

Procedure Committee

Oral evidence: Procedure under coronavirus restrictions, HC 300

Wednesday 8 July 2020

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Members present: Karen Bradley (Chair); Jack Brereton; Bambos Charalambous; Sir Christopher Chope; Ms Angela Eagle; Chris Elmore; Mr Kevan Jones; Anthony Mangnall; Nigel Mills; Owen Thompson; Liz Twist.

Questions 225-247

Witnesses

I: Dr Ruth Fox, Director, Hansard Society, Professor Meg Russell, Director, Constitution Unit, University College, London, and Dr Hannah White, Deputy Director, Institute for Government.

Written evidence from witnesses:

- [CVR 83 – Hansard Society](#)

Examination of witnesses

Witnesses: Dr Ruth Fox, Professor Meg Russell and Dr Hannah White.

Q225 Chair: I thank our witnesses for joining us over Zoom today. Dr Ruth Fox is director and head of research at the Hansard Society. Professor Meg Russell is director of the constitution unit at University College London. Dr Hannah White is deputy director at the Institute for Government. Thank you very much for joining us today. We are very grateful and look forward to hearing your views, which will help us very much in our inquiry on Parliament's response to the coronavirus pandemic.

I will kick off with questions straight away, because a lot of Members have to bob in and out. One of the joys of the new way of working is that Members bob in and out of the Chamber and other places virtually, so we will see people come and go.

I will start with a fairly open question. We have seen legislative Chambers around the world adapt their processes and procedures to the challenges of the pandemic. How well do you think the House of Commons adapted its procedures and practices to deal with that challenge; what features of the Commons response stood out; and where could the House have done better?

Dr Fox: On one occasion, I described on Twitter that I thought Westminster's approach had been world leading, and I stand by that. In many respects, the range of proceedings and the speed at which it was done—particularly getting the remote voting system up and running from scratch—was extraordinary and exceeded many people's expectations, including our own. You will have seen that I co-authored a blog post with Meg Russell over the Easter break, and we were not at all sure what a virtual Parliament would look like or what the technology would be able to offer. It did extraordinarily well.

We have always said from the outset that, clearly, it was not perfect and, compared with physical proceedings, there were limitations: interventions and debates were difficult. The way in which the parties came together, the consultation that took place at the beginning and the cross-party nature of the approach were very good and positive. I think it is detrimental that that has clearly broken down.

Improvements could be made on that issue of consultation and with a review process. Decisions were made unilaterally to effectively abandon the proceedings as they were initially put in place. It would clearly have been better had there been a proper review process or a staged review process, as Meg and I had initially envisaged in the piece that we wrote.

There are clearly some problems behind the scenes relating to Members, Ministers, the Leader of the House, the Chief Whip's office, the



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engagement with officials and the broadcasting and technology team, in terms of their understanding of the technology, what it can offer and its scope. To my mind, a lot of the problems that have arisen, and some of the confusion, are based on assertions about the technology and its limitations that I am not sure are entirely true. There was actually more scope to do things, but the technological constraints have been used as a reason to stop doing things. I think that has been detrimental. Obviously, there is concern about how Parliament would deal with a second wave or national lockdown. We still do not know.

Professor Russell: I would echo all of that. There is no need to repeat some of the important things that Ruth said, with which I go along entirely.

If you compare us with other countries around the world, as you referred to in the question, yes, I would go along with the term “world leading”. I felt very proud of some of the ways that Westminster responded in the early stages. The work of many of the staff behind the scenes was really fantastic. Your Committee has done a wonderful job, and there was great leadership from the presiding officers, but knowing Westminster in particular, and a bit about other countries around the world, I was very impressed with how inclusive the procedure was.

Ruth mentioned the post we wrote over Easter; we were concerned that some of the traditions of the Westminster Parliament are not very inclusive inasmuch as we do not really have a central co-ordinating body that organises Parliament’s business in the way that many other Parliaments do. A lot of other Parliaments had a quite obvious body to take on co-ordination, and we did not have that, but it seemed like we rose to the challenge and people got together through the Commission and informal channels and came up with an agreement that was very cross-party and consensual, which was an enormous relief.

The arrangements were inclusive in another sense as well. The way in which some other Parliaments had responded was essentially by shutting a lot of Members out of business. Through this very fast work behind the scenes, putting in place the virtual arrangements not just for participation but for voting, rather than creating changes that in effect empowered party Whips, as happened in many other Parliaments around the world, we managed to come up with, in particular, a voting system that maintained the freedom of every Member to control their vote. That was done in super-quick time.

Those things, with the emphasis on inclusivity both of decision making on the procedures while allowing all Members to participate equally, was really admirable and impressive. Then, as Ruth said—perhaps we will come on to this more—what happened subsequently around the Whitsun recess was deeply regrettable in the way that those procedures ended, because it was anything but an inclusive decision-making process, and the result was to exclude a lot of Members. They were excluded initially from the vote on 2 June, which was hugely problematic, and then from procedures until some of those virtual participation mechanisms were put

back on their feet. Even now, Members are excluded from the substantive proceedings, and the proxy arrangements for voting are far inferior to the previous remote voting system.

Chair: Dr White, do you have anything to add?

Dr White: I agree with everything that Ruth and Meg have said. In comparison to a lot of legislatures internationally, many of whom just closed their doors or set up a very small committee to work as a proxy House, what the Commons did initially was very impressive. Everyone has been feeling their way, knowledge has changed, and we must not forget that we know a lot more now than we did at the start. Decisions were made along the way based on the knowledge as it was.

On the strengths, the one thing that has not been mentioned so far in particular is the strength of Select Committees. Again, we might come to that, but the fact that they sat throughout the Easter recess to provide scrutiny when the House was not sitting was really crucial. We have seen some really innovative work there, like the use of the guesting procedure, for example, which we have really seen the value of.

In terms of weaknesses, there is the consultation point that my colleagues made. From reading the evidence of the sessions you have had already, I picked up that there also seems to be a potential conflict, which you might want to reflect on, which comes to the fore in a crisis situation like this between the legal responsibilities of the Clerk and the administrative responsibilities of the Speaker, and the power of the Executive to make decisions that might cut across those responsibilities. We have probably been lucky that there has been enough agreement behind the scenes on the way to proceed, but the Speaker was put in a position of having to say to the Government, "No, we cannot use the Lobbies," at a time when the Government's preference was to return to Lobby voting.

Coming down the track, we may have a situation. Obviously, the Commission has agreed to stick to 2-metre social distancing. It was evident from the Leader's evidence that he was not entirely delighted by that decision. There is potential for conflict between these different responsibilities and people with different powers, which is potentially something to reflect on in a crisis situation like this.

One final overarching point: what the whole of coronavirus has shown us is—I include myself in this as a former House of Commons Clerk—a bit of a limitation to what we all imagined could go wrong and could prevent the House sitting. Something that involves social distancing was not in anyone's plan. There has been a lot of planning—I did planning when I was in the House—on moving the whole House of Commons somewhere else if the site became unusable. Going forward, we really need to think about all the different sorts of things that could go wrong. The next thing might be a massive denial of service attack that means that everything that is done electronically in the House cannot be done, and then where would we be? More contingency planning is something that is highlighted by the coronavirus situation.



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Chair: Thank you very much. We will have questions on resilience later. Clearly, we need to make sure that the lessons learnt are ones that we respond to and prepare for next time. I will put on the record my thanks to the staff of the House service. You made the point about the work that went on over the Easter and Whitsun recesses. We have asked an awful lot of our staff, Clerks, Committee Clerks, Select Committee Clerks, and of course House staff. We really do need to keep reminding people just how much work has gone into getting us to this point.

I will now bring in Angela Eagle, who has to leave us after this question, but she wants to ask about scrutiny.

Q226 **Ms Eagle:** My apologies in advance to our esteemed witnesses for having to leave early. I want to ask about your view on the scrutiny of Government under the hybrid procedures. We have all been patting ourselves on the back for having any capacity to scrutinise at all. Obviously, that has been important, but, given that the Government has taken upon itself massive powers of virtually legislating anyway for the next couple of years under the coronavirus emergency legislation, that makes scrutiny even more important. Do you think that scrutiny is possible in these quite limited circumstances? I speak as someone who did not get on the call list to even go into the Chancellor's statement today, despite my long-standing interest and activity in the Treasury. It can be very frustrating. How do you think that scrutiny is holding up under these hybrid procedures? Perhaps Professor Russell will answer first.

Professor Russell: It is clearly very difficult. These are challenging times for the Government as well as for Parliament. The speed with which policy has had to be made and the circumstances in which it has had to be made have been very difficult. To go back to the blog post that Ruth and I wrote and published over the Easter break, one of the things that is perhaps notable in the way that the House has responded is that, for all of the good things that we have already referred to, essentially the way that the House responded was to try and keep going with the standard procedures as far as possible. One thing that we suggested in that blog post was that the House should go further than that and maybe look at what new procedures were needed for these special circumstances.

A thing that strikes me is, for example, the prominence that the daily Downing Street press conferences had day after day after day, whereas no change was made to the questioning procedures in Parliament itself. Another thing that Ruth and I suggested was that you might have a new procedure for urgent questions and whether there might be a standard expectation of two or three short urgent questions every day in order to ensure that Parliament was getting to Ministers very quickly on some of the new announcements that were being made.

We also suggested that perhaps the Prime Minister should be appearing more often than usual in front of the Liaison Committee—

Ms Eagle: He couldn't have appeared less often.



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Professor Russell: —which would have been a parallel to the Downing Street press conferences, where he appeared quite often.

I think that Parliament could have done more, but there is a fundamental here that I am likely to keep coming back to over and over again through this session. Ultimately, there were great strengths in the beginning, but, the way that things have turned out, one of the great weaknesses that has been shown up about the UK Parliament, and the House of Commons in particular, is the extent to which the Government has exclusive decision-making power over what the House does. As I have already said, this Committee has done fantastic work in thinking imaginatively about what needs doing, and making and advocating for those practical suggestions, but so much of the initiative in the UK system comes from the Government, and often Governments naturally shy away from scrutiny, unless they are forced to be subject to it.

There is an additional point about the delegated powers, about which Ruth is expert and I am sure she will comment. There have clearly been concerns about the extent to which major changes have been announced and introduced very quickly, without there being adequate time for Parliament to even look at the proposals. Sometimes, things had been in discussion for weeks in advance of the statutory instrument being published, and yet it came into effect almost immediately. We knew there was concern on the Back Benches about things like the quarantine arrangements. Ruth would have a lot more to say on the day-to-day ins and outs of that oversight.

Q227 Ms Eagle: I will come to Ruth in a minute. I want to ask Dr White about another aspect of scrutiny that I think has gone downhill rapidly in the crisis, which is the timeliness and quality of answers to parliamentary questions from Departments. You may not have seen this in quite the same way as we have as MPs, but there is a perfunctory nature to some of the answers to letters to Ministers.

Just to keep you in the loop, what has begun to happen is that several Departments, including the Treasury and the Department of Health and Social Care, have stopped Ministers answering letters from MPs at all. In the Treasury's case, they have merely provided a standard four-page list of propaganda announcements for every letter that you send. In the Health Department's case, letters are signed by civil servants and there is no obvious ministerial sign-off of any kind. Can you comment on how that deterioration impacts on scrutiny? I find it not only maddening, but a serious dereliction of the Government's duty.

Dr White: As you say, we do not have visibility of the letter writing that MPs engage in and how those answers are coming through, but I have seen, in the evidence that you have received, Members' concerns about questions.

Obviously, certain Government Departments have been very busy, but, at the same time, the whole thrust of what Meg said is true, in that a lot of significant policy is being made very rapidly and highly complex legislation



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is being drafted. The point of the scrutiny process is to ensure that problems that may inadvertently have been introduced, or of which the Government may be unaware, are brought to the Government's attention because Members are talking to their constituents and understanding those unintended consequences. If there are not effective mechanisms for that to happen, that is really problematic in a crisis situation.

It is a little contradictory that the Leader has put a big emphasis on needing to have debates in person in the House, in order to have better quality debate, and has said that a Minister can only be properly held to account if there can be numerous follow-ups and interventions. It just leaves me wondering what would happen if the Minister made a point of giving a full and frank statement in the first place, so that they did not have to be chased up for their answers. I think the same applies to parliamentary questions. Full and timely answers would mean that some of these deficiencies that have been identified in the way the Chamber is operating might be less significant. If Members felt that they could get timely answers to parliamentary questions, it would not be so problematic for them if they could not then get into Question Time in the Chamber, for example, because of the social distancing.

Q228 Ms Eagle: Finally, Dr Fox, I wonder if you might make some observations about the statutory instrument procedure, particularly the very late tabling of some of the most important ones, which changes the law by statutory instrument but without any parliamentary scrutiny.

Dr Fox: One of the problems is a product not of the pandemic or of the virtual Parliament or anything like that but of the way in which delegated legislation has worked for years, in that, if there are urgent powers on the statute book that can be used by Ministers and which are not constrained, Ministers can use them in these kinds of circumstances. We have seen them make fairly extensive use of the affirmative procedure to bring a statutory instrument forward—the lockdown regulations, provisions around wearing face masks on public transport and so on—in some cases less than 15 or 16 hours before they were due to come into force. As Meg said, they have been clearly headlined in the media and in public debate for days and, in some instances, weeks beforehand, so the question is whether they were urgent.

The problem is that the power exists and does not have any constraint on it, other than that the Minister deems the matter to be urgent. That is the problem, so you go back to the scrutiny and work that has to be done to constrain those powers in Bills in the first place. However, I do not think we should idealise too much the idea that, if those statutory instruments had been laid in advance, there would have been a huge amount of engagement with them, because we know that Delegated Legislation Committees are very often are not terribly well attended and that there is not a great deal of participation.

Part of that, of course, is the long-running problem that you cannot amend statutory instruments—it is an accept or reject situation—so a lot of Members understandably do not engage with them. If you look at the



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lockdown regulations, which are some of the most serious changes to our liberties that we have seen, very few MPs actually took part in those debates, including, I have to say, very few Members of Opposition parties; it was predominantly Government Back Benchers. I understand why, because those provisions had been in force for several weeks before they came to be debated, and that is the problem with the procedure. In a sense, it has brought to life—in way that even the Brexit regulations did not achieve—some of the difficulties and problems with the way in which Parliament and the House of Commons can scrutinise SIs.

Ms Eagle: I think that is an extremely important point, especially given the increasing capacity—almost the custom—of the Government to make primary legislation almost just a series of hooks to hang secondary legislation on. Perhaps that is something the Committee should think about later.

I will make one final comment. I know that Opposition MPs have been discouraged from going to Delegated Legislation Committees when the Opposition is not voting against the statutory instrument, simply because of the social distancing issues and trying to do only what is necessary. I suspect that, had some kind of hybridity been possible for Delegated Legislation Committees, that might have been different.

Q229 **Mr Jones:** I spoke at a Delegated Legislation Committee this morning for at least 10 minutes, but I accept the point that Angela makes. Another point about scrutiny of the Executive is the way the Chamber is working. We are increasingly getting down to time limits of between three and four minutes, to try to get as many people in as possible, which is leading to people basically coming in and reading into the record, rather than making a speech, and Ministers not responding to any points made during the wind-up just because of the volume of individuals. There has also been a habit creeping in over the last few years of Opposition and Front-Bench spokespeople coming forward and reading set speeches, rather than answering the debate. However, I think that has limited things, because there are a lot of issues that have been raised—they have certainly been raised with me and I think with a lot of other Members, too—particularly about the way in which regulations have been implemented locally. I fully understand the special circumstances, but the only action we can take is to write to the Minister and, as has already been said, all we are getting back—frankly—are non-answers.

So, I think it is quite an important thing, Chair, that our ability as parliamentarians across the House to scrutinise the Executive is actually being very limited. And to be honest, I think that the time limit on these debates—I have never been in favour of time limits personally, but something needs to happen, because all we are getting now is people coming and reading what they have to read into the record, and that is it. That is not scrutiny.

Chair: I think we can all agree that one of the deficiencies with the fully hybrid Parliament was that it was just a succession of speeches that were read out with no interventions; at least with interventions and

spontaneity, you do get debate.

However, I absolutely agree with Kevan on the point about wind-ups. There simply is not time at the end for a Minister or an Opposition spokesman to wind up properly, and the wind-up needs to reflect what was said in the debate, and it should not just consist of a series of pre-prepared points that need to be made.

Mr Jones: I think there has been a tendency over the last few years or so for Ministers—it irritates me deeply if I am there for it—to come with a pre-prepared, written speech, and I have to say that certain opposition Front Benchers do the same. And all they do is refer to the people who have spoken in the debate; they do not actually say what those individuals have said. To be honest, I think it is just lazy, and it is not about scrutiny, and it is something that the Speaker needs to start pulling up Ministers and opposition Front Benchers on.

Chair: Okay. Well, these are bold points that we can come to, which are wider than just the procedures under coronavirus restrictions.

I will bring Jack Brereton in now, who has some questions about the way that business was conducted during the fully hybrid proceedings in April and May.

Q230 **Jack Brereton:** Thank you, Chair. Yes, I particularly want to concentrate on the scheduling of business. Obviously, during the hybrid proceedings, this was done through a motion that was signed by the Leader of the House and his counterparts from the two largest opposition parties. As we have touched on earlier, that is obviously different from before. So, could the witnesses please outline what is different in this approach to the usual arrangements that we would see for determining Commons business?

Dr Fox: Clearly, in those early days, it was almost as if we had a form of business Committee happening. Very rapidly, however, as the liaison between the parties and the cross-party nature of things deteriorated, that becomes more difficult.

For me, the interesting aspects of the scheduling of business were why the Members signed up to a three-day sitting week on an ongoing basis, because that naturally constrained what business could take place. Also, it had the effect, regarding things such as Question Time, of having to restructure the timetable and having to reduce the amount of time available for oral questions at certain points, and it obviously limited the range of business and therefore the range of options and opportunities for changes and adjustments to be made to business that were available.

I think there is a real question about why they stuck with three sitting days when the House of Lords has been able to sit for four. And I understand that the House of Lords is planning to sit five days a week at least one week before recess—

Q231 **Jack Brereton:** The suggestion that we were given as to why we were



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going for three days was that obviously the technology had only just been introduced, and it was feared that the capabilities of that technology would not be able to cope beyond three days. Until recently, Thursdays have often been used more for Backbench Business and Opposition days, which were not happening so much during that period. Could we have done that or was there a reluctance to have four days a week?

Dr Fox: I think there was probably a reluctance to have four days a week. It is unclear why there was not a question of why it was not possible to have more capacity after the first couple of weeks, when the system had settled down. Consequently, you could have had some Adjournment debates, which would have enabled Members to focus on constituency matters. They could even have been raising questions about the lack of responses to ministerial correspondence. Some of the e-petition debates could perhaps have taken place.

I know there would have been limitations to the nature of those debates, which we are all aware of, but it would have provided some capacity. It would also have enabled questions to happen for an additional day that week, to reflect on what might be coming up over the weekend. I do think that was problematic, given that the House of Lords has been able to sit for four days. My understanding is that the House of Commons, whether at the ministerial level or the official level, never asked to do more than three days, whereas the House of Lords did and consequently it got more than three days.

Q232 **Jack Brereton:** Meg or Hannah, do you have any points to my original question about how this differs from the usual arrangements that would be in place?

Dr White: I just want to build on something Ruth was saying, so it is not an answer to that original question.

Chair: Of course, please carry on.

Dr White: I just want to say that I think what Ruth is talking about is symptomatic of a wider approach that the Government have taken in these circumstances, namely, to see the technological capability, which was brought in immediately after Easter, as a static offer. There were other options that could have been explored and were being explored, for example around holding virtual Public Bill Committees. Also, as Ruth said, as people became more confident in the capacity of the technology, it was possible to sit for longer and with fewer breaks, although those may be separately desirable from a social-distancing point of view.

In the Brazilian Parliament, for example, they have a system where it is possible for Members to do something a bit like on Microsoft Teams and Zoom where you raise your hand if you want to intervene in a debate. Members can register to do that. The big objection, which has been held up to the hybrid system, is that you cannot have spontaneity of debate and intervention, but in the Brazilian Parliament, they have the ability to do that technologically. Yes, it is complicated and not necessarily easy for the Chair to manage, but it can be done.



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If some of these things had been allowed a little more time to develop, some of the problems that were perceived with the old system could have been resolved, to some extent. In the longer term, because of the potential for a second wave or a localised lockdown in Westminster, you might want to think about whether there is work that you would like the House of Commons authorities to continue with. That may just be a case of observing what is happening in the House of Lords. But are there areas of exploration that would be sensible to look at? We cannot guarantee that we will not go back into a situation where the physical proceedings become difficult again. Are there things that it would be sensible to explore, of that sort of nature, in the meantime?

Q233 **Jack Brereton:** Meg, I think you wanted to come in on that as well.

Professor Russell: I totally agree with everything that Hannah has just said. I was interested in the evidence that you heard from the Clerk, as to how more time could have been put into looking at creating spontaneity in hybrid debates, had it run for longer. But I wanted to come in on the original question about how those arrangements differed from the typical arrangements. Of course, the typical arrangements are that the House is very often given things on a largely take-it-or-leave-it basis by the Government, in terms of what the business will be.

Ruth said that the inclusion of the Opposition Leader in discussions was a bit like the creation of a business committee, which is something that could be seen as a step towards a more inclusive way of making decisions.

A bit of my pedigree is that I was the specialist adviser to the Wright Committee—the Select Committee on the Reform of the House of Commons—which reported 11 years ago. Aside from Select Committees, where the Committee did important work, its real central puzzle in terms of the agenda was how the House of Commons could be given more control over what it discussed and when. The way the Wright Committee saw it—I completely agree with this analysis—was that one step along the road to that is the creation of some kind of cross-party committee, what it called a House Business Committee. That is the sort of thing that we were seeing in embryonic form emerging at the early stages of the crisis. At the very early stages, it had to be done by consensus because you could not get Members into the Chamber for a vote at the very beginning—

Q234 **Jack Brereton:** It obviously worked very well when there was consensus and the parties were agreeing with each other about the business that needed to be considered. What seemed to be the case was that when we came across more controversial things, such as the immigration Bill and others, with those sorts of pieces of legislation, it was not possible to maintain that consensus, because the Government would not have been able to schedule those controversial pieces of legislation if they had not regained control.

In terms of the Government progressing their own legislation and making sure that not just non-controversial legislation is in place, how would that sort of system work? How would it work with those pieces of legislation



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where there isn't consensus?

Professor Russell: That would fit with what I was going to say. One step is to have some kind of cross-party forum where these things are discussed, but the Wright Committee never thought that that was enough and never thought that some kind of usual channels agreement between leaders of parties was the right way of making decisions—it felt that the House itself should be the place where those decisions were made. The suggestion that came from the Wright Committee was that a House Business Committee would draw up a weekly programme, like the business statement that we have normally had on a Thursday afternoon from the Leader, and that that would be put to a vote in the Chamber.

There are times when that principle could not be applied, as I have said, at the very early stages, but one of the problems that we have seen in the later stages of the crisis is the Government assuming that because they have a partisan majority in the House, a majority of the House will necessarily be on their side on some of these decisions. There are times when quite possibly a majority in the House would not have been on their side on those decisions.

Now, if the Government want to put a programme to get their legislation adequate time and the Government's Back Benchers support the Government, then of course they will always win the vote. But there are occasions—we saw it, for example, on the implementation of the changes with respect to bullying—so you cannot assume that just because something comes from the Government as a proposal that it will have a majority across the House in support. I do not think there is any clear indication that there was a majority across the House to end the hybrid arrangements, given that so many people were disenfranchised from the vote on 2 June.

Cross-party agreement is one possible way of showing that there might be support across the House, but ultimately the way of knowing that is to put decisions to the House itself, for it to make those decisions.

Jack Brereton: I am still a little puzzled about how, if we are going to have that sort of Committee deciding business, the Government get their legislation through. What has happened is that there were pieces of legislation that were more controversial that they were unable to table because of that process.

Do either of our other witnesses have any thoughts about how that would work? It is all well and good when we have non-controversial legislation, but on things that the Government have been elected on—that are in their manifesto—surely the Government should be able to put those pieces of legislation forward and secure time in the Commons.

Chair: Before the witnesses come in, I will bring in Chris Elmore and Liz Twist, who are keen to make a comment, then we will go back to the witnesses to answer those questions.

Chris Elmore: On Dr Fox's comments about the three-day sitting week—I



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know that all the witnesses will be aware of this—there were occasions in the three-day sitting week when the House rose early. That is a problem, because there was business not put on the basis that it was not consensual. Actually there have been various Bills since the House returned since Whitsun that have not had Divisions, regardless of an e-voting system or the conga line, as it has become known, or the proxy voting that has followed. There have been multiple bits of Government business in that case.

Also, on what Professor Russell said in relation to the Clerk's evidence last week, but also over multiple sessions we have had with the Clerk and the Leader of the House about virtual Public Bill Committees, I wonder what Professor Russell's view would be on the fact that there was testing for hybrid or virtual Public Bill Committees. There could have been an option to bring legislation forward, including controversial legislation, and I was part of those negotiations through the usual channels. Indeed, House staff had initially been commissioned to undertake additional virtual proceedings that were then cancelled by the Government.

To add to what Mr Brereton has said, it is important to know that those things were going on and we could have done it if we had chosen to. I accept that that is what you have said in essence, but it is important to put that on the record.

Liz Twist: I was just looking at the evidence from the Hansard Society and particularly noticing the bit that I do not think we have touched on about e-petitions and Backbench Business and how they fit in. I wondered what you thought the impact of the lack of those debates might have been on the vibrancy of Parliament and reflection of public opinion.

Chair: Perhaps if we can start with Professor Russell. The key point here is that the Committee is keen to make sure that there is nothing in the future that can hinder and hamper the Government doing what they need to do and Parliament scrutinising it. Please give your thoughts about what things were stopping the Government, in your view, from bringing business forward before Whitsun, because that point was clearly made to us by Government as to why things had to change after Whitsun, because of the difficulty in bringing legislation forward.

There are also all those other points, including, as Liz Twist has said, about Backbench Business, petitions and so on, which are simply not happening in the way they used to. They did not happen at all during the hybrid proceedings, but they are certainly not happening even now as much as they should.

Professor Russell: On Chris Elmore's question about the Public Bill Committees, I have read your evidence and it is a bit of a mystery to me. I do not know whether either of the other witnesses understand it better. I read your evidence with the Leader from last week, where it was not the first time that you have pressed him on that. The point was made that there was capacity to hold two Public Bill Committees in person and that there was capacity for virtual Public Bill Committees. Reading the

evidence, I am genuinely perplexed as to what was going on. It looks like maybe there was some kind of internal communication error or something, because it feels like Committees were possible, and yet they were not happening. You may have better information on that than me.

On the point that Jack Brereton was making about the Government getting its business, I absolutely agree that you should not expect, in normal times, to have a Committee by which you reach cross-party consensus on what the business should be. You cannot be in a position where, on a day-to-day basis, the Opposition has a veto on what Government business can be put, clearly. The point that I am making, however, which is consistent with what the Wright Committee recommended all those years ago which never happened, is that ultimately it should be for the House to decide.

If the Government have a majority in the House, the Government should have no difficulty getting their programme agreed—not the business itself ultimately, but the programme and the use of time. There has not of late been an opportunity, and there is not by standard an opportunity for the view of the House to be tested on what the House should be spending its time on. That system actually operates in the Scottish Parliament and it operates in some other Parliaments around the world.

One of the difficulties that we have with the Standing Orders in the House of Commons is that it is too often taken as an assumption that the Government speak for a stable majority. The Government often have a majority in the House, but that does not mean that the House should be routinely delegating decision making to the Government. It should be for the Government to propose to the House and for the House to decide whether it wants that. If the Government indeed have a stable, partisan majority, that should never be a problem for them. They should not be afraid to test the opinion of the House.

Q235 **Chair:** Dr White, did you have anything to add?

Dr White: I don't think I have anything to add.

Dr Fox: To pick up the issue of e-petitions, Adjournment debates and so on, clearly at the height of the pandemic, these were not the critical bits of business, compared with ministerial statements, urgent questions, PMQs and so on, but as time went on and the capacity of the system built up, that is where the expansion of proceedings and the use of technology could have helped. We could have had Adjournment-style debates, e-petition debates and Backbench Business debates. The nature of them, in terms of interventions, is slightly different from the way that Public Bill Committees and legislative debates operate. In terms of the number of participants in an Adjournment debate, for example, the use of the technology would have been less problematic than it is for a legislative debate.

E-petitions are particularly problematic, because of course that is how so many members of the public engage with the House. It is Parliament's front door for the public. By Whitsun recess, we had 22 e-petitions that



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had passed the 100,000 threshold and had not been debated. That is problematic, particularly given that the e-petition system had been closed for many months already because of the general election and the length of time that it took to set up Committees. For members of the public looking on, who were suddenly able to get on to the system and sign these petitions, and then find that they were not able to get them debated in a timely way, that is problematic. Given that there was the capacity to have used the virtual proceedings in a broader way, and an additional day, that could have been dealt with. If we end up in a situation with a second wave, that is an area that could be looked at.

Chair: We have a question on scrutiny and the way that Parliament is able to scrutinise from Owen Thompson, and then we will move on to how we manage our proceedings in the Chamber.

Q236 **Owen Thompson:** Dr Fox and Professor Russell, you have said that the current crisis and Parliament's response to it should not become a pretext to shift power further towards the Executive and party managers. That also fits in with comments that Dr White previously made. Is not some form of party business management going to be inevitable, particularly in a situation like the one we are currently in?

Professor Russell: Those two statements are not inconsistent at all. You need party management—of course you do. The House of Commons is a big, complicated place with 650 Members, and there has to be some delegation of decision making. At the same time, the crisis should not be an opportunity to strengthen the power of the Government and the Whips. There is an acknowledgement that that power exists, but it should not necessarily go further than it already does. I fear that what we have seen is some strengthening in that direction.

One of the obvious examples of that was the shift to proxy voting. I am not sure how it is working—you are the people on the ground, watching it day to day—but it certainly looks to me like the way that it happened, with the great number of proxy votes being given to Whips, is exactly the kind of thing that I did not want to see happen. As I said at the start, I was very pleased and proud that the House authorities managed to put an arrangement in place whereby each Member could retain their own, individual vote. We now have a situation whereby party Whips on all sides are holding in their back pocket a very large number of votes. That is the kind of thing that I had seen, with some puzzlement and horror, in studying other Parliaments. I felt very glad that we had never had anything like that here.

The way the Government have made some of these latter decisions has looked very centralising. You have had evidence from the Government—I saw that you received written evidence yesterday, which was copied to us as witnesses—and I was so struck by one of the lines in there, at the end of the first section: "In order to see Parliament fulfil its full constitutional role, the decision was taken by the Government that Parliament needed to get back to physical proceedings." I just do not feel that is an appropriate



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attitude. How can a decision be taken by Government? The decision should be taken by Parliament.

Too often, we fall into this elision of assuming, as I have said, that a Government with a majority can speak for Parliament. Parliament exists independent of Government; the Government are only the Government because they have the support of Parliament, and it should be for Parliament to take these decisions, not Government.

Chair: I am conscious of time, and there are quite a few areas we need to cover, so can we move on? For the benefit of the witnesses, can I say that I will bring one of you in, and if the others have something to add, they can raise their hand and I will make sure I bring them in at that point? Can we move to the way in which proceedings are happening in the Chamber at the moment? I will bring in one of the holders of many proxy votes as a Whip, Chris Elmore.

Q237 **Chris Elmore:** I was going to make that public confession, Chair, just for the avoidance of doubt, although, actually, I temporarily do not hold them. On that point, before I come on to the issue of Chamber management, I think I speak for the collective Opposition and probably some Government Members when I say that this was not our preferred model. Lots of us thought the e-voting system was working perfectly well, and the multiple tests that took place showed how well it could work. The proxy system at least gives those colleagues who have to stay at home—whether for medical reasons, because they are following the advice of devolved Governments, or because of childcare issues—some flexibility in their vote. However, I agree with the last comment about whether the overall purpose of it is a particularly positive thing, although I am sure my Chief Whip would not.

I think all the witnesses have made comments on Chamber management, so please do not feel the need to add to anything you have said, but please do if there are specifics you would like to expand on. The House has continued to meet in a socially distanced way throughout the pandemic, as we have discussed. The Commission has now agreed to keep to 2 metres until September, which I think Dr White mentioned in her opening remarks. I have a feeling I know what your answers will be, but how important do you think it is that the Chamber meets physically, and what does that do to the participation of Members and the theatre of Parliament, if you will?

Also, regarding spontaneous intervention, there is an element of genuine feeling across the House that being able to intervene and think on your feet is quite important to parliamentary debate, so I wondered what your views on that were. I think Dr White mentioned the Brazilian Parliament, so it is good that we can learn something positive from Brazil in responding to the pandemic—from their Parliament, rather than their President—but I would be interested to know of any other examples across world Parliaments where that spontaneity has been able to develop.



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Dr White: The point is well rehearsed in the evidence that you have already taken: spontaneity is a great benefit when making sure debate is effective. In many other Parliaments or international assemblies where it is already the case that interventions are not possible, members turn up and read a speech that may be the same as the speech three or four other people before them have just made, but they were not there to hear it. They are not engaging in an actual debate. The to and fro—the interventions and so on—are very important.

However, if it comes down to a decision between allowing for better quality debate and allowing for all Members to participate in debate—as it did—I personally would have elected for allowing all Members to participate over improving the quality of the debate that happens. It troubled me, at the time, that the House took a decision to say—a large number of Members were not even going to be allowed to participate in a hybrid proceeding or to vote and were just being told that they would be able to pair—“We are okay with the fact that, in order to allow for a better quality of debate, a large number of elected Members of Parliament will not be able to participate.”

Chris Elmore: On that—

Chair: Chris, can I just bring in Kevan Jones, in the room? Sorry—this is one of the joys of trying to chair a virtual meeting. Kevan has a point on that, and then I will bring Chris in.

Mr Jones: It is a broader point, which I made earlier. This is turning us into people who come in and read things into the record rather than debating. I think the tendency has been creeping in slowly since we put time limits on speakers. I might sound like an old fossil, like Christopher, here, but the fact of the matter is that the old system worked very well. You often didn't get called in a debate. I remember waiting to make my maiden speech—I waited six hours and didn't get called. But then the system worked, because in the next debate, you were always called high up the debate.

I think the danger, with a lot of the new Members, is that there is an expectation that if you put in to speak in a debate, you will get called. That never was the case. The problem with this system coming in so soon after the general election is that expectations may have been raised among new Members—first, that they will get in, and secondly, that the three-minute contribution is the way forward. I think that if that gets into the psyche of the place, it will kill debate going forward.

The other thing that has crept in very clearly over the last few years is people reading speeches. Again, when Christopher was first elected and I was, you were actually pulled up for reading—for standing and reading speeches. That is now just an accepted behaviour, and I think it does break up the debate, because if we are a debating chamber, that is about listening to the debate. Obviously, you make your points, but you respond to the debate.



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As I said earlier, it is not just Back Benchers doing this; Ministers now often turn up with a prepared speech. They tend to make a list of who has spoken and mention them, but they do not talk about what they have actually said. When I was a Minister, all I used to have was an opening paragraph and a closing paragraph, and I sat and made notes throughout the debate. That is now not the case, which, in terms of accountability of the Executive, is not good practice, especially if you add to that Front-Bench Opposition spokesmen who do exactly the same—turn up and read a speech into the record. They might mention that X and Y spoke in the debate, but they do not refer to what they actually said.

I don't know how we get back to what we are supposed to be, which is a debating chamber and not just a forum for people to read set texts as their speech in the debate.

Chris Elmore: On the second part of the question, and to agree with Kevan in relation to call lists, I will say that lots of Members from all parties think that call lists mean that you will definitely get called, no matter how long the Speaker controls the timing in the Chamber, which everyone seems to ignore. People don't seem to acknowledge that there are x number of Labour, SNP, Green, Plaid and Conservative Members. Obviously, there is a payroll vote who can't speak, because they are bound by the rules of the House. I wonder what you think about publishing call lists, because there is a debate about whether they are effective. Also, as Kevan says, it means that if people are going in, they know they are in for three minutes—they no longer have to stay in the Chamber; they no longer have to listen to opening remarks.

That is all because of the pandemic, but, actually, there is a logic to saying that, when this ends, whenever it does end, and even if we go to a 1-metre distance in the Chamber, it is quite important to be in the Chamber to hear what a Minister has to say or if a Minister or an official Opposition spokesperson is responding to what you have said—if we can improve the response mechanisms that Kevan has mentioned. With call lists, someone may say, "Well, I've not been called. Forget it. I'm not going to bother." But, actually, a significant part of a Member of Parliament's job is to speak in the Chamber and represent their constituents, even if that is through a one-minute intervention that allows you to raise a constituency issue. I think Professor Russell was keen to—*[Interruption.]*

Q238 **Chair:** Kevan Jones has just said that there are 71 Members on the call list for this afternoon. We know that Owen Thompson is number 12 on the call list, so he will be going shortly to join that. It means that it is not a debate if you are not sitting and listening to openings, closings and speeches some time before yours, even if you are present to listen to the speech before yours. Professor Russell, do you have a response to that?

Professor Russell: I have always been a bit agnostic about speakers' lists, and the advertisement that we have seen for them recently in the Commons and in the Lords has not been a particularly good one. I have also, for the record, never been an advocate of electronic voting; I am a bit of a traditionalist in that regard. The opportunity to grab the Minister in



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the Lobby and so forth—I would go along with all of that, but needs must. We are in this extraordinary situation and have to be pragmatic. Obviously, these things were brought in in recent circumstances for a reason.

The spontaneity and all of that is clearly very important, and something very valuable has been lost in recent times. I completely agree with what you said in the Committee's report on 30 May: there may be a need for some compromise here between principles. I completely agree with Hannah that, in general, equality of participation is an absolutely key principle, particularly with respect to voting. You suggested in that report that the parity of treatment principle might be loosened a bit. I think that could be the case in terms of management of the Chamber currently. What you cannot do is push that—I have been saying this rather like a stuck record— as far as it went on 2 June, whereby you take the vote away from certain people.

I note that the Government's evidence to you—all of its forms of evidence to you—are leaning very heavily on the fact that the House agreed to end these proceedings on 2 June. Technically that might be true, but I would say that, actually, the vote was invalid and illegitimate because so many people were excluded. There is a limit to how far you can push these principles.

Chair: Can bring I bring in Liz Twist, who wants to ask a question specifically about proxy voting, and then we will go on to business outside the Chamber?

Q239 Liz Twist: You have all already touched on this in your evidence. Can you give us your assessment of how satisfactory the present socially distanced voting system is? How satisfactory is the proxy voting system for those unable to attend the House? I have an idea on that one, but perhaps you would like to comment.

Dr Fox: We were clear in our evidence that the remote voting system should have been retained, and proxy voting is an unacceptable alternative to that, for the kinds of reasons that Meg has outlined. I also think there is a slightly odd situation here, where the Leader of the House clothed the voting process in almost quasi-religious terms by describing it as a great experience that had to be protected and saying that you could not be doing anything other than walking through the Lobby or on the Parliamentary estate. But then the solution that they came up with in their U-turn was a proxy vote system, which hands all the votes of the MPs to the Whips in advance of the vote and largely in advance of the debate.

It seems to be a ridiculous debate, given the amount of effort and time that had been put in to deliver a system, against expectations, that worked so well, and given that you have to pay even more money and spend more resource to come up with an alternative—the card reader system, which was, frankly, less useful. My understanding is that one of the problems with the proxy voting system is the complexity of running it and tallying all the results alongside the card reader data. As a



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consequence, it takes longer to work out and it takes longer to publish the results. I think we saw a mistake in one of the votes last week. All in all, it is an utterly inadequate solution.

Dr White: It is confusing to me that the Leader put a lot of emphasis on the need for the House of Commons to return to set an example to the country that things were getting back to normal. I understand that the card reader system of voting is more efficient and faster than the original conga votes, which is good news, but it is clear from watching the votes—and clear to the public who are watching the votes—that social distancing is difficult. I think that it is a poor example for the House of Commons to set to the nation, when an electronic system that was entirely safe from a health point of view has been set aside in favour of a system in which it is difficult to socially distance. That poses a health risk to Members and poses a reputational risk to the House of Commons.

Chair: Chris Elmore has some information about what happened with the vote last week that might be useful to members of the Committee.

Chris Elmore: Thank you, Chair. This is all public, in the sense that it was queried afterwards. Last week, as was mentioned in the statement then, 30 proxy votes issued by the SNP Chief Whip—Owen, who is an SNP Whip, will help me on that—were not accounted for by the Teller. That was picked up by the House authorities later that evening. To be clear, the Government were not close to losing, but it certainly narrowed the gap quite significantly. It meant that when the vote was declared, despite the fact that we were querying it live from behind the Speaker's Chair and in the Whips Office, the votes of 30-odd Members, who were shown in *Hansard* as having voted, were not actually read out in the Chamber.

Chair: Sir Christopher has a question on pairing, and I will then bring Professor Russell back in.

Q240 **Sir Christopher Chope:** I would be interested in your views on putting fresh emphasis on the pairing system as it used to be when I first became a Member back in 1983. In that and the following Parliament, pairing was the norm. You would have relatively small numbers of votes with actual participation in the Commons, because people would be paired. Unless it was a genuine three-line Whip, there would be a two-line Whip, which would enable Members to absent themselves, either on parliamentary delegations, Select Committee visits or private family things, or even because they were ill. The public accepted that it was not necessary for an MP to vote in every Division to show that they were doing their job.

It seems to me that we need to get back to that. The Chair mentioned, when we were discussing this earlier, that she thought the genie was out of the bottle and that the public would never accept that Members should not vote in every Division. I would argue that we should try to educate the public into seeing this from a wider perspective. I wonder whether you think that there is any scope for trying to educate the public about the fact that Members can be active Members of Parliament without



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actually having to participate in every vote.

Professor Russell: I think that there is a place for pairing in its traditional way—if someone comes down with a short-term illness, has a family emergency or something like that, in a small number of cases, people are paired. I absolutely do not think that it is the answer in this situation. Ruth and I touched on this in the April blog post that has been referred to several times.

One of the difficulties with pairing is that you are marked down as absent, and Members want their vote to be on the record. The other difficulty is that it is even less flexible than proxy voting by Whips. As I understand it, despite the fact that Whips are holding some of the votes, there has been at least one instance—maybe several by now—in which a Whip cast votes in two different ways, having been instructed to do so by the Member, and I welcome that. But with pairing, it is simply assumed that you will vote the party line, so I absolutely do not think that that is the answer, large-scale, in this situation.

I was going to say, when I put my hand up just now on the previous point about the card reader system, that I was so struck when I read your evidence from last week. It was the evidence from the Clerk of the House, but I think it was Matthew Hamlyn who answered the question about the amount of staff time behind the scenes that is going into tallying up just the card reader system, leaving aside the proxy voting system. I was struck by the little quiet plea between the lines of his evidence about how the system that they put so much time and energy into setting up for the remote voting created the Division lists instantly. I say that as somebody who, as I said, has never been a supporter of electronic voting, but you clearly had a very efficient system that was working for the circumstances, and now you have a rather inefficient one.

Q241 **Sir Christopher Chope:** May I have a quick come-back on your answer to the point about pairing? Why should it be a problem for Members to be marked as absent? It is only a problem because we have allowed the public to regard it as important in all circumstances. I am suggesting that it is not important in all circumstances. What is important is that Members of Parliament participate in a conscientious way. For example, the Prime Minister has not been exercising proxies and he has not been physically voting a lot, but people understand that he should not be criticised for not being present and actually voting. Similarly, that applies to a whole host of other Members, or it can do.

Professor Russell: Do you want me to respond to that? Others will have views.

Chair: Perhaps Dr Fox will come in.

Dr Fox: I admire Sir Christopher's optimism about the possibilities of educating the public about some of the complexities, but, by and large, most members of the public do not give an awful lot of thought to how MPs vote, unless, of course, they are confronted with pictures on the front pages of the conga line. We know from our audit of political engagement



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that most members of the public struggle to differentiate Government and Parliament. In a world in which you have these data sites monitoring the activities of parliamentarians, and when you have media doing data monitoring of the activities of MPs and compiling reports on that, it is probably unrealistic to expect that in the coming years we are going to educate them away from focusing on those things. If we were to try, I think the focus should be more on working with organisations such as TheyWorkForYou and the media rather than pitching this idea of educating the public in the broadest sense. Some targeted work by the House to engage with the mediators, if you like, of this information, that push these messages out to the public would be a better option.

Q242 **Sir Christopher Chope:** Could I enlist the Hansard Society's help on this?

Dr Fox: Possibly. We would have to have a conversation.

Q243 **Liz Twist:** On the different methods of voting, do you think that the current arrangements, or pairing arrangements, have a disproportionately unequal impact on women Members or Members with disabilities?

Dr White: One of the benefits of proxy voting is enabling people to participate and have their vote registered in votes where they would not otherwise be able to, for whatever reason, whether because of caring responsibilities, disability or something else of that nature.

Chair: Can we move on to consider business outside the House? And Anthony Mangnall has a question about Select Committees.

Q244 **Anthony Mangnall:** Thank you, Chair, and thank you to our witnesses and experts. It is fantastic to hear your views and thoughts on this. As we are doing now, it has proven to be quite a useful system to be able to have Select Committees meet in a virtual process. Is this something you feel should carry on? Also, what happens outside of recess? Certainly during the pandemic we are going to have a period where the Government produces a significant amount of advice. Should there be a remit for Select Committees to meet outside parliamentary sitting times?

Dr White: Yes, I definitely think that the ability for Committees to sit virtually if they wish to do so, or in a hybrid way, so that certain Members who have responsibilities—if they are on a delegation or whatever—are able to participate after this should be preserved. One problem that we sometimes saw in the pre-coronavirus era was some Committees meeting with very few Members, because you are all so busy and have multiple engagements. It may sometimes not be that you are actually doing something but are travelling or whatever, and you might be able to participate virtually in a meeting. I think we might see an increase in attendance at Select Committees if some kind of virtual ability to meet were sustained.

I think it is really good from the point of view of diversity of witnesses that people who cannot necessarily travel to Westminster—whether from



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overseas or from elsewhere in the UK—will be able to participate as witnesses. I also think that, for some more diverse witnesses, including younger witnesses, dare I say, who are more digitally inclined, giving evidence via video link is potentially a more comfortable milieu than walking into a room with the Pugin flock wallpaper I can see behind you, Mr Mangnall. In more austere circumstances, they might feel more comfortable giving evidence to you, so you might get different quality evidence. I think there are lots of good reasons to keep it.

On sitting in a recess, subject to the point that your staff have all been working really hard, and that the last thing they want to hear is people telling them that they ought to be running lots of Committee meetings all through the recess, I did some research a few years back, and then it was relatively uncommon for Committees to meet in a recess. I was talking to people about the Home Affairs Committee, and a number of people spontaneously said to me that, when the Home Affairs Committee held a meeting during the summer recess, after there had been riots in England, and held the police to account, it had been really important to them, in terms of the sense that somebody was holding the powers that be to account, and that Members were fulfilling a democratic remit, which continued during the recess, and that Members thought it was important to be able to do that. Subject to the workload issue for you and for staff, I think the possibility of meeting in the recess is really important.

Q245 Anthony Mangnall: It is a good thing that I am not trying to pretend that this is my sitting room wallpaper or something along those lines. However, one thing I find quite interesting is that many Select Committees, including this one, have a huge degree of clout. A request to appear before one is significant. Far be it from me to stand in front of the winds of change, but that said, to ensure that we are properly holding people to account, I do not feel that an invitation to a Zoom meeting—this is not to detract from the fantastic evidence that you are all giving us—is as effective in getting the answers that we may need.

On the basis of everything you just said, do you not think that, if you were to go down that route, you would have to be extremely specific about the viability of a witness coming to give evidence virtually, and that there would have to be extenuating circumstances for us not to meet physically? Obviously, a pandemic is one of them. That is the measure that we would have to go to before we just necessarily accept the ease of being able to go on virtually, rather than the requirement and the clout that comes with these Committees.

Dr White: That is a good point. It would need to be up to the Committees, and they would need to be able to request that people appear in person. However, if you think back to some examples of people who have created trouble, shall we say, in the past about appearing before Committees, who have often found that it is very difficult to find the time in their diary to do so or have not been in the physical location to be able to come and give evidence in person and have resisted that, the Committee's having the option to say that, in that case, on that occasion,

they would be willing to take evidence by video link might be an additional tool in your toolbox.

Professor Russell: Hannah has made some terrifically good points, and I do not disagree with anything she said, but I also have sympathy with what Anthony Mangnall is saying. It feels to me like this would be a good topic for you to give consideration to. I am sure you will be thinking about the longer-term implications and future lessons.

I think there is general agreement on the panel that a greater use of virtual participation in Select Committees in future than we have seen traditionally in the past would be a good thing; but I think we have heard a lot about spontaneity, and there are questions of non-verbal communication and so on. Those apply to Select Committees, in a different way; but they apply in Select Committees as well as in the Chamber, so I think if Select Committees went all virtual that would be a loss. Maybe you need to be thinking about the circumstances in which witnesses are allowed to give evidence virtually and perhaps also the circumstances in which Members are allowed to participate virtually. Is it because they are absent for particular kinds of business? Somebody mentioned an overseas visit, or something like that. Is it in the case of illness, or whatever? Could they be allowed to participate virtually a certain limited number of times a year, or something like that? It feels to me like those are the kinds of things that your Committee might want to think through, in terms of setting out a framework for the future.

Chair: I am very conscious that we have kept you already 10 minutes longer than we told you we would keep you, but we have got a few questions, just to wrap up, about the House's control of its own procedures. If I can bring in Nigel Mills I promise we will let you go and do what you need to do with the rest of your day.

Q246 **Nigel Mills:** I will just take you back to the earlier comments on the House Business Committee, which I think the Chair and I both stood on a manifesto commitment for, in 2010—it seems a long time ago, doesn't it? We had the same situation after the Whitsun recess of the House almost not being able to have a vote on how it wanted to vote, because the Government would not lay a motion that would enable the House to have the vote. Do you agree that, whatever else we think of House business, it is the House that ought to decide conduct of House matters, not the Government having an effective veto by just refusing to table a motion in that situation?

Dr Fox: Yes. I think we are probably in agreement across the piece. I think Meg had already articulated this—that the House should have far more control over what happens to it, and that that can be done through a vote. If the Government has a majority and can carry the day on the merits of the argument, so be it, but that will not always necessarily be the case, and should not be assumed.

Q247 **Nigel Mills:** Is your view that House business and how the House conducts itself should not generally be heavily whipped votes? We have a



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drift towards House business not being a free vote, when it probably was 10 years ago. Are you not too fussed on that either way?

Dr Fox: My preference would be that it would be free votes as previously but, as you say, that drift has gone the other way, slightly; but ultimately it is for Members individually to decide. The preference ought to be in favour of a free vote.

Dr White: I agree.

Professor Russell: Yes, I agree too, and, again, this might be a useful topic for you for future consideration. It is a terribly big topic. We have seen difficulties over this, undoubtedly, recently, with respect to the events which we have discussed at length. I think we also saw this to some extent during the Brexit process, with the Government failing to bring things forward, withdrawing things to avoid awkward votes, and so on, so I think it is a general topic that is ripe for reconsideration 11 years after the Wright Committee reported.

Dr Fox: One important thing that could be done through that inquiry and a report would be to set out exactly that—what happened in the past. One of the concerns I have is that there has been such a turnover in the House in terms of membership and I think only about 25% or 26% of Members of the House were there prior to 2010. Obviously the last decade has been a very different decade in terms of how the House has operated. In some ways it would be quite useful to set out how things previously worked and how they have evolved over the last few years.

Professor Russell: It is often easy to over-romanticise the past. I remember various sorts of soft three-line Whips on things in the past. The Whips have not been totally uninvolved in these decisions but I think they were always officially free votes until fairly recently.

Chair: Thank you very much. We have an enormous number of other questions we could ask you, and an enormous number of other topics we could ask you about. We are very grateful for the evidence you have given us, and also your written evidence. If there is anything else that you would like to add to the work we are doing as a result of this—perhaps thoughts that you have post this meeting, you are very welcome, obviously, to write to us, but thank you for your participation and some very enlightening and thoughtful—and thought-provoking—contributions. Thank you very much.