance.

Q154 **Gary Sambrook:** On the impact of social distancing on Divisions, I cannot remember if it was last week or the week before we had a Ten-Minute Rule Bill that was divided on. The Speaker took three attempts to get a sufficient number of noes to call a Division. However, the Chamber was full and so a lot of the people who were voting no and wanted to shout no were outside in the Members' Lobby and could not get into the Chamber to shout no.

If we are going to have social distancing at 2 metres for an extended



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period, is there anything we can do to try to help in that situation? We nearly ended up without a Division because those who wanted a Division were out in the Members' Lobby queuing up to vote.

Dr Bengier: I had not heard that.

Matthew Hamlyn: Neither had I. I may even have been there. I was certainly in the building when it happened. I don't know, John, if you want to comment on that.

Dr Bengier: I can't think of an easy solution to that, to be honest, because the point about restricting the cast list in the Chamber is for public health reasons. You do not need many people to shout no to get a Division. Just get a couple of them in there and you are fine.

Gary Sambrook: I had a sore throat for the rest of the day.

Dr Bengier: It points to an interesting point. Things go wrong in unexpected areas. Most of the time we can manage perfectly well and then something odd happens. I will give you a couple of examples.

The SO 24 provision requires 40 Members to rise in their place to signify they want a debate to go ahead. We had a request for an SO 24 earlier on but we do not have 40 Members on one side of the Chamber at the moment. They are not supposed to be there and are not there. They hit upon the idea of using the galleries, which is perfectly okay. You cannot speak from there by longstanding convention but there is no reason why Members could not be there and that is where they went. That is one example of improvising in an unexpected way.

Another more problematic one was an out-of-time statement that we had on the Leicester lockdown earlier this week. Originally, you will remember, that statement was going to follow on from two UQs that were granted, but then the Speaker was approached by the Government, which is perfectly orderly, to ask that he give leave for the statement to be made later in the day. That is at the discretion of the Speaker and he listened carefully to the arguments.

To be honest, in normal times it would have been a no-brainer and of course they would have gone ahead. There were very good reasons, which were that the clearance at the highest level for the Leicester lockdown required authorisation and the detail that the Health Secretary felt he could only give later in the day because it was a fast-moving situation. The Speaker had to balance the need for the House to have that information. He very much wanted them to be given the best information so that the Health Secretary could then be interrogated.

We had the practical difficulty that the extensive broadcasting team, which was on standby and creating virtual call lists, are not expecting to be working at 9.00 at night. The notice they had for that was a very few hours. The first message we had back on that was that this was going to



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be really difficult and we thought we probably could not do it, to be honest. We had not necessarily anticipated that.

Out-of-turn statements like that are very rare. They do not happen often. We need to think about that. We need to be ready for that to happen again, but we had not really thought that they would come so late in the day. Of course, it is only on a Monday when they would come so late in the day. It was an unlucky combination. We made it, we got there, but it is these odd things that get thrown up from time to time that we are not anticipating.

Matthew Hamlyn: If I can add very briefly on both the initial point raised and that specific example. On the first point, it is ultimately always at the discretion of the Chair to decide, "My opinion has been challenged". That is what the standing order requires. It does not require a lot of Members in the Chamber.

We had a Ten-Minute Rule vote earlier today and it required 10 Members on each side really going for it, shall we say—colleagues in the SNP were backing up their man and Mr Bone and his colleagues were giving as good as they got. It was pretty clear to the Deputy Speaker that there was definitely an appetite for a vote, and we did not need any more than that. Chair, I would not be discouraged.

The point that John has just made raises a wider point. It is interesting that we have a team of people who would normally be working in participation, showing visitors around and doing outreach, who have all temporarily transferred their loyalties to supporting the Chamber. It is a really good example of moving your resource around to where the demand is. There is a team of eight and they have been working on that more or less full-time. They were expecting to do the statement at about 5 pm and very loyally said, because they can work remotely, "We will all be back online to do it this evening", which was very good of them. That was not quite included in the package, but because they are incredibly loyal we pulled that together. It was a slightly hairy moment. It is not just the technology. It is literally the people setting Members up.

That raises a wider point about planning, which John has touched on and which I have bored the Committee with before. I am authorising various, in themselves modest, amounts of money to ensure we can do something in September that we may not be required to do, but I cannot risk not being able to provide this service to the House while there is the possibility of that happening.

There is a huge amount of work that I sketched out for the Committee before when we met informally about how you can improve the model for more spontaneity. There are really clever things like you could be making a virtual speech and get an alert that a Member physically or virtually wants to intervene, almost like the hand-raise feature, and we could cue them in. You could work out ways of doing interventions on speeches either way around.



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None of this is impossible. It just takes time. It is being explored increasingly in the Lords. If we were told by the House next week, "Improve this product and expand it to five days a week and do everything and we want that running by September", with a clear direction, we would go and spend a lot more money again, recruit the right people and then deliver it.

Nothing is ever impossible. The difficulty, as John said with his accounting officer hat on, is how much to commit to things that might or might not be dead ends. It is a bit like making vaccines or new medicines: the first 299 you throw away, but you pay your dividends to your shareholders with the 300th one. We are not quite looking at those numbers, but it does feel a bit like that sometimes.

Chair: The example is remote voting. The House resolved to have remote electronic voting. A considerable amount of money was spent on developing it and then it lasted for eight days. I can well understand your concern about these things.

I know Gary has to go. Can I bring in Nigel Mills, who has been a beneficiary of parental proxy voting?

Q155 **Nigel Mills:** Yes. I am the Covid proxy voter, actually. We were just talking about the way to extend the virtual proceedings to debates as well. It is pretty clear that you could extend it in fact to debates and you could build in more spontaneity. The problem here is whether or not there is any demand for it or whether the House will approve it at any point, but it technically could be done in September if we wanted to.

Dr Bengier: The proof of that pudding is not very far away in the House of Lords, which got off to a slower start with virtual participation but is now setting the pace. Yes, all these things are possible. They are not always easy. You have to think, for example, of virtual interventions against a virtual Minister, let us say. It is not always physical versus virtual. It can get quite complicated. But I am in no doubt that we could find technical solutions for any of these challenges if the will was there. It is, of course, entirely for the House to decide what it wants to do. Matthew and I have no views on that.

Q156 **Nigel Mills:** You made the point earlier that virtual proceedings allow Members who cannot be present to represent their constituents and to do their job but to do only part of their job. They cannot take part in any debates on legislation. There seems to be a compelling logic if we are going to have virtual participation to have it on everything rather than some things, doesn't there?

Dr Bengier: You are luring me into saying that I agree with your compelling logic. I might; I might not. You are making a very respectable argument, but it is a decision for the House.

Q157 **Nigel Mills:** When would you want the House to consider that in order for it to be available in September? Would that be soon or could it be



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right before?

Dr Bengier: The earlier the better, because some of these things require development time. One of the problems we face is that a relatively small number of people have been working incredibly hard for a long time. I am very hopeful that they will get some time off in the summer and not spend the summer coming up with another solution at very late notice. Early notice makes a huge difference.

The broadcasting team, the digital team, the procedural teams, and all sorts of people, have worked at pace now for a long time, producing consistently high quality work. Matthew referred to the help we have had from visitor assistants in running the virtual operation. I saw a thank you note much earlier on in the piece that was copied to 70 different people who have been involved in that, and that is outside the core broadcasting teams. These are just volunteers doing huge amounts of work in parts of the organisation.

It does, frankly, worry me a little bit how long we can keep going in some areas. There are some areas that are under a lot of pressure and have been for quite a while. We need the break that is coming up. If there was a desire to broaden participation, which I well understand, the greater the notice the better, as far as we are concerned. I am sorry, I was not in any way being disparaging about that. It is an entirely respectable case that Members would expect to participate in parliamentary proceedings. That is what you were elected to do, to represent your constituents, and not to represent your constituents in some things and not others. I completely understand that.

Matthew Hamlyn: I will very quickly add that Clemmie Brown, a colleague who sat in one of the informal sessions has been doing all the work making this happen—an incredibly brilliant, terrifyingly young colleague, who undoubtedly will be Clerk of the House one day. I have said that on the record now. We asked her some of these specific questions. Talking to the broadcast team and to the technology guys, I am not sure we could guarantee to have transformed everything by September, but if there was a direction on travel we could certainly do more in the autumn. She said that by October we would have no limit on how many Members might at any one time be able to participate virtually, for instance. That is one metric about how you improve this.

There are things you can do by stealing back from the Lords what they have developed on the basis of our work. It would be interesting to reintroduce what the Speaker used to have—the famous free hits. When you are calling from opposite sides of the House and you have a list of Members who have put in to speak but they do not quite match a political balance, there are Members who have come to the Chamber thinking, “It is probably worth my turning up. It doesn’t do any harm”. In real time the Speaker would give you the nod — “I have a slot”, almost. It would be good to be able to do that very spontaneously. It is a point Members have made to us.



I was having a conversation with a Member the other day who said that is the bit they miss, being able to jump in because something just suddenly caught their attention. We could do work on that, and the Lords are moving on that. You could not be on the call list and be virtual and still be pulled into the debate at the Chair's discretion, which is a bit more like the old ways.

Chair: Yes. I think it might be useful for us, as a Committee, to see what the Lords are doing.

Q158 **Liz Twist:** I want to start by saying thank you to the staff. We are a bit obsessed by our own stuff and I know the staff have to deal with whatever we throw at them in the end. Thank you very much to everyone.

I would like to ask about the card-voting system. How is it operated from a practical perspective, in your view?

Dr Bengler: Matthew knows more about it than I do, but I think the short answer is, pretty well. It is quite a tough nut to crack, because the card-reading system is a security system.

Self-evidently, it is a security system and it is a deliberately very locked-down system. It is not a system that feeds into the parliamentary network; it sits outside that. It is a standalone system, quite deliberately. It is not straightforward extracting the data from it and turning it into the Division lists, the list of Members who participated in any Division, and then you have the added complication of adding the proxy votes at the end. That said, knowing its limitations, we introduced it reasonably quickly, I think. We did some useful pilot work and some useful testing and we are getting the names. It takes a good hour or more to get all the names out.

This is an exact example of the sort of dilemma that Matthew was so well describing: to what extent is it legitimate for us to invest more money in this area? If we thought that card-reading recognition of Members in Division Lobbies was here to stay—it has been mooted in the past as an alternative to Division Clerks and, from my perspective, not having to find six Division Clerks at any time of day or night that the House is sitting is a good thing, because all they are doing is literally mimicking what a card-reading system would do, which is recording the names of Members as they walk past—we would spend more money on it and produce an alternative. That would reasonably quickly mean you got those names straightaway, they would feed straight into the app, which we were very familiar with, which gave the members of the public, as well as the Whips officers, the various names. It could be used for English votes for English laws, if that was brought back into play. At the moment, the current system would not work.

There are many advantages in having a bespoke card-reading system that sits outside the security pass, which is designed for a very different purpose, but there would be a cost for that. To my mind, the House



would have to decide that that is what it wanted to do. I can't just say, "I am fed up with giving you Division Clerks; there are your pass readers".

Matthew Hamlyn: I will add to that about our experience of the system to date. Technologically, there has been no problem at all with the transmission of data from the Member's security pass, on to the pass reader, to the read-out—the report that is pulled off the system at the end of it. It is jaw-droppingly clunky at the back end, because we literally print off a great big Excel file and then, with the laptops we use to create Divisions, colleagues will sit in a room and tap in those names. It is literally reentering the text to generate a list that, under the Division system we were using up until March, you may remember, was generated automatically within 20 minutes of a Division.

We then also have to manually input all the notifications of proxy votes we have had—which is not all the proxy votes cast, as we have discovered, I am afraid, because some of them come in quite late. It is very labour-intensive. It does have the advantage in principle that the data itself is very accurately recorded in the first instance, but it is captured in a way that is really unhelpful.

My personal view is that we could adopt something that the US Congress adopted as long ago as 1973, which is to give Members a voting card and they go to pass readers in their Chamber, in the House of Representatives, and record their vote during a 15-minute period.² Taking the long view, it is not that radical, but I think it would be better to do that from scratch rather than try to piggyback it on to a system that was designed to do something completely different.

Q159 **Chair:** When we saw the Leader earlier, he was very concerned about the idea that you would need to have your card in order to vote and that carrying an identity card of some variety with you should not become a criterion for being able to vote.

Matthew Hamlyn: The House would have to design what kind of scheme it wanted, advised by bodies such as the Procedure Committee. A system that involves a voter using a voting card where you did not have to use a voting card would be typically British, shall we say, and bespoke. I will not be drawn on whether it would be a good or bad idea, but it certainly would be a feature that would be of interest.

Q160 **Liz Twist:** I think the second question about the feasibility of the role of the Division Clerks has been answered. But it seems to me this is a question of tradition versus ease of use, and it is something that you cannot decide. It is something that the House has to look at.

Dr Bengier: You will have to decide it, but I will just say there is a cost in having Division Clerks, not just the human cost of them hanging around

² *Note by witness:* The first electronic vote in the House of Representatives took place on 23 January 1973. For details see <https://history.house.gov/Exhibitions-and-Publications/Electronic-Technology/Electronic-Voting/>



but we do pay out-of-hours payments for Division Clerks in the evening. We would save a bit of money, if I could say that.

Q161 Chair: I will make one final point on Divisions, and that is about when we leave. Both Division Lobbies are coming out at the same place and there is inevitable bunching at the end. I wonder whether it would be possible to create some sort of one-way system. Some people go off towards the Library corridor, some people go back towards Portcullis House, some downstairs, some go down towards Westminster Hall through the exit past the Leader's office.

All of this is confusing and some people do not know whether they are on vote two, three, four or five, whatever it might be. If there was a clearer one-way system, as we have here, which is a very good entrance and exit system, it might make it easier for people. Although it might make it more longwinded for people to get around between votes, it might just make life easier.

Dr Bengier: I will certainly feed that back to the people managing the queues. Thank you.

Q162 Chair: I have one question that would have been put by another colleague who could not be here. It is about the call-list system, which, as you know, has had some controversy around it, partly because of the length of the call-list system and then how many people get called, and partly also the notice periods.

I think the key one is the need to put your name in on a Friday when, of course, Fridays, even in this weird virtual world, are very much constituency days for Members. Could there be some consideration given to the length of the call lists and also to the notice periods that need to be given? I appreciate the comments you made earlier about the late statement and the problem that caused. I am not asking for an answer now, but perhaps some consideration as to what may be done to make it more streamlined.

Dr Bengier: Sure. I will do the first one on the length of the list and Matthew is probably more up to date on notice periods. To be honest, they have changed a few times, and I am not sure I am yet on the right one. Regarding the length of list, I think fewer Members are now dropping out. That is just my impression in the Chamber. I am there for the first part of proceedings when call lists on statements and UQs are there.

It seems to me that people are getting the hang of whether or not they will be there and when they will be there. Speaker Hoyle has from the get-go been clear in the timings of statements and urgent questions. Most people who stood up were called under Speaker Bercow. Speaker Hoyle has quite deliberately said, "This statement will run for 45 minutes" or "this urgent question will run for an hour" or whatever. He is applying those same principles in determining the length of call lists.



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Call lists are different lengths because they are designed to last different lengths of time. Obviously there is a judgment there in trying to work out how popular a particular item is, but my impression is that the majority of feedback from Members has been positive. You are terribly busy people who welcome just a tiny degree of certainty in your lives, as we all do, and it is better to know that this is going to run for 45 minutes than to hope you get in and wonder whether it will be an hour or an hour and a half or half an hour or whatever. The length is quite deliberately set and there is an assumption that a few people will drop out. Statements and UQs are tending to go, in my experience, roughly as long as it is predicted they will go, and having call lists, if anything, makes it easier to predict how long things will go.

Q163 Chair: I think the issue is around long lists going to short lists and people being told they may be on a list and then finding they are not.

Dr Bengler: I think that was more of a problem before under the fully hybrid Parliament than it is now. I could be wrong. Matthew, have you had problems like that in the afternoon more?

Matthew Hamlyn: The Clerk of the Committee did suggest that this issue might come up. I have not had a chance, I am afraid, to discuss it in detail with Colin Lee, who has sent you a very detailed note on how that works, which I will not go through again.

There was an issue right at the beginning, when we were doing this right back at the end of April, when we were not absolutely certain about how good the technology would be, because we had not at that stage virtually gone into hundreds of Members' front rooms, bedrooms or spare rooms. We deliberately made sure we had a long list of names, because if several Members just could not get through, we did not want to run out and possibly deprive other Members. As the technology has got better on that aspect, we no longer need to do that and the published call list has become shorter.

Of course, if you decide to have a shorter call list, there will be Members who are not on the call list so they will be disappointed. If you have a very long call list, Members will be disappointed if they are at the end of the call list. John and I have worked here, between us, for about three score years and 10, and I have always heard Members complaining with variations of, "I have been sat in the Chamber for four hours and I did not get called". Now you can at least look at a call list and say, "I do not need to wait four hours to discover I am not going to be called, because clearly I am not going to be called". I do not know if that is better or not. Is trampling out hope worse for people than keeping the flame alive?

Chair: It is probably not so good for your thighs, without the bobbing.

Dr Bengler: There are so many trade-offs, aren't there? What you gain in predictability and certainty, you lose in spontaneity and excitement. I have friends who say — you may hear very different things — "I really



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like the calmness of the Chamber. It is a very grown-up atmosphere for a very serious national concern". Then I have other colleagues who say, "It all sounds a bit flat". I had someone suggest to me last week that we should do something equivalent to this crowd noise that they are piping in on football games here in the Chamber and have some barracking piped in. You have that option at home of improving the atmosphere.

Matthew Hamlyn: It might be the solution, or shouting "Aye" and "No" in Divisions, but I worry it might become a bit like North and South Korea, with increasingly large sound systems being smuggled in from each side.

Q164 **Chair:** The problem with the Division last week, the Ten-Minute Rule Bill that Gary Sambrook was alluding to, was that was a free vote. It was not as easy as Opposition and Government shouting; it was a question of different people around the Chamber having different views.

Matthew Hamlyn: I wouldn't want to go behind the Chair's judgment, because each time it is a judgment call, particularly on free votes or a Backbench new clause that has cross-party support. I tend to get the sense that when you are in the Chamber you can tell pretty quickly that this is genuine, this is not for show. The Chair is usually pretty good at picking that up. I certainly would not want a vote not to happen, because it is not like we are counting how many people are shouting or how loudly they are shouting. I hope it is a bit more sophisticated than that, John.

Q165 **Jack Brereton:** I have mentioned to you before the limitations currently on Members, and particularly on Back Benchers, with things like Westminster Hall not being operable. Obviously, one of the key ways that colleagues can influence the Government is in the voting Lobbies and speaking to Ministers about particular issues relating to their constituencies. I raised this issue with the Leader today and he recognised the deficiencies with the card-operating system. Would you agree and recognise that the current system does have those deficiencies and that we certainly should not be further limiting the ability of colleagues and Back Benchers to be able to put across issues to Ministers?

Dr Bengier: Absolutely. This is an important argument in favour of physical Divisions: that Ministers are released from the captivity of their Government Departments and they are your prey in the Lobby. You know where they are going to be and you know when they are going to be there. I absolutely get that. I am not sure that the pass reader in itself would prevent that.

Some of the arguments have become blurred a bit with the suggestion that you could put pass readers all around the estate, which of course you could. You could have pass readers in Portcullis House and Derby Gate, or wherever Members are, Norman Shaw North and South, or on everyone's desk. To me, you could still preserve the basic structure of a



time-limited Division in a particular locale but have pass readers rather than humans recording your identities.

Of course, as the Procedure Committee will know, the actual count is the Tellers' count. That qualifies as the result of the Division. The Division Clerks are there simply to record the names for *Hansard*, and that can feed into English votes for English laws as separate counts as well.

Q166 **Jack Brereton:** I am not sure all Members would necessarily agree with the comments that you have made there. I recognise you have not had the ability to see the evidence given yet, but earlier today the Commons Leader particularly suggested that the card-reader system had the deficiencies that I have suggested. Particularly there would be concerns if this were to be permanent, because what we don't want is Ministers just whipping in and out, scanning their cards and not giving Members an opportunity.

Dr Benger: I see. I understand. I take your point. What you are saying, I think—and I had not grasped this but I understand now—is the fact it gets rather slowed down, there is almost a deliberate bottleneck around where the Division Clerks are, is when the Ministers can't just slink through in the same way as they could. I understand that point now. That is not a point I had grasped.

What I can say is this is not something that I would independently be able to do to you. The House would have to choose. There is a lot of sensitivity about how the House votes. There always has been. Pass readers have been looked at in the past and rejected. It would be up to the House if it was fundamentally going to change any aspect of the Division system. We will implement whatever the House chooses to do. But I had not grasped that point, and I understand it better now. Thank you.

Matthew Hamlyn: That is a really clear point. I wonder whether one of the other reasons why Ministers are not quite so easy to prey on at the moment is that everyone is being encouraged to move steadily and speedily at 2-metre distances very fast through the Lobbies for public health reasons. If that requirement vanishes, it might bring back that clustering again. Once again, if you had started from scratch and said, "Please design us a system that ensures that things slow down at the exits so Members can talk to each other and capture a Minister who is trying to get through", you could do that. I do not think you always need human beings ticking off names to generate that. If this was a project you would say, "That is a very clear requirement. What do you do to make sure that requirement is met through whatever solution we come up with?" As John says, if the House comes up with a view, we will make it work. If that view is going back to what we have done before, we can do that as well.

Chair: I am conscious that we have kept you a very long time and I fear that a Division is about to come to interrupt us once again. Rather than



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letting it interrupt us, I thank you for very comprehensive answers and answering all our questions. There is still an awful lot that we need to work on but this has been very helpful in informing us.

We need to have a look at what the House of Lords is doing, because we have certainly had the invitation from the Leader that if we come up with a suggested proposal for more virtual participation he would be willing to look at it. We need to do that. Thank you once again for spending the time with us and for your very helpful comments. I am sure we will speak again before we complete this inquiry.