

Public Administration and Constitutional Affairs Committee

Oral evidence: The Role of Parliament in the UK Constitution: Role of the Speaker, HC 32

Tuesday 22 October 2019

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Members present: Sir Bernard Jenkin (Chair); Ronnie Cowan; Kelvin Hopkins; Mr David Jones; David Morris; Eleanor Smith.

Questions 1-94

Witnesses

[I](#): Dr Paul Seaward, British Academy/Wolfson Research Professor, History of Parliament Research, and Lord Lisvane, Clerk of the House (2011-2014).

[II](#): Natascha Engel, former Deputy Speaker, and Lord Young, former Leader of the House.

[III](#): Professor Lord Norton, Professor of Government and Director of the Centre for Legislative Studies University of Hull, Dr Ruth Fox, Director and Head of Research, Hansard Society, and Dr Hannah White, Deputy Director, Institute for Government.

Examination of Witnesses

Witnesses: Dr Paul Seaward and Lord Lisvane.

Q1 **Chair:** Welcome to this special hearing on the role of the Speaker, which we are conducting in advance of the election of the Speaker, which we expect to be in a fortnight's time. It is a particular pleasure to welcome two former Clerks of this House—one a former Clerk of the House and the other a former Clerk of this Committee. I have counselled our Committee staff to hold back no ambitions for where they might finish up. Thank you both for being with us. I will kick off straightaway. I hope that we will ask our questions crisply and you will give your answers as directly as you can. We would be very grateful.

Dr Seaward, you are an authority on these matters. Historically, what have been the role and functions of the Speaker of the House of Commons? What has significantly changed in that role in recent years?



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Dr Seaward: That is a very wide question. I will try to answer it as quickly as possible using the generally used division between the representative function as presiding officer and as administrator. The origins of the role lie in that representative function, as a spokesperson for the Commons in its relationship with the Lords and with the Crown—what you might call a rapporteur these days; a sort of spokesperson to convey the decisions of this body.

It brings with it a sense of being a representative of the corporate entity—of the Commons as a corporate entity. This is the 14th and 15th-century origin of the role—upholding the dignity and power of the Commons and engaging in issues of privilege and so on. Some of those things have fallen away. Privilege now is a major preoccupation in certain respects but not in the sense that it was then. Interestingly, that sense of the corporate interest died away as party came to dominate.

You could say that there has been a change more recently in that representative role in that the Commons has started to have a more significant interest in representing itself as a corporate body. You could look at Speakers over the last 20 years and their considerable expansion of the public engagement role. That is something we will probably come back to.

Secondly, as a presiding officer, being a spokesperson draws with it one of the roles that we might recognise as being that of the Chair in many other contexts. Indeed, in its early history, you would probably see the Speaker actually acting as a much more conventional Chair than a Speaker as he or she is now—actually trying to make up the mind of the House collectively and trying to sort out its inchoate thoughts into a debatable, votable question. That sort of ceases by the 17th century, when MPs decide that it would be an awful lot better for them if they were simply to bring their own question and say, "Here it is, Mr Speaker. This is what we want to vote on."

Turning to the Speaker as the organiser of debates, the House is, in its origins, largely self-regulating. If you want to know what the House of Commons was like before the end of the 18th century, it is quite interesting to look at the way the House of Lords runs itself now—well, perhaps not quite so much now as 20 years ago, but it is very much a self-regulating body and the Speaker is there to hold the ring rather than to organise. Increasingly, that changes as well, particularly with party, with speakers lists—lists of speakers in debates—and so on. The Speaker's role of choosing who to call to speak is probably a 17th century role. The idea that the Speaker is a referee, there to enforce the rules of the House, is a 16th or 17th-century development. That is when you start to get Speakers being trained lawyers as a matter of routine. Some Speakers in the 17th century are expected, really, to go on to high judicial office.

There is a major change in the way that the Speaker works in the late 19th century as the rules become more elaborate and as Standing Orders become more fixed. The House gains a full set of Standing Orders that govern most of its proceedings from the 1880s onwards. The rush of



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Standing Orders from the 1880s means that the Speaker's role starts to change into being more of a gatekeeper. He is the one who decides who gets to do certain things—a critical change—such as selection of amendments, of course, which comes in in 1909 and used to be called the “kangaroo closure”.

Finally, thirdly, as administrator, that role is a very small one to start with. It is only really in the early 19th century that the Speaker becomes in any sense an administrator. The House of Commons (Offices) Act 1812 is sort of the starting point for the House being in control in some sense of its own proceedings. Speaker Abbot, 1802-17, is a major reformer in that respect. Even then, it is not until 1978 when you get the House of Commons Commission and so on that you get a significant change to that. I will stop there, Chair. I am sure that has set enough hares running.

Chair: Thank you. I will not follow up.

- Q2 **David Morris:** Lord Lisvane, “Erskine May” identifies being the “representative of the House”, being the “presiding Officer” and the “administrative duties” as the three functions of the Speaker. How do you understand the Speaker's role in those regards and, in your view, has the role of the Speaker changed in recent years?

Lord Lisvane: The first two have changed not substantially or spectacularly. Clearly, they develop as parliamentary practice and culture develop, and the speakership reacts to that. The administrative function, the third of your titles, has changed very substantially. It is my view, and has been for a long time, that the Speaker should not chair the House of Commons Commission. That should be a Member elected by the House to that separate function. Ideally, of course, that should be a Member used to running something big. The Clerk of the House is of course the chief executive, but the Speaker is the chairman of the board, so to speak. If you have a Speaker who has never run anything, that role becomes a sort of work experience, which is not good for the House or for the structures. I would put that footnote on to your third activity.

- Q3 **David Morris:** To what extent are the differing functions of the Speaker complementary or conflicting?

Lord Lisvane: Circumstances can always alter cases, but I do not think that they need to be conflicting; they ought to be complementary. Hard cases make bad law. I cannot really envisage circumstances in which they conflict. That is not to say that in any of those roles there are not extremely spikey and contentious problems to solve.

- Q4 **Chair:** But the Speaker might have to recuse himself from something if he is personally involved in it.

Lord Lisvane: That is normal expectation in parliamentary culture: you cannot be a judge in your own cause.

- Q5 **Mr Jones:** Dr Seaward, in historical terms, what has been the significance of the role of the Speaker in the relationship between the Government and the House?



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Dr Seaward: Obviously, that is the key element of the role, particularly in its early history. I go back to what I said at the beginning, that there is an important sense right at the beginning of the speakership that the House is a corporate entity and the role of the Speaker is to represent it in its dealings with other corporate entities, such as the Crown. It is supposed to protect the House's privileges and the right of the House to operate independently. The House of Commons has always been hostile to Speakers whom it suspected were failing to do that, were too close to the Crown or were misrepresenting it—all of those sorts of things.

There is another side to that, which is that even from the early years of the House of Commons right through until perhaps the early 19th century there was almost a tradition of deference to the Crown. It is sort of understood from the 15th century, if not before, that the Speaker will normally be proposed by the Crown—it will be a Crown nominee. There is an expectation that it will be a difficult role for the Speaker, because they are, in a sense, in a strong relationship with both the House of Commons and the King or Queen—indeed, in some ways they are beholden to the Crown. When Speakers have been lawyers, they have traditionally used that as a stepping stone to high judicial office. If you expect to be Lord Chief Justice, you will keep your nose fairly clean as you go on—Francis Bacon or Sir Edward Coke are the famous examples.

It is sometimes assumed that Arthur Onslow created the tradition of impartiality in the mid-18th century. He was Speaker from 1728 to 1761, and he still has not been surpassed in the length of his speakership. He goes on about impartiality in a way that no Speaker has done previously, and he very strongly holds the idea that he is there to be impartial. On the other hand, he is very close to Walpole, and other Speakers since have been very close to Ministers. That sort of difficulty in the speakership has continued, because traditionally, Speakers have almost always been members of the majority party when they are elected. There is always a lasting relationship there, which has been potentially difficult.

Q6 **Mr Jones:** Lord Lisvane, what has been the more recent role of Speakers in the relationship between Government and the House?

Lord Lisvane: There are always areas of potential disagreement, for example on expenditure. The proposal for restoration and renewal is inevitably an area of contention, given its size. I am not saying that there is disagreement, but these are areas where the Government who hold the purse strings—despite the authority of the House of Commons over finance—and the requirements of Parliament may have anfractuositities between them.

The stakes are slightly raised in an atmosphere of minority Government. I remember the minority Government in 1974, when one went into Standing Committee meetings with absolutely no clue as to what would emerge at the end. Functions such as the selection of amendments become more important in those circumstances. The process of selection is the same, but if a Government have a large majority, the outcome is likely to be



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academic. If you are dealing with amendments that if selected may well be approved by the House, that raises the stakes.

Q7 Mr Jones: To what extent is the role of the Speaker to act as an advocate for the House in relation to the Government?

Lord Lisvane: In an ideal world, the role of the Speaker is complementary to that of the Leader of the House, who is classically described as the representative of the House to the Government and the Government to the House. A good working relationship between the two is very important in that respect. Being an advocate to the Government is simply a subset of a much wider role that an effective Speaker plays, which is being an advocate for Parliament, and particularly for the House of Commons, as a whole. We may come on to that later, in terms of what might be the priorities for an incoming Speaker.

Q8 Mr Jones: Would you say it is the role of the Speaker to enforce the will of the House? If it is, does the Speaker currently have sufficient powers to do so?

Lord Lisvane: The classic “enforcing the will of the House” goes back to Speaker Brand on 3 February 1881, when the House had been debating a motion to bring in—it wasn’t even Second Reading—the Protection of Persons and Property (Ireland) Bill. It was being serially obstructed by the “Home Rulers”, and Brand simply invented the closure on the spot. There, he was interpreting the will of the House. I think the next morning he was a little alarmed at what he had done, and he asked my learned predecessor, Sir Thomas Erskine May, to find him a precedent. May did, and it came from the early days of the Long Parliament, so it was quite long in the tooth by then. May later said, “I’ve discovered what convinces the House of Commons better than any argument: I have discovered a precedent.” Of course, May’s predecessor but two, John Ley, who was Clerk of the House of Commons from 1820 to 1850, said, “To hell with precedent! The House can do what it likes,” so I think you pays your money and you takes your choice.

Q9 Kelvin Hopkins: Dr Seaward, how have periods of minority Government and political instability affected the role and prominence of the Speaker?

Dr Seaward: Lord Lisvane just alluded to one set of occasions in the 1970s. That is probably the most accessible example. There have obviously been four periods of minority Government since 1900. The Liberal minority Government of 1910 is slightly different because of the role of Labour and the Irish nationalists in supporting Liberal Government. Then there are the 1924 minority Government and the 1929-31 minority Government.

George Thomas’ autobiography on his period during the 1976-79 minority is a very interesting read on this subject. There are key decisions that he makes, such as the hybridity question on the Aircraft and Shipbuilding Industries Bill, which affect very materially the whole programme of the Labour Government. They are very finely balanced. There is also the selection of amendments, and so on. It just proves Lord Lisvane’s point

that, in those periods, those decisions are really important and make a difference in a way that perhaps they do not in other circumstances.

It was not quite a minority Government, but I was reading Betty Boothroyd's autobiography about an amendment—amendment 27, I think—to the Maastricht Bill, which was the key amendment that would unite opponents of the Bill from the Conservative side and the Labour side. It is a finely balanced decision, which could go both ways. In normal circumstances, it would perhaps not matter so much, but in these circumstances it does have huge salience.

- Q10 Kelvin Hopkins:** Thank you. Lord Lisvane, you have anticipated my next question, but I will read it anyway. How in your view does minority Government affect the role and responsibilities of the Speaker? You may want to come to that again. My second question is, what effect has the Fixed-term Parliaments Act 2011 had on the role of the Speaker?

Lord Lisvane: I do not think it has yet had any effect on the role of the Speaker. It has had a broader effect, of course, because there are only two humane killers, if I can put it that way, to end a Parliament: one is the two-thirds majority that there shall be an early general election, and one is the straightforward loss of confidence, not assuaged by a confidence motion approved within 14 days. I think that there is a possibility that the role of the Chair, if we get into the second of those circumstances, will be extremely important.

If you have the possibility that an existing Administration loses the no-confidence vote, you then have 14 days to put something together. Now, when the Fixed-term Parliaments Act 2011 talks about the second motion—I don't think it was an ideal piece of drafting in many ways, but perhaps we should not go down that rabbit hole this morning—it talks about "that this House has confidence in Her Majesty's Government". If that is to be a valid motion, there must be a Government.

You then have the difficulty—Vernon Bogdanor and, I am sure, you and your experts, Chair, have looked back at this—experienced in Canada in the 1920s, where a Leader of the Opposition went to the Governor General with an assertion that he had the numbers. If the same thing happens here and the leader of a grouping—I will be no more specific than that—were to go to Her Majesty and say "I have the numbers," quite reasonably Her Majesty would say "Well, I am going to want to work on something more substantial than that." Indeed, were she to call for the leader of that alternative grouping and—forgive me for this slightly lengthy prelude—the House of Commons disagree with her, that would be most unfortunate, because the House of Commons would be passing a judgment on the sovereign's judgment.

What is bound to happen, I think, in those circumstances, is possibly a series of motions which seek to demonstrate that a particular grouping or a particular leadership of a grouping can command the confidence of the House of Commons. If that happens, we get straight into the issue of "Question already decided in the same Session" and into the selection of



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amendments, because these will be highly explosive and enormously important because they will be about whether there is support for an alternative Administration. Clearly the occupant of the Chair—in this case it would be the Speaker; we are talking about motions on the Floor—will be extremely important.

- Q11 **Kelvin Hopkins:** That leads straight on to my last question in this group. Do you think that parliamentary procedure provides enough clarity for Speakers in these circumstances?

Lord Lisvane: I don't think that you can have a fully comprehensive and as it were irreplaceable rulebook. It is always going to be a matter of interpretation, and certainly I used that when describing the role that Clerks had. It was not a slavish description of what is in the rules—"So that's the rule". It was the "woodcraft" associated with that in a parliamentary culture, in a particular situation—"What is the appropriate application of the rule?" Now I have seen quite a few suggestions that the Standing Orders need to be rewritten in some form which puts them beyond misinterpretation or multiple interpretations. I think that is a bit of a will-o'-the-wisp.

When I was Clerk of the House we did a housekeeping exercise on the Standing Orders—an overdue and very useful thing. It was not a complete recasting. Let us say there is doubt—one rubbing point is the use of the word "forthwith"; does it mean "immediately", in other words with no intervening proceeding, or something else? Now if it is the will of the House that "forthwith" is not to be interpreted as anything but immediate, perhaps you could add "without any intervening proceeding or amendment proposed" or something of that sort; but yesterday I had a quick look through the Standing Orders. There are an awful lot of forthwiths.

- Q12 **Chair:** In that particular case, on the forthwith question, it was in a Business motion and the House had already voted, presumably in the expectation that "forthwith" meant what it usually meant, which is without amendment. What kind of conversation might have taken place between the Clerk and the Speaker about that matter before he gave his ruling?

Lord Lisvane: I am not going to mark any prep today, Chair, and I don't think I will speculate on what might have been said on either side, but I also have a word of warning. You can attempt too comprehensive an approach. If you will forgive me, my father used to give very good advice on overspecification in statute. The example he gave was of a rule alleged to have been enforced at the University of Heidelberg, which, after a unpleasant occasion, instead of saying that a breach of common sense is a breach of a rule, was amended to say that nobody may tie anything, whether a night-watchman or not a night-watchman, to anything, whether a lightning-conductor or not a lightning-conduct, at any time, whether or not during a thunderstorm. Overspecification has its own traps and I think the Standing Orders are probably quite long enough already.

- Q13 **Chair:** But in the case of "forthwith", one hon. Member was advised by



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the Table Office that they would not accept any amendment because they would be out of order.

Lord Lisvane: I hear what you say.

Chair: Through a different channel, an amendment was tabled, and accepted by the Speaker, so it was not exactly a level playing field at that point.

Lord Lisvane: I was aware of that.

- Q14 **Chair:** Malcolm Jack, your predecessor, told us in January, or a bit afterwards: "As a result of amendments both to the EU Withdrawal Bill and to the taking of business under it the Commons is now directing national policy in a way hitherto unimaginable." Do you agree with that statement?

Lord Lisvane: I would not say that it is hitherto unimaginable, because—Dr Seaward will correct me on this—there have been lots of examples of the House in its earlier form directing national policy, not least during the Civil War. There is one occasion of the House concluding a treaty by itself. It didn't last more than seven months, so that may not be a good precedent. I agree with the statement, without reaching a judgment on the value of the activity.

- Q15 **Chair:** How adapted are the role of the Speaker and the Standing Orders to these circumstances?

Lord Lisvane: I would not say under the Standing Orders, because if the Standing Orders, as it were, cut the Chair free to exercise judgment which is not precisely according to what the Standing Orders say, you are in a completely new situation. When I was Clerk of the House, the Speaker wished to call a third amendment to the debate on the Queen's Speech, to provide for a referendum on membership of the European Union, strangely. I said, "The Standing Order allows you to call two amendments on the final day and not three. I leave that tension with you."

- Q16 **Ronnie Cowan:** Do you think there should be greater transparency on how the Speaker's decisions are reached?

Lord Lisvane: I think that there are really good reasons for not giving reasons for things such as allowing or not allowing an urgent question; certainly, for the selection of amendments I think it would be a most retrograde step. I know it is done in some Parliaments, but here there would be an endless wrangle about whether the reasons were sufficient. The House, over the years, has given the Speaker huge powers—much greater than the presiding officer in many Parliaments—and the compact has normally been based on a clear expectation of how they will be used. The idea of giving reasons for everything would be a retrograde step. I don't think it would be particularly to the House's advantage.

- Q17 **Ronnie Cowan:** Should the advice of the Clerks be published?

Lord Lisvane: Absolutely not. There are two reasons for that. First, it would inhibit the giving of what is often blisteringly frank advice. Secondly,



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it would be the classic phenomenon of publishing advice, in which some advice is published, but it is not actually the advice that has been given, which would have been given orally.

Ronnie Cowan: Are there occasions where the Speaker and his three Deputies should be working more as a team to reach decisions on significant issues?

Lord Lisvane: I agree absolutely. The Deputies—in our current arrangements, they are elected by the House—and the Speaker should form a very close-knit team. Any new Speaker needs to think about improving the cohesion of the team, which would be helped by giving them more exposure and authority. To have three experienced parliamentarians given that task by the House is a huge plus for any Speaker. It is a great advantage, or it should be.

Q18 **Ronnie Cowan:** Should there be a formal agreement?

Lord Lisvane: No. That goes back to your original question about transparency. If there is formal agreement, how do you make that effective? How do you manage it? If you have four people who know each other well and trust each other, and are united in wanting to do a particular type of job, it should happen without the bureaucracy of a formal agreement.

Q19 **Ronnie Cowan:** What if you don't have four people who know each other well and trust each other?

Lord Lisvane: I would say they should jolly well get on with it.

Q20 **Chair:** Should there be something in Standing Orders to require that conversation to take place?

Lord Lisvane: No, because I do not think, in Commons terms, it would be justiciable.

Q21 **Chair:** It doesn't matter whether it is justiciable; it means that the conversation could not be artificially curtailed if it was laid down in Standing Orders, and had to happen.

Lord Lisvane: It might make people feel better to have an ideal set out in Standing Orders, but it is going to make no difference if the individuals concerned are not going to be able to work in that way. I would not rule out some sort of desideratum saying that the team should work in such-and-such a co-operative way, but I think it would be a waste of paper. As I say, get on and do it.

Q22 **Chair:** There is no doubt that if the Speaker chooses to say, "This is my decision, and I've made a decision—move on," there is no way you can stop him doing that.

Lord Lisvane: I think you have to distinguish between the co-operation that there is, or should be, within the Chair team and those decisions that are for the Speaker as an individual and for which the Speaker takes personal responsibility.



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Q23 **Chair:** But that is the problem, isn't it? There is increasing concern that the Speaker is acting in these very controversial questions alone, not in the consensual manner that you have described would be preferable.

Lord Lisvane: You are taking me out of my comfort zone in terms of my past career and experience.

Q24 **Chair:** I am not trying to expose any prior conversations that you have had. I am just saying that at the moment the Speaker has the power to act capriciously. What are the checks and balances on the Speaker not to act capriciously? I have described the potential of the speakership to become just a majoritarian dictatorship; as long as he stays in office, he can take whatever decisions he likes.

Lord Lisvane: I think I would put that against a broader background. I would say that we are coming to the end of one speakership, and any new speakership is going to take a lot of experience and deductions from the last few years.

Q25 **Chair:** At the daily Speaker's conference, is a minute taken of the discussion for the historical record?

Lord Lisvane: In my experience, no.

Q26 **Chair:** Shouldn't there be a historical record of that discussion? Wouldn't that act as it least some check—that one day the nature of the decision and how it was reached would be exposed?

Lord Lisvane: I suppose you could do that. I would be doubtful about its value. You are not dealing with an extensive, deliberative occasion; you are dealing with a very fast-moving, decisive occasion.

Q27 **Kelvin Hopkins:** One thing about taking a minute—it is the same with the civil service and Government discussions behind closed doors—is that it changes the nature of those discussions if they know that it is going to be recorded.

Lord Lisvane: It does indeed. In terms of freedom of information, I think that would be covered by section 34. Clearly, it would be related to proceedings in Parliament and have the protection of that section, but when you start writing things down in that way—I may sound extremely old fashioned and over-cautious—there is automatically pressure to say, "Let's see this. Why was a UQ on X or Y refused?"

Q28 **David Morris:** Gentlemen, the impartiality of the Speaker is considered a key convention. How has this convention been maintained in the UK while it has been politicised in other countries?

Lord Lisvane: I am very readily looking at Dr Seaward here.

Dr Seaward: That is a very interesting question. The obvious answer is because of the crucial particularity of the UK system, which is that Ministers sit in Parliament. In America, of course, the Speaker is essentially the leader of a party in the House of Representatives, but here the key leadership role is taken by the Prime Minister. It is not a



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coincidence that the person who most creates our idea of the speakership, Arthur Onslow in the mid-18th century, was in office at the same time as the person who most creates our idea of the Prime Minister, Robert Walpole. Walpole's and Onslow's dominance creates our idea of those two separate roles.

There is a second, underlying reason, which is that the role of the Speaker gets established before a modern idea of party becomes so strongly embedded in the political system. What is very suggestive is that there is an interesting moment between about 1694 and 1715, when there is a powerful sense of party—Tory and Whig—and party competition within the political structures, for all sorts of complicated reasons to do with the revolution of 1689 and the Triennial Act meaning you have elections happening every three years. At that moment, you get Speakers who are much more like Nancy Pelosi is now: Robert Harley, Paul Foley, and several Tory Speakers as well, such as William Bromley. Harley even held the position of Secretary of State at the same time as that of Speaker, which in modern terms is rather outrageous, and was even then.

That stops a little while after 1715; it does not really go on. There is the convention that a Speaker holds, or is able to hold, the speakership for multiple Parliaments and across a change of party, which we conventionally assume is established with Shaw-Lefevre in 1841. It is not as if it all comes in at one time, but that is the moment at which it is conventionally thought to have happened. It is interesting that since 1715, very few of our Speakers have been major political figures. Because of this collection of circumstances about the way in which our speakership has worked, Speakers have generally been relatively less prominent politicians. There are a few exceptions—Selwyn Lloyd is the most obvious in recent terms—but by and large, that has held for quite a long time.

Q29 **Chair:** Would you like to add anything to that, Lord Lisvane?

Lord Lisvane: Not to that erudition, no.

Q30 **Mr Jones:** Certain hon. Members have been known relatively recently to express concern about the impartiality or otherwise of Speakers. What challenges do Speakers face in maintaining both impartiality and, perhaps just as importantly, the perception of impartiality?

Lord Lisvane: With a new speakership about to start, it is worth drawing a distinction between neutrality and impartiality—the sound of dancing on the head of a pin is perhaps becoming deafening, but let me explain what I mean. You cannot expect an incoming Speaker to be entirely neutral on every question of the day; the real question is how contentious or divisive that issue is. If somebody comes to the Chair, for example, having been a lifelong campaigner for the proper treatment of children and young people suffering from Down's syndrome, that is not something that is simply going to fall away when that person occupies the Chair.

With impartiality, on the other hand, the proof of the pudding is in the decisions made. When you talk about perception, over time the House will build up a picture of that impartiality. It is absolutely clear it does not



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matter which side of the House you come from—and, in our current political circumstances, perhaps even which faction on which side of the House you come from. You can define impartiality as not being swayed by the origin of a suggestion or the individual who is making it. In terms of the perception, I think that has to be built up over time as the House grows in confidence with a new Speaker.

Q31 Eleanor Smith: Lord Lisvane, what should be the strategic priorities of the next Speaker for the House services?

Lord Lisvane: May I deal with two organisational points first, which are not really strategic but are about empowering the new Speaker? First of all, I think any new Speaker has to be aware of becoming a prisoner of the diary. Whenever one person takes over a high-profile job from another, the diary legacy is huge. The new Speaker will need to be absolutely ruthless going through the diary, perhaps for three or four years ahead, and deciding what he or she really wants to do.

Secondly, it is time to modernise the Speaker's Office. It is decades out of date. We should do what other Parliaments do—principally I have in mind the Bundestag and the Assemblée Nationale—where it is the brightest and best in the House Service who go through the Speaker's Office. It is a campaign ribbon, as it were, that you should have if you are going to aspire to the highest jobs in the House Service. That would be good for the support of the Speaker and it would be very encouraging for the House Service.

The opportunity to do a bit of reorganisation at the same time should be taken. You would need a principal private secretary, who I would say should serve for no more than five years, and perhaps some deputy private secretaries specialising in particular areas—House business and international relations, for example. Those changes should be made pretty rapidly.

In terms of the strategic priorities—

Q32 Chair: Can I interrogate you on that a little bit? Isn't it up to the Speaker who he or she appoints to his or her office?

Lord Lisvane: That is the situation at the moment, yes.

Q33 Chair: Should that change?

Lord Lisvane: I believe so, yes.

Q34 Chair: So to protect the impartiality of the Speaker, you would buttress the Speaker with, if you like, a permanent and impartial civil service.

Lord Lisvane: In miniature.

Q35 Chair: That is quite a big change, isn't it? The push in Government is in the opposite direction.

Lord Lisvane: Yes, it is. I think there are judgments to be made about that.



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In terms of strategic priorities, a huge one is going to be re-establishing and rebuilding trust in Parliament. We have had three years where the House of Commons and Parliament as a whole has taken knock after knock after knock. A new Speaker has to have that front and centre of whatever she or he wants to do.

We have talked about the Deputies. Giving more exposure and authority to the Chair team would be a good change. Again, that is hardly a strategic priority, but it is a way of doing business.

It is very important, incidentally, if I can speak as a member of the ex-Clerk of the House union, for the Speaker to give real support to the Clerk of the House. That job is a hideously full-on one. They are chief executive of the House Service—there is a director general, but he reports to the Clerk—as well as principal adviser on constitutional and business matters to the House, accounting officer, corporate officer and data controller. It is a very, very heavy job, and I suggest you cannot do it easily without very strong support from the Chair.

The bullying culture needs to be wholly driven out. My impression is that this has not happened yet, although progress has been made.

There are so many things which an incoming Speaker will be offered. He or she could occupy every day, from now for the next five years, picking up invitations, but the overall theme—perhaps the test—needs to be about rebuilding trust, and the subsets of that are going to be outreach and education. I was very keen, for example, that there should be a scheme of Speaker's scholars, which has not quite been achieved, but that would complement the Clerk of the House's Clerk's apprentice scheme.

There are serious questions to address for a new Speaker about international relations. How important are they going to be, particularly in terms of the inevitable strains on the Union? The current arrangement, known as the Quad—the meeting of the four presiding officers—is something that a new Speaker should be able to use extremely constructively. Of course, we hope the situation in Northern Ireland is going to be temporary, but I know that the real interest and support of the Speaker would be hugely appreciated by the presiding officers of the other Assemblies and Parliaments.

- Q36 **Chair:** We have looked very closely at the relationship between Secretaries of State and their senior officials, and this trust and confidence thing is obviously vital to the functioning of a Government Department. I can see that that applies to the Speaker. One of the recommendations we made was that it should be possible for the permanent secretary to go to the Cabinet Secretary and say, "We just are not getting on. You need to find somebody else to do this job". That is always going to be the case, isn't it? I realise I am very near the bone on this point, but, practically speaking, sometimes that relationship of trust and confidence just won't exist.

Lord Lisvane: That's life.



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Chair: There was another point I was going to occupy the Committee's time with, but I will move on.

- Q37 **Eleanor Smith:** You have anticipated my question: is it appropriate for the Speaker, the Chair of the House, to be the Commons Commissioner? What approach should the Speaker take in chairing the Commission, and how desirable might it be to have a separately elected Chair Of The Commission?

Lord Lisvane: As I said earlier, the chairmanship of the Commission should be separate and distinct. Given what I have just been saying about the strategic priorities of a new Speaker, that is a very big portfolio to burden the Speaker with further. As we move towards changes on restoration and renewal, for example, a lot of questions are going to come to the Commission and its Chair, never mind the body set up by statute to supervise. That is going to become a heavier task and an incoming Speaker is going to have a very heavy task. To combine the two jobs simply overfreights both. I would argue for the clarity and separation of separate chairing of the Commission.

- Q38 **Chair:** Are you disappointed that the Cox report has taken so long to implement?

Lord Lisvane: I am going to avoid answering your question, because I simply do not know enough about it. When I said that the bullying culture needed to be extirpated and I did not think that this had yet been achieved, that is purely an impressionistic judgment. I have had nothing to do with the process, so I think I had better leave it there.

- Q39 **Chair:** On the question how some of these reforms that you recommend should be made, such as splitting the chairmanship of the Commission from the speakership, the Straw Committee seemed to be a reasonable method of proceeding—a special Select Committee appointed for the purpose. What do you think of establishing a similar Committee to review the role of the Speaker?

Lord Lisvane: I would counsel very strongly against it now, because, inevitably—if I may say so, some of the questions that have been at the forefront of your minds this morning have tended to reinforce my view—it would be an inquiry into personalities, events and particularities. I also think it would be very unfair on an incoming Speaker.

Whoever takes the Chair, it is huge. As some Speakers have said, on assuming the office in the past, it is the highest honour that the House has in its power to bestow. I would argue very strongly for giving a new Speaker some time to get used to the role and for the House to see how that role is being exercised, and what, particularly, that individual brings to the role. It may be that, in a couple of years' time, the time is ripe for that sort of inquiry, but at the moment I think it would be potentially very destabilising and, as I say, very difficult indeed for the incoming Speaker.

- Q40 **Chair:** What of the alternative proposal, suggested by one or two of the candidates to be the next Speaker, that there should be a Speaker's Conference to look at such matters?



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Lord Lisvane: The same arguments apply to that. A Speaker's Conference, as you well know, is a highly technical term, which in the past has had particular requirements as to the way it is organised and who takes part in it. I would see a Speaker's Conference simply as a Select Committee in a different guise.

Q41 **Chair:** How proper would it be for the Speaker him or herself to chair the proceedings looking into the role of their own office?

Lord Lisvane: I do not think it would be proper at all.

Q42 **Chair:** So you wouldn't favour a Speaker's Conference?

Lord Lisvane: If that is what a Speaker's Conference would involve. The whole concept of Speaker's Conferences has been a bit protean in the course of the 20th century, but I think we are looking at a sort of Select Committee inquiry. As I say, until things have been able to settle down and the new Speaker establishes the way in which she or he wants to do the job, I think it would be destabilising and way ahead of its time.

Q43 **Chair:** How much do you think that, in two years' time, it needs to be a special Select Committee, rather than just this Committee or another Committee, such as the Procedure Committee?

Lord Lisvane: That will be for others to judge. A Committee that can do a good job—I am not going to sit here and suggest that this Committee could not do it. I think the means are less important than the way it is done.

Q44 **Chair:** Except that, if the House does not appoint a Committee especially for the purpose, the Committee's findings do not have the same authority, do they?

Lord Lisvane: No, that is fair enough. If the House is giving a specific task, in the very old-fashioned way that Select Committees used to operate, the House is, as it were, expecting and ready to receive the results of what it set up.

Q45 **Chair:** May I briefly divert the conversation to take this opportunity, while you are giving us evidence on this matter, to ask about your reaction to the Supreme Court's intervention in the prorogation affair. Do you have any particular thoughts about that?

Lord Lisvane: Yes, I do. I was not as alarmed about it as I think, in advance, I expected to be. It seemed to me that the distinction that the Supreme Court drew between establishing the limits of prerogative and deciding whether prerogative was lawfully exercised, or whether the advice to exercise the prerogative was lawfully given within those parameters, was correct. I found some of the arguments put forward by the Government, to say it politely, unconvincing. The idea that, in the last set of circumstances, Parliament could itself have legislated to stop itself being prorogued was a non-starter.

The Court satisfied itself as to justiciability, on which, of course, it differed from the divisional court. I think paragraph 52 of the judgment is the sort



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of nutshell about justiciability, and I found that convincing. I found paragraphs 63 to 69, on article 9, convincing but it was a close call. The argument, in a sentence, was that this was not a proceeding in Parliament because it was something that Parliament was having done to itself, so it fell outside article 9 and so the courts were able to have a locus.

I was tempted to ask Lady Hale—I'm not sure whether I will do this next time I see her—whether the Court would have come to the same decision if the point at issue had been Royal Assent, which seems to me to contain a lot of the considerations, about whether it is a proceeding or not a proceeding, that prorogation raises.

Overall, though, I think there are some fairly hyperbolic views going around that, now that the Supreme Court has decided on a question like this particular one—although the judgment said at the beginning that these were extraordinary circumstances, which would probably never recur—the hyperbolic arguments are that now the courts can trample all over prerogative.

Of course, on the extent of prerogative—you have only to look at the Fire Brigades Union and De Keyser, the two cases that the court quoted—this is nothing new. There may be a temptation to bring cases which you hope will end up in the Supreme Court and will be decided on the same principles, but I can't see an immediate threat. I may regret my words before long, but I can't see an immediate difficulty.

- Q46 **Chair:** Of course, it quoted Chaytor and the rather narrow definition of the purpose of article 9, which is only to protect free speech. If that is where article 9 finishes up, does that alter your view that we might need to legislate for prerogative rather than to leave it as a matter of understandings between the courts and Parliament?

Lord Lisvane: Not at the moment. The Supreme Court quoted Chaytor and, of course, those of us, so to speak, in the business never had the slightest doubt that that would be judicially defined as falling outside the operation of article 9.

The Court did not limit themselves to protecting free speech. Of course, proceedings are so very much wider—indeed, being protected this morning, for example—than debate in the Chamber. The Supreme Court also mentioned the issue of exclusive cognisance. So I think they approached it on a fairly broad front.

- Q47 **Chair:** Do you think the Court would still recognise that the exclusive cognisance included the Duncan Sandys judgment? MPs should regard that as very important, protecting what we are preparing for debates in Parliament.

Lord Lisvane: The Duncan Sandys case was decided at a time when there was a tendency to define these things more rigorously and more closely. I have always held the view, and I have so advised, that matters that are evidently preparatory to a proceeding, and sufficiently closely linked to be specifically for that purpose, are going to be protected by article 9.



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I would not want, in all circumstances, that advice to be tested in the Supreme Court, but it is just my feeling that, given the way that the Court approached this, it would be a safeguard.

- Q48 **Kelvin Hopkins:** There are those who think that the establishment of the Supreme Court was a small but significant step towards the Americanisation of the British constitution.

Following this judgment, which was seen by some to be political, might it not now be the case that future Governments—the political realm in general—might take an interest in the membership of the Supreme Court, as they do in the United States? That would change the nature of our constitution and the independence of the judiciary and so on. Do you have any thoughts on those points?

Lord Lisvane: I think that would be disastrous for our system. I have noted that the Prime Minister said he agreed with the judgment of the Supreme Court but that there would be consequences. I vigorously hope that those consequences don't include thoughts about how the membership of the Supreme Court is decided in future—because once you politicise appointments, that is a non-return valve. Of course, we have a different system from that in the United States, where the court structure and the structure of the judiciary feeds upwards into the Supreme Court. There would perhaps be questions to be asked at a lower level of the judiciary—the High Court—before you went down that road, but I would sincerely hope that no Government is even going to set its foot on that road.

- Q49 **Chair:** Thank you both very much indeed for a very interesting, very topical session. I hope that those who are choosing the next Speaker will reflect upon your words—in other words, all of us.

Examination of witnesses

Witnesses: Natascha Engel and Lord Young.

- Q50 **Chair:** Could I ask each of you to identify yourselves for the record, please.

Natascha Engel: Natascha Engel, former Deputy Speaker, 2015 to 2017.

Lord Young: George Young, former Government Chief Whip, former Leader of the House of Commons.

- Q51 **Chair:** It is very nice to see two old friends in front of this Committee. I thank you for taking the trouble to listen to the proceedings so far this morning, because it will enable us to go a little bit faster and to have a more informed discussion.

First, do you have anything to add to the questions of what are the main role and functions of the Speaker and to what extent they are complementary or conflicting?

Natascha Engel: I assume that we are going to get generally the same sort of questions—

Chair: Yes.

Natascha Engel: So I will not try to answer everything that went before. Having heard the very constitutional approach to this, I think, looking at it more politically, for me there is a tension between allowing Parliament to express its will—the issue that came out of the last evidence session—and allowing the Government to manage the time in the House, which I am sure George will talk more about.

Another issue is that it is an important part of the Speaker's role that the speakership does allow Parliament to express its will—but how is that identified and how is it done? Lord Lisvane mentioned that at the moment it is an interpretation: the Speaker interprets the will of the House. I think you can then get into slightly difficult areas, though, as we have seen recently, where the Speaker has made decisions on what he thinks the will of the House is without that actually being able to be tested. It is sort of a positive versus a negative. When we saw House of Lords reform votes, for instance, the House was very good at expressing what it doesn't want, but quite bad at expressing what it does want. So, when the Speaker effectively gives Parliament the powers to table legislation, we get nowhere at all because that is not the role of Parliament—the role of Parliament is to scrutinise legislation. That is when we get to a stalemate. From a political perspective, that is one of the really big evolutions in the role of the speakership, and one where I think there are some real problems.

Lord Young: In a nutshell, I like the analogy of the football referee—neutral, respected, authoritative, whose interest is in seeing a fair game between two opposing sides, who blows the whistle when he has to but then gets the game going again as fast as he can, but who does not kick the ball towards any one particular direction. The good referees are the ones that never appear in the news—the ones that people don't notice because the game has been allowed to go on without major intervention, without drawing attention to themselves. Quite often, when the referee, or the umpire in cricket, becomes the story, it is just an indication that something somewhere may have gone wrong.

Chair: Yesterday in the House of Commons, I made a remark that was based on the fact that the Government seem unable to be allowed an opportunity for the House to express its opinion on a motion that is absolutely crucial to the Government's policy. It was amended on Saturday and then denied an opportunity yesterday. How usual or unusual is it for the Speaker to prevent the Government's business being considered?

Lord Young: I think you have to look at what happened yesterday against a background of other decisions, which I know, Sir Bernard, have irritated you. The key role of the Speaker is that when you stand back and look at the decisions as a whole, you can see "Yes: neutral and impartial". The



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difficulty arises when some of the decisions go against Standing Orders and are seen by one side of the House to be more against their interests than in favour. That is one of the risks that a Speaker runs of, first, moving against Standing Orders and, secondly, a consistency—perhaps against a background—of views which the Speaker is known to hold and has not kept secret. Those are the risks that a Speaker runs, and I hope that a new Speaker may seek to avoid them.

Natascha Engel: I would go a little bit further than that. Certainly, more from the outside now, I think it is regarded that the Speaker has made decisions that one side is pleased with and the other side is displeased with, which is the point that you raised yesterday, Chair. At that point, that sort of neutrality and impartiality, no matter which side you are on, does become an issue. The other thing that your point of order and all the other points of order highlighted yesterday is that that is what happens when a Speaker starts to justify the decision that he has made. It was a perfect demonstration of why a Speaker does not say why he has come to a certain decision; because otherwise, you spend a couple of hours taking points of order trying to justify that decision. So, there were two slight novelties yesterday.

Q52 **Chair:** In one intervention, Maria Eagle pointed out what a welcome counterbalance the Speaker has become to the over-mighty Executive. But I would say, in answer to his response to me, that is the one consistent theme of all his rulings: that they cause trouble for the Government. Could that be justified as an objective way of making sure that the House expresses its will?

Natascha Engel: This is probably the point that I feel most strongly about. My parliamentary history goes back to just about Betty Boothroyd and no further. In that light, when I was first elected, we had very large majorities and the power of the Executive was overwhelming. I remember we had conversations in the early days about how does one, as an ordinary Back Bencher, just express something that one feels. It was often difficult. Sometimes you had Adjournment debates and the Government were in control of everything, all the time. But even in that short period since 2005, when there have been lower majorities, up until now, where there is no majority at all, over time there have been innovations such as the Backbench Business Committee, whereby it is possible for the House to express its will and even actually change Standing Orders. It is very different from when there were very large majorities. I would say that the speakership now has tilted the balance the other way, so that where Governments were all-powerful, you now have a situation where Parliament is all-powerful and the Speaker, by whether you call it a creative interpretation of the rules or abusing the rules, has enabled Parliament to put forward legislation in a way that it was not able to do before. It has effectively given Parliament the powers of the Executive, so I would say that the balance has shifted in completely the wrong way and has not done Parliament any favours.

Chair: Mr Jones, I am sorry to trespass slightly.



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Q53 Mr Jones: You have indeed, Chairman. The question I was going to ask was: what is the role of the Speaker in the relationship between the House and the Government; and how have you observed it evolve over time?

Natascha Engel: Well, that, definitely. The point that was made was that, when the Speaker was first elected, he very much came in as the champion of Parliament. At that time, MPs, Back Benchers, as opposed to the Executive, were very much regarded as representatives of the people, so they were elected local constituency MPs, as opposed to the Executive. In those days, you could say that Parliament really did represent the people and, therefore, the Speaker being the champion of Parliament meant that he was by proxy the champion of the people.

I think that is different now. Certainly, having been outside for two years, I see that very differently now. People are very angry about what is happening in Parliament. The championing of Parliament, actually, certainly I can see from outside, the more that that happens, the angrier people get. That power balance—that power shift—is something that, in terms of the longer-term trust and the democratic legitimacy of Parliament, is really at risk. I take that very seriously.

Q54 Mr Jones: So you see a fault line between the people and the people representing the people in Parliament.

Natascha Engel: Yes, definitely.

Mr Jones: Do you attribute that to the actions of the Speaker?

Natascha Engel: No, no—absolutely not. I am saying that when the Speaker was first elected, he was very clear that he was the champion of Parliament, which he continues to be. When it comes to championing the Government versus Parliament, the Speaker is very much on the side of Parliament, but in the days when Parliament was largely representative of people outside—and the referendum changed things. The number of people who voted in the referendum versus the number of people in Parliament who feel a different way has changed the balance, so the championing of the rights of Parliament by the Speaker is no longer the same as championing the rights of the people versus the Executive. I am just saying it is a very subtle difference, but that therefore, the Speaker's championing of Parliament is much more about those individual MPs rather than the people that they represent. I think we just have to be a bit aware of that.

Lord Young: Going back to your question about the relationships between the Government and the Speaker, on a personal basis as the Government Chief Whip and as Leader of the House, I always sought to have a good personal relationship with the Speaker, as someone representing the Government. It is no secret that there are some points of tension. The issue about the extra amendment being called on the Queen's Speech was obviously an issue where the Government took a slightly different view from the Speaker, likewise "forthwith", which was after I left your House. That was obviously an issue of tension between Government and Speaker,



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where we thought the rules were clear and there was a different interpretation.

On things like urgent questions, it is the role of the Speaker to help make life difficult for the Government by allowing lots of UQs. As far as I was concerned, that was sort of fair game. There is an issue, when you are trying to manage the business of the House, and you have allocated what you think is a reasonable time for the Report stage of a Bill, or the Second Reading, and you find not so much that there is a UQ or two UQs, or perhaps a Government statement, but that the length of time that it takes means that what you had thought was an adequate time for the House to consider the remaining stages of the Bill gets squeezed and then the Government gets blamed for not allowing adequate time to scrutinise legislation. So there is a bit of an issue there.

Then there would be other issues that the Speaker would raise with the Government, which he probably raised with the Opposition as well, such as the noise at Prime Minister's questions and what I, as the Chief Whip, or the Leader of the House could do to give a slightly better impression of the House by persuading my colleagues to lower the decibel count—something that everybody has singularly failed to do. In the management of the business, however, the Speaker does not actually play a role. That is done through the usual channels—the Chief Whip, the Leader of the House and the representatives of the other parties—so the Speaker is not, as it were, in the frame when it comes to what we are going to debate next week, but he does have an impact, as I said a moment ago, on the management of business.

As a footnote, having moved from your House to my House, there is a time limit on statements of 40 minutes. That means you get shorter questions and shorter answers, and questions tend not to be repetitive. Also, when it comes to managing the business of the House, you know how long it is going to take. That was becoming an issue of managing the business between the Government and the Speaker—that he was pre-empting to himself more time, overrunning Prime Minister's questions, which is clearly set out in the Standing Orders as half an hour, and gradually squeezing, not just the Government, but at times the Opposition, of time that they thought they had.

Natascha Engel: Can I add to that, Chair? It is not just the Government who suffered with the urgent questions; as a Back Bencher, certainly, I found it quite difficult to manage my time. You squish lots of things into the day and then suddenly there is an urgent question that is of constituency interest, and that happened more and more. In terms of the management of time, when we were on the Wright Committee together the issue of who controls the time was the big one. At that time, Government controlled pretty much all of the time. However, with the Backbench Business Committee effectively having one day a week allocated to it, and therefore to Back Benchers, and then with the encroachment of UQs—sometimes several in one day—and with the tabling of emergency debates, the time managed by Government was really



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squeezed. Again, you start to look at where the balance actually lies between Parliament and Government. That may be a good thing. I am just saying that, in terms of the evolution over the last couple of years, it has definitely been a feature.

- Q55 **Kelvin Hopkins:** Lord Young, to an extent you have anticipated my first question, but I will ask it anyway, in case you want to add something. When you were Leader of the House, to what extent was it the role of the Speaker to facilitate the progress of Government business?

Lord Young: I do not think that it was his job at all to facilitate the Government; his job was to make sure that the House of Commons had adequate time to consider the legislation. Quite often he would not facilitate the business of Government, but for very good reasons—for example, by choosing unhelpful amendments that the Government would not particularly welcome. That was not facilitating the business of Government, but it was doing the right thing for the House. There is inevitably some tension between the Leader of the House, whose job it is to get the Government's legislation through the Commons, and the Speaker, whose job it is to make sure that the House of Commons fulfils its task of holding the Government to account and not bowing to every request that the Government may make. For example, on time, we may say, "If you allow all these UQs today instead of tomorrow, we don't have time for this," but the Speaker may decide to go ahead. It was my job to facilitate the business of Government and the job of the Speaker to make sure he facilitated the job of the House of Commons.

- Q56 **Kelvin Hopkins:** This question is for both of you. Where should the balance be between enabling a variety of opinions to be expressed, testing the will of the House, and ensuring the progress of Government business?

Natascha Engel: This is one of the issues raised by the last set of witnesses. There is a difference between the way an individual conducts themselves in the role of Chair. All the different Select Committees have different Chairmen and women doing their roles in a different way. They differ from their predecessors and will differ from their successors. The election of a Chair is all about electing the person who you think will fulfil that role best. It is about how the powers are used, whether you want to curb those powers, and where that balance then lies.

I slightly worry that there has been an evolution. Things have changed quite dramatically, and I think the referendum in 2016 has changed the way that politics works. There are no majorities at the moment. Those are facts that automatically change the balance of things, anyway. I would not say that we—we are speaking just before the election of a new Speaker—make any judgments about what has happened and how that balance has changed and tie the hands of a future Speaker, because, especially at the moment, it is about identifying those things that we think the speakership should and should not be, and which individual is best placed to do that.



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Lord Young: Can I make a slightly different point, which is relevant to Mr Hopkins's question? Over the last few months what we have seen is not typical parliamentary business; there has been virtually no serious Government legislation. That has meant that there has been much more opportunity, as I think happened yesterday, to have statement after statement, going on and on, and UQs going on and on. The moment we revert to a more conventional Parliament, with a Queen's Speech with some really heavy legislation, the issue that Mr Hopkins raises will become much more acute. Were the sort of time that we have seen pre-empted in recent days became the habit, it would become very difficult indeed for a normal conventional Queen's Speech to be delivered, because there simply would not be the time on the Floor of the House. If what has been allowed to happen, with nobody really minding because there is not a lot going on, became the established pattern, then the tensions that Mr Hopkins raises might become more acute.

Q57 **Eleanor Smith:** Is it the role of the Speaker to enforce the will of the House?

Lord Young: Yes, so long as there isn't real tension between Standing Orders. If that is the case, the House should change Standing Orders to remove the tension. Perhaps I can, in answer to that question, raise another issue, which has not been raised before. I think the role of the Speaker is changing, because we now have hustings, which we never had before. When I first came, there were no elections for the Speaker; it was a formality after a deal between the usual channels, who ensured that the candidate was acceptable to both sides of the House. We then moved to elections. For Betty Boothroyd, I don't think there were any hustings at all, and she had support from both sides of the House. Subsequently, we have had hustings, and more hustings, so you could say that the Speaker now has a mandate—this is what I said when I was elected—which may sit uneasily with the Standing Orders. This is something that has evolved over time.

Also, the last two Speakers—and it is not their fault at all—were elected predominantly with support from one side of the House. With Michael Martin, when there was a public vote, I don't think he got any votes at all from my party. The next one was a secret ballot, but we know from our canvass returns that predominantly— I am not blaming the Speaker, but I think it did mean that they started off at a disadvantage in that, unlike previous Speakers, they did not have broad support from both sides of the House.

I think the hustings sit slightly uneasily with enforcing the will of the House, interpreting the will of the House, and interpreting Standing Orders, if they have put in their manifesto, and then got elected, something that is actually at variance with what is in Standing Orders or what may be the current will of the House. That is a rather long answer, but I hope it is relevant.

Natascha Engel: There is something else, though. Again, this is in normal times rather than today, when you have a sort of minus majority



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Government. Let us say that there was a majority Government who had stood on a certain manifesto and were trying to put that through Parliament, democratically elected. Is it then the role of the Speaker to enforce the will of the House if that actually goes against what the Government want to do? Traditionally, no, but what we are seeing now—the Government are without a majority and are trapped in government by the Fixed-term Parliaments Act—is that that is exactly what is happening. The will of the House is constantly being enforced, but because the Government do not have legitimacy, because they do not have a majority, it is quite difficult to say whether that is right or wrong. I go back to George's point: these are really unusual times. If we are making decisions about what the role of the speakership and the balance of powers should be at this time, when it is unrepresentative, this might not be the right time to do so.

- Q58 **Chair:** I am intrigued, because you keep touching on the question of legitimacy. Tony Blair had a vote share of 37% and a majority of 100. The Conservatives got a vote share of 42% and do not have an overall majority. What you are questioning is the legitimacy of the will of the House in the face of other democratic factors outside Parliament, such as the referendum and the vote shares. That is what you are talking about.

Natascha Engel: One thing really worries me. I am working in a place now where we do a lot of polls and focus groups, which is a bit like door knocking but a bit more organised. One of the things that I have really been struck by is how highly engaged the public are with politics, down to the very finer constitutional details of what happens in here, and they are very angry. That is something that I have not seen before. Sometimes at the moment decisions that are taken here for perfectly legitimate reason do not sound very legitimate outside, and I think that a disconnect is growing. The more time taken for that to grow, the more dangerous it becomes. We are not talking about this in total isolation, and it is not just a fine constitutional point; there are people out there who really care about this.

- Q59 **Ronnie Cowan:** Political consciousness in Scotland has been growing for a number of years, but I get your point that the EU referendum has forced the rest of the United Kingdom to catch up with what we went through prior to the 2014 referendum. Political engagement from the vast majority of people has increased, as has knowledge of the whole process. That is something we should welcome, rather than trying to shelter it in this place and make it ours. We must allow it to filter out through these walls and influence how we in this place work.

Natascha Engel: Yes, we should welcome political engagement, but if it is negative then it is difficult. If it is red-hot anger, that is the sort of engagement we need to be aware of. If it is positive and about, "How can I get more engaged in the process?", that is great. But if people feel that they have made a choice about something, made their voices heard, and now they are being ignored, such political engagement could have quite negative consequences and we must be aware of that.



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Ronnie Cowan: That is something that should start in this place—too often in the Chamber all you see is red hot anger, and that is only because people disagree with what you are saying.

Natascha Engel: Absolutely.

Q60 **Ronnie Cowan:** I will come to my question. As you heard earlier, I am curious about how this actually works. Do the three Deputies and the Speaker work together as a team? Should there be more transparency in how decisions are made?

Natascha Engel: We had a discussion earlier about the team of Deputy Speakers. The Deputy Speakers very much work as a team—we are called Deputy Speakers, but we are actually Deputies to the Chairman of Ways and Means—there is the First Deputy Chairman of Ways and Means, and the Second Deputy Chairman of Ways and Means. We have a specific role in scrutinising the Finance Bill and the Budget, and in Committee of the whole House, when it is we who select the amendments. There was quite a separate role—there is Speaker's House, and at the other end of Parliament there is the Deputy Speakers' corridor, so the roles are physically quite removed. It could work much better as a team, but that depends entirely on the occupant of the Chair. If people want a more active team of Deputies with more specified roles, perhaps that should go into the next Speaker's manifesto. It is not something that I would legislate for.

Q61 **Ronnie Cowan:** So is it a three-person team or a four-person team?

Natascha Engel: The Deputy Speakers team is a three-person team. The Speaker's Office is definitely a one-person team. I think they are different roles. As Deputies to the Speaker, we are reserves to chair debates. The Speaker does the beginning of the day, parliamentary questions, statements and urgent questions, and the Deputies come in afterwards to chair debates. Certainly, when I was a Deputy Speaker we were very much part of the reserve. That is something that could be developed—it was not something that I felt strongly about.

Lord Young: I think the Speaker could show more confidence in his Deputies by involving them much more in discussions. I would not legislate for that or put it in Standing Orders, but I think good corporate governance would require the Speaker to consult broadly with three other parliamentarians of experience, and show more confidence in them by allowing them to spend more time in the Chair than seems to happen at the moment. There is a reservoir of experience that, as I understand it, is probably not being tapped at the moment, and it might help the Speaker come to his decisions. Only from watching this from outside, I understand that it is much more of a one-man show than a corporate event.

Natascha Engel: There is another side to this, though. When you get PMQs, which is a real rarity, and then you realise that, actually, the Prime Minister is abroad and it is going to be the deputies, there is real disappointment. I think people have the same thing. For a big event, such as a big statement, if there was a Deputy in place, I do not know how

much people would think, "Oh." It does not give it the grandeur of the occasion. That is just another side of it.

Lord Young: The Deputy Speaker does the Budget.

Natascha Engel: Yes. I always thought that, when the Prime Minister is not there for Prime Minister's questions, one of the Deputy Speakers should chair. I thought that would be quite fun.

- Q62 **Chair:** The point that occurs to me is about corporate governance. You raised this question of corporate governance of the Speaker's role, but there isn't any, really, is there? It is more like a corporation sole. We used to set up public bodies in that way, but we do not anymore; we set them up with a chairman and a board. To what extent can we create a system of governance around the speakership that is, as Lord Lisvane said in the previous panel, vested with very great powers?

Lord Young: The structure is already there. You already have a Speaker and three Deputies, so I do not think that you need to change that. I am cautious about enshrining it in Standing Orders or legislation, for the reasons that we heard in the last session. However, just as people know good corporate governance when they see it, I think they would know good corporate governance by the Speaker. When they were satisfied that there was a proper discussion with the Deputy Speakers before a decision had been reached—it is the Speaker's decision, but I think it would give him comfort if it was widely known that, at the morning meetings, at 12 o'clock or whenever they are, there was a good discussion involving the Deputy Speakers before a decision had been reached. That is just a question of how the Speaker decides to run his office. I hope that is how it might be run in future.

- Q63 **Kelvin Hopkins:** My little group of questions are specifically for Natascha, given her role as Deputy Speaker. As Deputy Speaker, did you feel that there was enough clarity in the Standing Orders and "Erskine May" for you to rule clearly in all situations? To what extent did you feel bound by previous rulings, or did you feel able to use your judgment?

Natascha Engel: This is really interesting. You are on the Chairman's Panel—

Kelvin Hopkins: No.

Natascha Engel: For any meeting that you have chaired, there is a set of rules. They are often not as complicated as the Standing Orders in the House of Commons, but the chairing of a meeting is all about applying those rules in a way that, to go back to your football analogy, keeps the Committee going. That is really what chairing Parliament is like. The Standing Orders are clear. In "Erskine May" there may be a bit of room for interpretation. Lots of advice is given.

Part of the role of the Speaker's conference in the morning is to identify issues on the Order Paper, where you can foretell that there might be certain procedural issues, and to think about how to deal with those. However, it is really about being there in the moment and making the



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decision that is best for that moment, which is never the same as any other. As you gain experience, you recognise situations as they come up, but actually it is all about your personal judgment, which is not something that you can really legislate for. That is why you have a human being in the Chair, not a robot.

Q64 Kelvin Hopkins: The impression you give is that it was relatively straightforward most of the time.

Natascha Engel: It was relatively straightforward. Problems arise when there are problems on the Floor of the House, but that does not happen too often. Most of the time, it is just keeping the debate going and making sure that you call the right people at the right time.

Q65 Kelvin Hopkins: Did you use the advice of the Clerks when making decisions in the Chamber?

Natascha Engel: Definitely, but—going back to the point that Lord Lisvane made—it is advice, and it is down to the Chair to decide whether that is the correct advice to apply at that moment, or whether, actually, something else is called for. That is why I am strongly against the publication of the Clerks' advice, because it is the Chair's decision whether or not to take that advice. Ultimately, it falls to the Chair, and no one else, to take responsibility for those decisions.

Kelvin Hopkins: You have actually answered my last question.

Natascha Engel: Sorry, Kelvin.

Kelvin Hopkins: It's fine.

Q66 Mr Jones: Ms Engel, you have said already that you believe that public trust in politics has been weakened. To what extent would you say that it is the personal role of the Speaker to try to restore that trust?

Natascha Engel: Personally, I was very excited when the current Speaker took over, especially because he made it very clear at the outset, when he was first elected, that he wanted this role to be an ambassador for Parliament. It came in the wake of the expenses scandal, and I thought that that sort of public engagement role of the Speaker was exactly what was needed. One of the first things that he did was allow the UK Youth Parliament to sit in the main Chamber, and I thought that was one of the really strong points. I hope that subsequent Speakers will continue to take on that role of public engagement.

I think the problem comes when the public engagement is less about the public engaging with Parliament and more about kind of using it as a platform. That, I think, is a bit problematic. The speakership has celebrity status these days in a way that it didn't before.

However, I think that on the whole, the raising of the profile of Parliament has been a really, really positive thing. I wish that when people had contact with Parliament, they learned a bit more about it. The establishment of the education unit is absolutely fantastic; it involves vast numbers of young people. Unfortunately, it is still quite south-east and



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London-focused. I think we should probably open an education unit up in the north-west somewhere. Nevertheless, I think those sorts of things have been really, really positive, and I hope that that work continues.

- Q67 **Mr Jones:** You mentioned the celebrity status of the Speaker at the moment. Do you think that's a good thing or a bad thing?

Natascha Engel: It just is. I think it's up to the next person to decide whether that is what they want to do.

- Q68 **Mr Jones:** Would you rather the next person was or was not minded to pursue celebrity status?

Natascha Engel: I would prefer that they were not, definitely, because it detracts from what Parliament does, which is the important bit that I would really like people to engage with. Also, he has become a figure that people who voted remain love and people who voted leave hate, and I think that that is generally not a good thing. That's as far as the outside goes; whichever side you're on, that's kind of the perception from outside.

- Q69 **Mr Jones:** Lord Young, I think this comes to your point about the importance of the referee being anonymous really.

Lord Young: Yes—being invisible. I will just add a footnote to what Natascha has said. It is true that politicians as a whole are not held in high esteem, but when you ask people about their MP, they say, "We're frightfully lucky here," and they will not generalise from their experience, but most MPs are, if I may say so, like the MPs here: conscientious, hard-working, honest people who want to do the right thing for the country. People won't assume that because their MP is like that, everyone else's is. They just say, "We're frightfully lucky here, and we've got an exceptional person."

To answer the question directly—what can the Speaker do?—I think the behaviour in the Chair is important, and that the Speaker should be courteous to people and should not be seen to intimidate, bully, mimic or mock people. In that way, the Speaker should set a standard of behaviour, because Parliament is now visible, and everyone screams. Then people would understand. Perhaps it might set a slightly different tone in the main Chamber if the Speaker himself or herself was quieter, perhaps intervened at shorter length, and kept the game going, because the focus should be on the game, and not on the referee.

- Q70 **Eleanor Smith:** What role should the Speaker of the House have in driving forward improvements in representation in the House, such as the recommendations of "The Good Parliament" report and the Cox report?

Lord Young: The Cox report was quite difficult for the Speaker, if that was the report that said that the Speaker was somehow involved in the problem; I hope that was the Cox report.

Chair: That was the Cox report.

Lord Young: I have been on the bullying and harassment course—I do not know if members of your Committee have, Sir Bernard—which is very



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good, and I hope that all Members of Parliament will attend it and take forward that particular element of the Cox report. In turn, I hope that it would affect how peers and, more importantly, MPs, manage not just their staff but staff of the House. I do not know if the Speaker has been on the course, but the Speaker and the Deputy Speakers could set an example by going on the course and commending it to the rest of the House. Then, the Whips in the relevant parties could just gently make enquiries to ensure that people had actually been on the course. That would send out a signal that the particular issue that you raised is something that Parliament takes seriously and is driving forward, with approval from the top and through the usual channels.

Natascha Engel: I will talk about “The Good Parliament” report in a bit, but one of the things about the Laura Cox report was that it had to apply to everybody or to nobody. You cannot have an exception for the head of everything, so that they are excluded from being affected by that report. The same goes for the election of the Deputy Speakers. Deputy Speakers are elected at the beginning of every Parliament, but the Speaker is not, even though that all came in the same report. That is something that we really ought to address and, in terms of actually putting in place checks and balances for the power of the Speaker, it could be done immediately and be very effective. The speakership should not be uniquely protected from what affects everybody else in Parliament.

“The Good Parliament” report was the family friendly hours report. I felt very strongly about it at the time, because family friendly hours for one MP are not family friendly hours for another. If you live in Scotland and that is where your family is, what you really want is to be here from Tuesday night until Thursday morning, and to get back home to see your family. If your family lives in London, it would probably be quite nice to have Monday to Friday, nine to five. Defining family friendly hours was probably the wrong thing to do.

It might be the role of the Speaker to instigate these things, but I think what has actually happened, when you look at mobile phones and handheld devices in the Chamber or the UK Youth Parliament sitting in the Chamber, is that whether or not those things went through the Procedure Committee before they went to the Chamber, they were all voted on by the House. Often, they were hotly disputed; the UK Youth Parliament debate certainly went deep into the night. I do not have any problem with any of the decisions that the House takes. I do have a problem with an executive decision about the number of amendments on the Queen’s Speech, changing the way that SO 24 debates are used, or even the increased politicisation of the role of the speakership to make it more like an American Speaker. If that were something that Parliament decided to do, great, but that would be a decision for Parliament to take. That went way off what you have just said, so I am sorry.

Lord Young: The move towards family friendly hours was actually done by the Modernisation Committee from 1997 to 2001, without, I think, any involvement at all of the Speaker. It was the Government who set up the



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Committee—under the Leader of the House—which then came to the decision to stop at 7 o'clock and 10 o'clock, and to have deferred decisions and not sit through the night. The House actually did that, and to reinforce what Natascha just said, I do not think that you need necessarily to look to the Speaker to make those sorts of changes, because the House has shown itself perfectly capable of making them if the will is there. Speaking from memory, I do not think that Michael Martin played any role at all in the process of modernisation and the move to family friendly hours.

- Q71 **Mr Jones:** As we have heard, “Erskine May” identifies the three functions of the Speaker as representing the House, presiding over the House and carrying out administrative duties. To what extent do you think that those functions are still valid, and what changes, if any, do you think need to be made?

Lord Young: I was struck by the answer that Lord Lisvane gave to that particular question. He quite rightly made the point that the administrative burden on the Speaker has grown enormously over recent years, with the increasing number of people working in the building and the focus on security and the rest. I would need some persuasion that you could divide the staff, the finance and the responsibility between two organisations, with, on the one hand, the Speaker in charge of the Chamber, and on the other hand, a selected MP—whoever that is—in charge of the Commission and the rest. It seems that there is an overlap and perhaps some tension between the two. Who would fix the budget?

- Q72 **Chair:** To be clear, I do not think you need to divide the administration in that way. It is just a question of who chairs the Commission.

Lord Young: Well, is the Commission going to be exactly the same body as it is at the moment, but just chaired by somebody else?

Chair: Chaired by somebody else. With the Speaker as an attendee, but not necessarily as Chairman.

Lord Young: I thought the question was a much more radical one following the debate about the Clerk: whether the Clerk’s responsibilities should be split.

Chair: There are many options.

Lord Young: The issue still remains. If the Speaker has responsibility for what goes on in the Chamber but somebody else is chairing the Commission, and fixing the House’s budget and staffing—how many Clerks and how many Select Committees there are—I would need to be convinced that the Speaker could discharge his role in the Chamber if he was not chairing the Commission responsible for staffing and budgetary issues. That point would need to be clarified to make sure that there was not some tension between the two organisations.

Natascha Engel: Also, there are very few checks and balances around the Speaker. The Commission could be one of those. Election of a Speaker by secret ballot at the beginning of every Parliament would be another



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one. The role of the Commission is important. If there is nothing that can put a little bit of pressure on a Speaker, then that is an issue. I would agree with George that it does need to be looked at carefully to consider the unintended consequences. It all depends on the personalities. If you have a power-crazed House of Commons Commission Chair, you would have different problems. It often depends on who takes on these roles.

Lord Young: It also comes back to the hustings. I hope that people are aware of the heavy responsibility carried by the Speaker as Chair of the Commission when they make a choice, and that when they vote for a Speaker, they will take on board the fact that the responsibility will have to be discharged by them—responsibility for managing the Commission, chairing the meeting and taking decisions that at times are difficult.

Q73 **Chair:** Should these matters should be considered in the normal course of Committee and House proceedings, or do you think that the changes being discussed today merit a special Select Committee, like the Straw Committee?

Lord Young: I am slightly cautious about overreacting to what I think has been a rather unusual speakership. It may be that with the election of a new Speaker, things revert to what I would call normal, looking back over 40 years. Some of the issues that have provoked this inquiry may simply fade away, because the new Speaker may interpret the role in a more conventional way that does not raise the sharp issues. I am against overreacting, and I thought that Lord Lisvane made some powerful points about potentially undermining the new Speaker by having an inquiry into the Speaker's role as he or she looks into it. I would not rule it out downstream, particularly if the new Speaker found that it would be helpful to do this after they had been in the post for two or three years, to clarify any outstanding issues where there were blurred edges.

Natascha Engel: I don't agree with that. This a really good time—the election of a new Speaker is exactly the perfect time to put pressure on all the candidates to say that a full audit of the Speaker's powers would be a useful exercise.

A lot of things happen behind closed doors that a lot of us do not know happen. There is the way appointments are made: we have not really had a chance to discuss that, but in the old days that would happen through the Clerk route rather than the Speaker route. The Speaker now has enormous influence over very senior House appointments, and the House really ought to have a think about whether that is the right way to do it or whether it should not do it that way.

I think having an assessment of all the powers, whether formal or informal, that the speakership now has would be a really helpful exercise, because there may be things in there where the House says, "Actually, this is a brilliant innovation and really helpful and, in the future, could really help the House come to decisions in a different way," or there may be things where people, when they see what is happening, say, "Oh, this is really not what we want." Again, this should be a decision of the House.



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I don't think any new Speaker should fear proper, detailed scrutiny of what those powers are, to allow people to decide whether that is what they want. And just in case I haven't made it clear, I think there should be a secret ballot for a new Speaker at the beginning of every Parliament.

Q74 **Chair:** We've got that.

We say the Speaker is powerful, and of course one of the powers he has is to choose who speaks in debates when he is in the Chair, or whom he invites to ask a question. How much do you think Members of Parliament are reluctant to scrutinise in public or criticise in public any of the other exercises of the functions of the Speaker because they feel that if they criticise the Speaker, they are going to be the victim of that in the Chamber?

Lord Young: Is there any evidence of that actually happening? Isn't it the case that what might well happen is exactly the opposite? In order to show that there is no bias, the Speaker actually calls people who have criticised him. Is there some evidence—I have been out of the place for four years, but isn't there some evidence of that?

Q75 **Chair:** I think there is, but I also think there is an awful lot of fear.

Natascha Engel: The way MPs are called to speak in debates has changed dramatically. I did not serve as long as many people here, but even in 2005, when, because I didn't know how things worked, I tried to lobby the Speaker to call me on a question, I got a really stinking letter from the Speaker's Secretary saying that the Speaker will not be lobbied. In those days, the Speaker would not want to know what an MP wanted to say, for fear of prejudicing the debate. These days, MPs are kind of encouraged to submit great long essays in order to say what it is that they want to say and their suitability for taking part early on in the debate. I am not saying this happens, but it would give the Chair the ability to choreograph the debate—finish on a high note, finish on a low note—if that was what they wanted to do. That's new. It didn't happen before, certainly not in my early days.

Q76 **Chair:** Actually, I remember my father telling me how George Young used to make statements from the Chair saying, "Please stop writing me notes that you want to be called in the debates. It is a decision for me."

Lord Young: George Thomas?

Chair: Yes, George Thomas.

Lord Young: You said George Young.

Chair: Sorry, George Thomas—too many Georges. I apologise. Anyway, thank you very much for a most interesting and refreshing session. I really enjoyed seeing you both. Thank you very much.

Examination of witnesses

Witnesses: Professor Lord Norton, Dr Ruth Fox and Dr Hannah White.

Q77 **Chair:** Thank you very much for coming. Inevitably, with three panels in front of the Committee today, we are running behind. We are very grateful that you are joining us. Please could you identify yourselves for the record?

Dr Fox: I am Ruth Fox, director of the Hansard Society.

Lord Norton: I am Philip Norton, Lord Norton of Louth, professor of government at the University of Hull.

Dr White: I am Hannah White, deputy director of the Institute for Government.

Q78 **Chair:** And another former Clerk from the House Service, but we are very interested in all your perspectives. Can I start by asking each of you to comment on the role and main functions of the Speaker and how that has changed over the years, if you have anything to add to the previous sessions? Hannah White.

Dr White: I fear I did not hear the whole of the first session.

Chair: I appreciate that. It's why I thought I would let you go first.

Dr White: So forgive me if I am repetitious. I think we all are aware of "Erskine May" setting out the main roles. I would have said, in terms of recent developments, that the current Speaker has put a greater emphasis on his external role and educational role, going out and speaking about Parliament in schools and so on. Do you want me to go into the question about how it has changed and what sorts of conflicts between the roles there are?

Chair: Yes—the two or three most significant changes that you have seen.

Dr White: That is one of them. The second is the change in the external environment in which the Speaker is operating. The growth of digital communication and social media means there is greater pressure on the House of Commons to be relevant and topical. The current Speaker has responded to that by granting more urgent questions. The Wright Committee reforms made some changes, in terms of having topical questions and so on. Members are more conscious of this. When they speak in the Chamber, they are more conscious of what they might be able to do on social media. That affects their relationship with the Chair in wanting to be called.

The obvious thing, which came up in previous sessions, is the current political context and minority Government or coalition Government. Over the period of the last speakership there has been more focus on Parliament due to the political outcomes of elections, which I think have put additional pressure on the role of the Chair.

Lord Norton: I take the three roles, but I would express them differently, in terms of understanding the way the office has changed and



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the challenges it presently faces. You can relate that if you like to three domains or three concentric circles: the centre one is the Chamber, the second is the parliamentary estate encompassing the House of Commons, and the third is the world beyond Westminster. Each of those requires different skills.

In the first circle, the Speaker is a ringmaster—not necessarily in terms of a circus, but more like a wrestling ring. In the second, you require a strategic leader, not simply administration; it requires thinking where you need to go and how you devise the resources to deliver. The third is the public face of the House of Commons to the external world. Each of those require particular skills. The question is whether you can find an individual who can combine those skills.

If you look at the Speakers you have had, they have dealt with it in different ways, because there is a relationship between the first and the third roles, but some have focused on one rather than the other. Since the cameras have come in, some Speakers have been inward looking and their focus has been on the Chamber, so the cameras have been watching what they have been doing within the Chamber. Bernard Weatherill and Michael Martin were essentially inward looking. Others were more outward looking. Betty Boothroyd and John Bercow were more concerned with the public appearance. A lot does depend upon the individual.

Each of the three roles is very different. Each requires particular skills. There may be some overlap. That throws up the question that was mentioned earlier: whether you separate them out to some extent and need someone to chair the Commission more in the strategic leadership role, rather than leaving it to the Speaker.

Dr Fox: I broadly agree with what has been said. Some of the biggest changes, other than the public engagement role, are in relation to the administrative aspect of the Speaker's responsibilities. That is in the context of the changing nature of the world that we live in. HR functions, finance functions, the regulatory context and freedom of information all create a different environment for this Speaker and the next one than was the case 10, 15 or 20 years ago. That requires a different skillset than we needed from a Speaker previously, which raises the question of whether you can get that broad range of skills in one person. It may be that you can, but if you can't, there is a difficulty.

There is a question as to whether there is too much focus on administration as opposed to strategic thinking about the challenges facing Parliament. I will give you an example. I have looked at the Brexit political process over the past couple of years. It was clear from the outset that the handling of Brexit and the pressures it would pose to the House—Parliament collectively, but the House particularly—were going to be very challenging. While there have been changes in the resource function—in staffing and in expert legal support and so on behind the scenes—there has been fairly minimal institutional change within the House, other than things like the Brexit Committee and the European Statutory Instruments Committee. If you compare it with the aftermath of the devolution



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legislation, when there was a Procedure Committee inquiry into how the consequences of devolution would be handled at the outset, we did not have anything similar following the referendum.

Part of that is that there could have been a degree of strategic thinking at the outset, with some kind of forum to bring together the different parties and players in the process to think that through. An argument could be whether that came from the Liaison Committee, the Procedure Committee or whatever, but it seems to me that the Speaker could perform that function, in the way that, for example, the Lord Speaker does to some degree through the Lord Speaker's advisory groups, which he utilises or previous female Lord Speakers have utilised, to deal with strategic, challenging questions that face the House.

Q79 Mr Jones: Lord Norton touched on this, but what would the panel say have been the principal changes in the role of the Speaker since the proceedings of the Commons were first broadcast, whether on the radio or television?

Lord Norton: I think the cameras coming in—or you could take it a decade further back, to '78, when you had the permanent sound broadcasting, and with that greater visibility the voice of the Speaker was heard. Then of course the cameras entered, and the Speaker became a visible feature. However, I would not underplay the move from the Speaker wearing a wig, which had depersonalised the individual, to not wearing a wig, so the Speaker became more of a person—people recognised who was in the Chair—and there is more of a public performance. One sees more of the Speaker, and that facilitates the role of being the visible aspect of the House.

Much more important are the challenges that are faced with the other things that Dr Fox was touching on, in the demands that there now are and the challenges that are faced by the House: security, the Cox report, enforcing the will of the House, the issue of privilege, which is now being touched on, devolution and inter-parliamentary relations, which are important as well, and—this ties in with your question—perceptions of the House.

The Commons has greater visibility at the moment, but not in a positive way. Brexit has thrown up problems of conduct in the House and how the Speaker has handled it, but there is also the wider public perception, which has led to a collapse in public trust in the House of Commons, reflected in the audit of political engagement undertaken by the Hansard Society. That is a very serious problem for the House. Before, people did not trust MPs; now they do not trust the House of Commons. That is a real challenge to the institution, and it is about how one responds to that. Clearly, the Speaker has a very strategic role.

Dr White: Picking up on that, it is a question not just about trust in Parliament, but about trust within Parliament, which has broken down to a certain extent. This is in the most recent years. Trust is a really important force within Parliament, as you will know, in terms of getting things done.



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Things cannot all be done by rules; things have to be done by agreement, through the usual channels and so on. Some of what we are seeing is that breaking down, and that is making it harder to come to agreements in ways that are not on the record through proceedings that happen in the House, preferably legislation, and so on and so forth. I think that it is not just a question about rebuilding trust in the House; the next Speaker will have to think about rebuilding trust within the House.

I also want to pick up on the point that Ruth made about the Commission being—this is my interpretation of what she was saying—better at the tactical stuff than the strategic stuff. They have a whole host of tactical decisions sent to them, but the time it takes for them to handle those means that it is hard for them to do the more strategic work. In my view, it would be much better to delegate all the administration stuff to the Commons Executive Board of officials—all the HR stuff. Some Members are very expert in these things, but most do not come into the House to run the organisation of the House; they come to represent their constituents and do those things, and they are not necessarily qualified to do those other things. The Executive Board are, and if you delegated those responsibilities more formally and obviously to the Executive Board, that would free up the Commission to look at these strategic questions.

Ruth has identified the question, and I absolutely agree, about what could have been done in the early stages of Brexit to prepare the House with all the expertise and resources it would need to do a good job with the Brexit process. There is now also a gaping hole in the planning that is going on to think about Parliament's role after Brexit—all the new responsibilities and all the challenges the House will face—and there is a definite case for a Speaker setting up a group to think about that. Different questions will be decided and discussed in different Committees, including your own, but it is really important for someone to take a strategic overview, and to look at what resources the House will need to take on some of these new roles and responsibilities. That is the sort of thing the Speaker ought to be doing in terms of administration.

Dr Fox: I only add that I would want to think more about whether you completely take away any political accountability in terms of the administration. I would have some concerns, I think, about completely separating it. However, if there were to be a review, it should not just be about the role of the Speaker in governance. That is part of it, but if it purely became about that, it would clearly be seen not as a knee-jerk reaction, but a reaction to the experience of the past few years. As people who have given evidence previously have said, the experience under the new Speaker might be quite different, because they will bring to it a different approach, different skills and different experience, and will also want to reflect on their role in light of the critique of the past 10 years.

However, there is a broader governance question going back to the implications of the Straw report. Has that review delivered what was expected in terms of the reorganisation of the structures? Has the Director General's report delivered the kind of internal changes that were hoped



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for, and if not, why not? If there is to be a governance review—there may well be a case for it in the next year or so—I think it has to be broader than just the Speaker’s role.

Chair: Excellent. Mr Jones again.

Q80 **Mr Jones:** In the relationship between the House and the Government, to what extent is, and should, the Speaker be an advocate for the House?

Dr White: I do not know what has already been said on this. It seems to me that a lot of the decisions made by the Speaker involve the Government making representations about what they would like to happen in the House, and the Speaker being required to interpret that and take a view on it in the light of all the rules, rulings, Standing Orders, and accreted utterances from the House about how it wants to run itself. To some extent, it seems inevitable; you could say that that is the Speaker taking the side of the House, but it is the Speaker considering what the Government are proposing in that context. In those conversations about what would happen on the Floor of the House, there is not anyone else speaking for the House, as far as I am aware.

Lord Norton: I agree with that. For representations made to the Speaker, it is up to the Speaker to interpret what he regards as the best interests of the House. You could separate out the role of the Speaker in facilitating the will of the House and in interpreting, in so far as he can, the will of the House. It is difficult when representations are being made, but he has to have regard to the best interests of the House.

That is probably easier—we may come on to this in a later question—in what was referred to earlier as “normal circumstances”. If you have two large parties and a majority Government, you are facilitating the normal dictum that the Government are entitled to get their business but the Opposition are entitled to be heard. “Erskine May” is basically based on two sides facing one another, so if you have that, you know how to operate. But once you get into a situation where you have minority Government or lots of third parties, it is difficult to incorporate those in terms of the rules of the House. And then when you have political controversy and clear conflict in unusual circumstances—where the majority is being determined by a transient majority—that throws up all sorts of problems that we have not encountered before.

Dr Fox: I agree with that. I simply add that there is the factor of the relationship between the Speaker and the Leader of the House, which was touched on earlier. The Leader of the House is also supposed to be a champion of the House, but how that evidences itself and is given effect potentially has an impact on the degree to which the Speaker may have to be a more forceful advocate for the House in terms of balance. After all, they are a Government Minister. How they carry out their role can vary—again, it is very dependent on the political situation and the personal character of the Leader of the House and how they see their job.



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“Erskine May” sets out what we might say are some hard powers in terms of the Speaker’s responsibilities: being an advocate for the House, enforcing legal sanctions and so on. There are also the references to what you might call the soft-power advocacy aspects of the Speaker’s role in terms of representing to the Government, for example, if questions are not being answered in a timely way or Select Committee reports are not being responded to and so on. That might be a very private discussion, but none the less it can see the Speaker playing quite a useful role. But it is quite heavily dependent on personalities.

Lord Norton: Could I just add to that? It is worth bearing in mind the unique situation that the Commons faces, given the point just made, in terms of speaking for the House. The House is a unique entity, in that it is the sum of its parts—the Members coming together. You have got a Speaker and a Leader of the House but no one who can necessarily always speak for the House. The Speaker can in certain circumstances. Then you would have to distinguish between interpreting the will of the House and taking the Speaker’s view of what is in the interests of the House. But there is no one person who can necessarily speak for the House on all occasions, because there is not necessarily a view that would enjoy unanimity among the Members.

That creates problems in terms of perceived leadership and it creates problems in speaking to the public, because who is formally designated to claim they speak for the House on some of the challenges it faces? That is, I think, unique to the nature of the institution. No one can speak for Parliament, because it is two separate institutions, each of which is the sum of its parts. It throws up serious problems when you have a lack of trust in the institution, because the institution cannot be agile or very quick in responding to some of those pressures, especially when they are immediate.

Q81 **Mr Jones:** If it is the Speaker’s role to enforce the will of the House, would you say the Speaker has sufficient powers? Could you also touch on the point made by Miss Natascha Engel about the will of the people, which may not always align with the will of the House? I think about the current circumstances in particular.

Dr White: In terms of the Speaker’s powers and whether he has enough or too many—is the balance right?—one of the questions I was thinking about is the power to recall the House. Obviously, in the Lords, it is more open to the Lord Speaker to recall the House of Lords. We have had questions about this in numerous contexts in recent years. That is one thing that I would draw attention to: the difference between the situation in the Commons and in the Lords. There is a question whether, if a certain proportion of Members requested a recall, it ought to be open to the Speaker to recall the House and not only doing so on the basis of a Government request, which, as you know, is the current situation.

I have forgotten the second part of the question.

Lord Norton: Public—



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Dr White: Oh, the will of the people versus the will of the House. In my view, the Speaker's role must be to interpret what he sees as the will of the House. In the current situation, I think it is for the Government to take account of the referendum and to decide how it thinks the legitimacy of that result should play into the Government's policy, which it has obviously done, and then I think it is for individual Members to decide how they think they should act and make decisions and vote, reflecting their view of the legitimacy of that result and how their constituents voted.

My view is that the Speaker has to think about the House as a whole. As Lord Norton has pointed out, in this context it is a particularly challenging task, because whereas normally you would have the two main parties and the smaller parties, and the Speaker, as always, would be balancing what he understood to be the priorities, motivations and wishes of those different parties within the House, there are actually lots of different alliances and groupings that have come in the context of Brexit and don't align with those normal groups in the House. That has probably made the decision-making process more complicated.

Lord Norton: I agree with all of that on the first point about enforcement. I think the Speaker has sufficient powers in terms of enforcement within the House. A wider issue has been touched on, for example with regard to recall, and then there is a wider issue for the House, which goes way beyond the Speaker, in terms of privilege and enforcing the will of the House in terms of witnesses appearing before Committees. That currently throws up all sorts of issues where the Speaker would have a role. I think that is a wider issue that really does need addressing. That is now, I think, becoming a more serious matter.

On the issue of the public, the Speaker is not cognisant of anything beyond the House. He is both the servant and master within the House. The Speaker might have a role in speaking for the House to the public, but I don't think he has a role the other way around. All he can regard, I think, is that the public will is the aggregate of the views as taken by the Members of the House—how they interpret it. I really don't think the Speaker can set himself up against that, so that his role, if there is a wider view, is to express the view of the House to the public, but not necessarily on public issues. The point is what the House does and helping people understand its role, rather than him making any comment on the substance of public policy.

Dr Fox: I would only add to that that this is, of course, the conflict between direct and representative democracy. I agree with Lord Norton that it is not the job of the Speaker to interpret the will of the people, but we have had a general election since the referendum and the Prime Minister went to the country asking for a mandate and a majority and didn't get it, and the Speaker is left to contend in the House with the consequences of that in terms of minority Government. That gives rise to the question whether the special privileges in the Standing Orders that are accorded to a Government and Government Ministers should be the same in a minority Government situation as they are in a majority Government



situation. One of the difficulties that this Speaker has particularly had to contend with—to some degree this was also true in the 1970s—is dealing with all of that in the context of party structures not quite operating in the House in the way that they have in the past. There are 100-odd Members who do not belong to one of the two main parties, and very senior politicians recently in Cabinet are now sitting as independents. The complexity of all of that in terms of deciding who should speak when, and which amendments should be chosen, is a political challenge that other recent Speakers have not had to face.

Chair: May I just make a little plea? I think we have to go a little bit faster; otherwise we are going to run out of time. So, short questions, short answers.

- Q82 **Kelvin Hopkins:** We have touched on this already to an extent, but in the past decade we have had mainly coalition and minority Government. If non-majority Government is to become more prevalent, does the role of the Speaker need to adapt or is the role of the Speaker different in these circumstances?

Dr Fox: I have touched on that. I would add one suggestion, if I may. It would have been helpful to this Speaker, and I think it would be helpful for future Speakers, given the political context we are in and the little evidence that that is likely to change in the coming years, for there to be a regular formal review of the collective body of Standing Orders.

To give you an example, I do not think the Fixed-term Parliaments Act has had an impact on the House yet, but it could in the context of a vote of no confidence. Similarly, there was talk some months ago, however unlikely it may have been, that if there had been a breakaway in the Labour party we could have seen a scenario where a group of parliamentary Labour Members was greater than the number under the leadership of the Leader of the Opposition.

The situation in those circumstances would have raised some quite difficult political challenges for the Speaker, because so much of the Standing Orders and the role of the Leader of the Opposition is defined in relation to legal definitions of political parties and situations with regard to what is set out in statute as well as the Standing Orders. If that had happened, however unrealistic it may, in the light of day, have turned out to be, and those scenarios had come to fruition, the Speaker would have effectively had to make some quite difficult decisions on the hoof, because there is no guide.

One of the things that I find quite interesting is that there have been only six formal reviews of the Standing Orders since 1945. Only one of those was at the behest of the House, which was by Lord Lisvane. It seems to me that the House could benefit from having a Committee—a rules Committee or something—that periodically looks at them, particularly to deal with circumstances when procedural changes are implied by new pieces of legislation. If that is not picked up, the Speaker is left to make it up on the hoof as and when the circumstances arise, so we cannot be

surprised that some of those decisions prove to be controversial and difficult.

Lord Norton: Very quickly, the key point to make is the unique situation we are in, which is a particular issue overlaying a minority Government. We have had minority Governments before, and there is something to be learned from that, but there is a key constitutional point that we have to bear in mind: the Government is a distinct entity, separate from a majority of the House. Even if the Government is in a minority, it is the Government. Basically, our whole constitutional structure, since the Glorious Revolution, has been based on the Government coming forward with proposals for public policy to which the House of Commons then responds.

Dr White: Extremely quickly, I think we all have to be careful about our language. We talk about what is normal, what is unique and what is special. This question, as you have framed it, suggests that it may well be that we are not going back to an era of large majorities in the House of Commons. It is absolutely the case that we should think about what that could mean and how procedures need to be adapted to enable the House to work effectively in that context.

Kelvin Hopkins: I think you have answered my other two questions about clarity on parliamentary procedure and the Fixed-term Parliaments Act, so perhaps we can move on.

Q83 **Eleanor Smith:** What is the role of the Speaker in finding the balance between facilitating minority voices and ensuring the progress of the Government's business?

Dr White: I think those are two very important principles among a whole host of principles that any Speaker has to bear in mind when making decisions. It is difficult; the answer to your question is situational. In any different context, the Speaker will have to think about what the balance needs to be. Where the Government has strong control over time—for example, through the passage of legislation—the Speaker will want to make sure that sufficient debate is had so that minorities can express their views, but will also want to make sure that the Government can get its business done.

In other contexts, there might be House business proposed by a minority group within the House where the Speaker wants to make sure that there is a response from the Government to make it a meaningful proceeding of the House. It is really hard to say anything concrete unless you can look at the specifics. The whole point about the role of the Speaker is that it is always going to be necessary to have someone making a judgment on these things. There are too many different rules and principles and so on to take into account to say that you could codify this to any extent that you could remove that role. It is always going to need to be there.

Lord Norton: I would reinforce that. The normal situation is that you proceed on the basis that the Government are entitled to get their



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business and the Opposition is entitled to be heard. That is now complicated because, one would have to say, the Oppositions are entitled to be heard, and sometimes the combination of the Oppositions creates a majority. The Speaker therefore has to handle a difficult situation. I agree very much with what has just been said. You can review the rules to some extent, to take that into account, but essentially it is quite a dynamic situation, so, whoever the Speaker is, you need to have some discretion to be able to adapt to the circumstances and to try to be fair to all those involved, because the balance will change.

Dr Fox: I agree with what has been said so, in the interest of time, I will not add anything.

Chair: Thank you very much.

Q84 **Ronnie Cowan:** Is the office of the Speaker accountable enough and, if so, to whom?

Dr Fox: The accountability issue is ultimately accountability to Members. If Members dislike something sufficiently, then a motion of the House criticising them or whatever could be moved. Of course, we know the challenge of that. If the Speaker has done something that attracts the support of the House and there is not a majority to censure him or whatever, that, I'm afraid, is the reality of the situation.

There have been other Speakers who have taken contentious decisions that the Government of the day, for example, did not like; this Speaker is not unusual in that. In those circumstances, in 1976—the shipbuilding Bill hybridity was the decision of, I think, Speaker George Thomas—a Government motion was laid that basically made clear that they did not wish that precedent to be acknowledged for the future. The precedent was set aside by a decision of the House. Again, that could be the decision of the House, if Members wished it. They could pass a similar motion, but there is not a majority for it.

Lord Norton: I think it is very important that one does not start to create too many limits on the Speaker, because then Members will exploit them for their own benefit. The Speaker is constrained; the House could censure the Speaker through motion, and ultimately the Speaker comes up for re-election at the start of each Parliament, so there is a constraint there.

This allows me to make the point that the last Speaker to be removed by the House was not Sir John Trevor at the end of the 17th century, who everybody keeps quoting; it was Sir Charles Manners-Sutton, 1835, and before that, Sir Fletcher Norton—no relation. It is possible, but in a way the removal of Manners-Sutton marked the pivotal point in the change of the nature of the role. Before then, Speakers had been moving to be more impartial, but they were not necessarily apolitical and sometimes they went on to hold Government office. Manners-Sutton, who had a record for the number of Parliaments to which he was re-elected, was also considered a potential Prime Minister. So that was the last case.



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Since then, you have moved from a practice to a convention that whoever is the Speaker, on ceasing to be Speaker, retires from the House, is offered a peerage and is seen as neutral. Since then, the practice of being detached has become developed. You need to protect that. If you then start to create rules that would allow the House to limit the Speaker and make it easier to challenge the Speaker, that becomes problematic, because Members try to use whatever rules are at their disposal for political purposes, so the Speaker needs to be protected to some extent, but the House has the ultimate power of removal.

Dr White: A quick point about power and accountability, which refers to something you were saying at the end of the last session. You can look at the adequacy of mechanisms to hold people to account, but you always have to think about the power dynamics that operate within those. Will people hold someone to account if they then have power over them and what they are able to do? Looking at these things neutrally does not necessarily give you the full picture.

The previous two answers focused mostly on the accountability of the Speaker for his decisions in the Chamber. I think large improvements could be made in relation to the transparency of what goes on in the House of Commons Commission and to accountability for decisions made there. The minutes are very brief and it is very hard to know what goes on. A lot more could be said about that, which would enable people to hold the Speaker to account for his or her role within that.

Lord Norton: I think that is a wider issue, because that is about holding the Commission to account, which the Speaker happens to chair. That is an important role that needs reviewing.

Q85 **Mr Jones:** If public trust in politics generally has declined, to what extent is it the role of the Speaker to seek to restore it?

Dr Fox: Lord Norton has already alluded to the results of the last audit of political engagement. It is true that public knowledge and interest in politics and Parliament have increased, but perceptions of it, and of politics and politicians generally, have declined. I am always slightly wary of utilising the trust argument, because what are you trusting your MP or Parliament to do? I think it is more about accountability and competence.

By virtue of the prominence of his role, particularly in the context of 24/7 media and social media and so on, and the fact that there is no other recognisable single figure who the public would identify with or be able to identify, other than some prominent members on the Front Benches, the Speaker has a role to play in that. Clearly, the 30-second clips of things like Prime Minister's questions that play on the evening news and how PMQs looks and feels to the public, influence public perceptions, because a lot of their perception is still gleaned from television as much as any other form of media. The Speaker has a role to play in that, in terms of how the behaviour and conduct and the culture of the House plays out.



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We have to be realistic, though. For the Speaker alone to take on the challenge of restoring the reputation of the institution, of MPs collectively and of politics generally would be an impossible job. No matter how much money is spent by the House on the excellent education and outreach programmes and so on, all that can be wrecked in a day or an evening of the kind that we saw a few weeks ago, where the negative response to what happened was so acute. The education and outreach programmes are not really, in balance, able to counter that.

I think the Speaker has a role to play, but we have to be careful of placing too high an expectation on what it is that they, as one individual, can achieve. However, they can clearly set the cultural tone and the leadership tone, which is important.

Lord Norton: Can I reinforce that? I agree absolutely that the Speaker can only do so much. If you think about it, the powers of the Speaker are in relation to conduct within the Chamber—both how the Speaker behaves and the Chamber—and there is a public perception of that. The Speaker can do a lot in encouraging and facilitating public engagement and informing outside about the House and encouraging the facilities to do that.

That is very important, and you could argue that it is necessary, but it is not sufficient, and the Speaker cannot really be involved in the input side. He can be involved in the output—disseminating what is going on in Parliament and raising awareness—but on the input side, it has to be more about Members themselves in terms of their engagement, taking on board what the public are saying and thinking about the means by which they do that. We now have e-petitioning, which is proving quite popular. It is about whether the House can do other things like that. We cannot just rely on the Speaker. The House as a whole has to take responsibility for its own conduct and think about how it hears from citizens.

Members are very good, on the whole, at hearing locally from constituents. As Lord Young mentioned, people distinguish between the local MP and the House of Commons—the collectivity of Members. They perceive those very differently. You cannot put the responsibility on the Speaker alone when the responsibility lies with Members themselves and the collectivity of Members. It is up to the House itself to do something to encourage and to really restore public trust. That comes back to a point I made earlier: the Speaker is not in a position to speak for the House of Commons when it comes to the substance of what it is actually doing.

Q86 **Chair:** Is not the real issue here that if the Speaker himself or herself does not always set the best example, their authority as an example is going to be impaired and their invocations to the House to behave better are not going to be taken very seriously?

Lord Norton: It depends very much on the individual in the Chair. Coming back to the earlier question, it is much more transparent now, in terms of the cameras being in on the Chamber, so people can see who the Speaker is. Before the entry of the cameras, it was fairly anonymous;



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people outside would not recognise the Speaker. If they were in the Gallery, the Speaker was bewigged, and you would not recognise the Speaker outside that context. Now you do, so it is very important. Had the cameras been there for much earlier Speakers, we may have had some Speakers not being in the Chair for very long.

Dr White: I agree with you. What the Speaker can do is set the tone from the top. Obviously, the Speaker has a role in ordering the Chamber, but every elected Member of Parliament and every person who thinks that Parliament is a useful and valuable institution needs to think what they personally can do to promote trust in the system.

Q87 **Ronnie Cowan:** I absolutely agree that the message comes from the top, but the top is the Prime Minister. If Members of Parliament and the Prime Minister are prepared to behave in the way that they sometimes do within the Chamber, it is wrong of us as elected MPs to point the finger solely at the Speaker in the Chair.

Dr White: I am saying that if the Speaker, the Prime Minister and all of you—

Ronnie Cowan: The issue we have here is one of horse and cart—which is going to come first, if Members are not prepared to behave in a respectable fashion in the Chamber? As was highlighted earlier, PMQs is an appalling disgrace. Should there be more discipline allowed from the Speaker? All he can do is ignore you, or chuck you out. Perhaps more rules should apply there, so that Members of Parliament can work with discipline that they understand and then respect.

Chair: Can one of you take that?

Lord Norton: Certainly, the Speaker is responsible for conduct in the Chamber, so that applies to Ministers appearing in the Chamber. There is a distinction to be drawn between the conduct of Ministers and the conduct of government, being responsible for public policy. Obviously, with Ministers in the Chamber—it is the Speaker who is in charge of conduct, whether you are a Minister or a humble, or not so humble, Back Bencher.

Dr Fox: Very quickly, when we did our report on PMQs a few years ago, we suggested that there might be a case for an interim or middle-way sanction for the Speaker, so that you are not completely thrown off the Estate for the entire day, but like a sin bin in sport, you are just removed, thrown out of the Chamber for that PMQ session—but that does not necessarily have a knock-on effect on your participation in the rest of the day's business. I think that does influence what the Speaker does and when.

Q88 **Ronnie Cowan:** Maybe having the right to vote revoked for a few days would work, given the pressure that would then be put on you by your own Whips, given that we have got a hung Parliament here.

Dr Fox: Yes—an incentivisation scheme.

Q89 **Eleanor Smith:** What role should the Speaker of the House have in



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driving forward improvements in representation in the House, such as the recommendation from “The Good Parliament” report?

Dr White: I think this is another instance of where the House struggles to push forward reforms, because it does not have any one person who can just take a decision and move things forward. At an event we had at the Institute for Government a couple of weeks ago with candidates for Speaker, I was struck when one of them just said, “It is a failure of leadership that the Cox recommendations have not been fully implemented. If I were Speaker, I would just do it.” It seemed to me to be a radical oversimplification of the situation, because the Speaker cannot do this stuff alone. There are lots of different bodies within the House of Commons that have an interest, and that is why the House tends to be reactionary and only make incremental changes, except in crisis situations. That is why, in my understanding, some of these things have not happened more quickly. As Lord Norton said, it is an organisation that is the sum of its parts, but it is more of an organism than an organisation—though I am sure that is not an original thought of mine. There is not just one person at the top, certainly not the Speaker, who can make this happen.

The Speaker can show leadership on this. The Speaker’s Reference Group, which has been in place to try to implement the recommendations of “The Good Parliament” report, has been important in trying to leverage the will from the Speaker to make that happen. It has probably achieved more than the Speaker alone would have been able to do, but it is really important for the leadership and will to come from the Speaker on these things, for him or her to model the sorts of behaviours that those reports call for and to show that they personally are held to the same standards as every other Member and member of staff of the House, and for the Speaker to call out behaviour that they see as inappropriate in all contexts.

One of the main things the next Speaker could do, which would address many of the points that have come up today, is to address the culture of undue deference, both for the Speaker but also, on some occasions, in other contexts within the House. The fact that the House is quite hierarchical facilitates some of the behaviours, attitudes and lack of progress we have seen on diversity and so on that those reports say we should challenge.

Lord Norton: Can I reinforce that and just draw attention, following Lord Young, to some of the things that happen in the Lords? The Lords is far more a House of peers; everybody is far more equal, certainly in terms of membership. To pick up on what was said and what was mentioned earlier, there is a clear role for the Commission, distinguishing between administration and strategic leadership, so not just resting it on the Speaker. The Speaker could drive the Commission. Also, picking up on the earlier point about the Commission being more transparent and accountable to the House, the Commission could take on the strategic leadership role, identifying where you want to be in five or 10 years’ time in delivering on the Cox report and so on—how do we get from here to



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there?—and then drive it to achieve that and being answerable to the House for that. It should be a body like the Commission rather than just relying on the occupant of the Chair or the Speaker as Chair of the Commission. The Commission itself should be a driving force for that. That strategic leadership is vital to deliver on what you are identifying.

Dr White: Can I quickly pick up on that point? I thought it was notable when the House of Commons Commission came out with its response to the Laura Cox report. It was very welcome indeed that the response was to say “We accept these recommendations,” but what followed was, “and we hope that the House will implement them.” I thought that was a complete cop-out, because the Commission knows full well that unless somebody takes leadership on that and says “Here are the responsibilities and here are the accountabilities,” it is not going to happen. It was very good at defusing the media’s concern around the issue at the time, but it was really disingenuous. The Commission can say “Oh yes, we sign up to these things,” and have no intention of driving it forward in a meaningful way. That is just one example we have before us of how the Commission is not an effective body.

Chair: Anything to add?

Dr Fox: Nothing to add.

- Q90 **Chair:** The points about the Cox report are very important and we take them very seriously.

Just to wrap this up, we have been discussing all morning whether the chairmanship of the Commission should be divided from the speakership. That was a recommendation of Lord Lisvane, but there are mixed views on the subject. Anything to add to that debate?

Dr White: I think that one of the non-executive members of the Commission should chair it. That would balance better the interests of the Speaker and the Leader of the House and the Back-Bench Members. I also think that the Back-Bench members of the Commission ought to be elected by the House.

- Q91 **Chair:** So the board should choose its own Chair and it should not be the Speaker?

Dr White: My understanding is that there are two non-executive members of the House of Commons Commission, who are appointed externally—like lay members—and that one of those should take the Chair.

- Q92 **Chair:** Lord Lisvane’s proposal is that the Chair should be an elected Member of Parliament, who is elected by the House.

Dr White: Then I differ from him.

Chair: That’s fine.

Lord Norton: I do not have a view on that. I feel that this issue is something that would be usefully referred. Rather than have some grand Committee looking at the wider issue of the speakership, there are various



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adjustments that could be considered either by this Committee or by the Procedure Committee, such as the role of the Commission and who should chair it. There are points that could be considered, particularly by Procedure, picking up on Lord Young's point, not least about the speakers list, which I think would prove rather popular with Members and would also deal with any problems—accusations of bias against the Speaker; and it would limit the powers of the Speaker. So there are various proposals for change that could be considered, but in a more measured way and by a Committee such as this one or the Procedure Committee that would help drive things forward but without raising the temperature and making it into a grand issue.

Dr Fox: I would want to think about Hannah's proposal for independent Members. I had not thought on those lines so I would want to think about the governance implications of that. My thinking had been that if it is not the Speaker, it should be another Member of the House and I agree that would be advantages in those Members being elected. My concern about the Commission is that you have the Leader, the shadow Leader and the Lib Dem shadow Leader and so on, and they have a whole range of other responsibilities. Their focus is not on some of the administrative and strategic questions. I think being able to see it as almost like a Select Committee role in and of itself, with very distinct responsibilities and focus, buttressed by an electoral process, might be helpful.

Lord Norton: I agree.

Dr White: Just a very quick point. My understanding is that it is not infrequently the case that meetings of the Commission have to be delayed or moved because of the duties of the Speaker in the House. If he were not in the Chair, that would not be such a problem.

Q93 **Chair:** But it begs the question whether the present Commission is truly a board or whether it is a group of stakeholders. While you might have a body of stakeholders somewhere in the system, perhaps even above the board, there needs to be a proper board with collective fiduciary responsibility that will see things in a united sort of way. Lord Norton, you think these matters should be looked at, I would suggest—not wishing to sound derogatory—in a fairly ad hoc way by existing Committees of the House. What do you think about having another Straw-type Committee where the House would vest a Committee with due authority to make recommendations about all these matters, and perhaps broader than the role of the Speaker, with a remit that the House itself has chosen?

Lord Norton: I can see the arguments for having a distinct Committee—not least for reasons that were touched upon in earlier evidence—particularly if it is going beyond the Speaker, so you are not looking at the speakership but, if you like, you are looking at the strategic leadership of the House of Commons: where the House wants to be in five, 10 years' time. How do you deliver on all these priorities? If it was looking in those broad terms then I think there is a value in it, because it might also engage Members of the House and get them thinking about it. If you just



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focus on the speakership you are in danger of becoming too political and people focus on the individual; and you really need to be thinking about the House more generally and its role and reputation.

Q94 **Chair:** Anything to add on that, and the timing? When should this be done?

Dr White: I agree with the fact that there is a danger at the end of a speakership of a review like this looking personal, if it is about the role of the Speaker per se. I think that previous governance reviews have not done enough to think about the role of the Commission and the top part of House of Commons governance. Often that is because it is really difficult to find someone who can run a review like that—who understands those things and the dynamics, but does not have some kind of vested interest or perspective, so that they can be seen to be objective—to do it. It is quite a difficult ask but I agree that if you are going to do it that would be the way. I think it would be a little unfair on an incoming Speaker, just as they are wanting to shape their role—every Speaker approaches the role differently—to say “Well actually you are going to have to hang fire on anything you do for the next however long it takes for a Committee which is going to tell you how to do your job to report.”

Lord Norton: And I think there are different pegs you can use to hang the review on, because it is not necessarily the speakership. You have got so many things coming up that are challenging the House, including restoration and renewal, which is going to be quite a massive challenge, that could be the basis on which you have this review.

Chair: Dr Fox, the last word.

Dr Fox: I agree with Hannah. It is a difficult ask and it might be therefore worth thinking, whatever Committee or review group is established, if one indeed is, about whether there would be value in having three or four independent appointments to it to provide test—challenge—to established thinking and vested interests, but also to bring some expertise in the required areas in terms of external input.

Chair: You have all been loquacious and given us much food for thought and if no Member of this Committee has altered their views as a result of this morning’s proceedings, as I have on various aspects of all this, then they can’t have been listening; but we have been listening very carefully and I am very grateful to you.