



House of Commons
Procedure Committee

Back to the future? Procedure after coronavirus restrictions

Eighth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Procedure Committee

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Our report

Introduction

1. On 22 February, the Prime Minister made a statement on the Government’s plans to ease restrictions in place in various forms since late March 2020.¹ The easing of restrictions would be subject to four tests, relating to the deployment of vaccinations, their efficacy, pressure on health services and the emergence of new COVID-19 variants. The Prime Minister set out the Government’s intention to conduct a series of reviews, the first of which

will assess how long we need to maintain social distancing and face masks. This will also inform guidance on working from home, which should continue wherever possible until this review is complete, and it will be critical in determining how Parliament can safely return in a way that I know hon. Members would wish.²

The House of Commons Commission agreed a roadmap for the House at its meeting on 8 March 2021 in terms consistent with the Government’s roadmap for the country.³

2. It is important to note that the practice and the procedure of the House has changed in a number of ways since March 2020. Some of these changes have been very visible, while others have been more subtle. The temporary orders passed by the House have covered the variation or suspension of Standing Orders where this has been necessary. However, many of the most visible changes such as limitations on attendance in the Chamber and the introduction of published call lists involve no change to Standing Orders and have rather been made under the authority of Mr Speaker.⁴

3. Throughout the pandemic, there has been widespread agreement of the need for the House to act in a manner consistent with the public health and legal requirements in place across the whole of the UK, including country and region-specific restrictions.⁵ In a representative democracy, it is clear that Parliament should set an example and show leadership at a time of national crisis. But views differ within the House on what setting an example and showing leadership looks like. Some of the differences of opinion on the House’s response to the pandemic, particularly on virtual participation, come not from any fundamental disagreement but differences of opinion on how best and how precisely the House should reflect the society it serves.

4. The Leader of the House has told us that he values our insight when he is considering how to put decisions to the House on changes to procedure. On 1 February, he said that “the views of the Procedure Committee are always important, and there is time for you between now and then to express any views that you have on how you think it should be unwound, which the Government will of course listen to”,⁶ and that “the Procedure Committee plays an invaluable role in reminding people of that and in setting out how

1 HC Deb 22 February 2021, [cols 625–628](#)

2 HC Deb 22 February 2021, [col 627](#)

3 [Commission approves Commons roadmap out of lockdown](#), House of Commons, 8 March 2021 [accessed 9 March 2021]

4 [CVR0119](#), para 10

5 The Leader of the House made this point persuasively at Q501.

6 Q498

we get back to normal, but also in getting the consent for any permanent changes that people may think should come about”.⁷ It is with those twin aims in mind that we have approached this report. We publish this, our Eighth Report in this Session, and the sixth in our ongoing inquiry into procedure under coronavirus restrictions, with the intention of informing the House in advance of 30 March, the date at which temporary orders related to the pandemic are set to lapse, although we take note of the Leader’s comments at Business Questions on 25 February that the provisions would likely be extended beyond 30 March.⁸

Events since the publication of our Sixth Report

5. On 19 November 2020, the Chair made a statement on the launch of our Sixth Report on *Procedure under coronavirus restrictions: virtual participation in debate*.⁹ In our report we concluded that “on a matter of such importance to the House, the Government should have facilitated a debate and a decision on the proposal before the House in a way which would have allowed Members to test the House’s support for alternative approaches.”¹⁰ It is a modest proposition that the House has a reasonable expectation of having its say on the arrangement of its own affairs. That the Government enjoys significant initiative in the tabling and organisation of business is not in question.¹¹ But this initiative should be balanced by ensuring that the way in which the House regulates itself allows for Members to express and test a range of views.

6. When the motion on *Virtual Participation in Debate* was reached—somewhat unexpectedly—before the moment of interruption on 24 November, a debate took place for which few Members (including the Leader) had the opportunity to prepare a speech.¹² The debate continued for around two hours until 7.00 pm, but as debate cannot continue after the moment of interruption (7.00 pm on the day concerned) and opposed decisions cannot be taken, no decision was reached. The Government could easily have given notice of its motion, and, after discussion with through the usual channels, arranged for the business to be governed by a Business of the House motion allowing a reasonable time for debate and providing for the question, and any amendments selected thereto, to be put after the moment of interruption.

7. The events of 24 November usefully illustrate the various features of the management of business in the Chamber. First, that the means exist for any government to exercise its stewardship of the Order Paper responsibly, if it is willing to use them. Not moving substantive items of business, combined with large-scale withdrawals from call lists, creates a disorderly environment. This environment prevents the House from performing its core roles effectively.¹³ Second that, with a large number of proxy votes in place, it is difficult to imagine how a division could have been conducted in which each vote was cast on the basis of a specific instruction when from the Order Paper it was not at all clear that a decision would be reached before 7.00 pm. As a related but separate matter it had,

7 Q500

8 HC Deb 25 February 2021, [col 1094](#)

9 HC Deb 19 November 2020, [cols 520–7](#)

10 [Sixth Report](#), para 7

11 Although it has been the subject of recent academic reflection, see Russell and Gover, [Taking back control: Why the House of Commons should govern its own time](#) (UCL, January 2021)

12 HC Deb 24 November 2020, [cols 760–96](#)

13 Frequent withdrawals and Members switching between virtual and physical contributions continues to be a problem for proceedings, see Q423 [Dr Bengler].

until fairly recently, been a convention that ‘House business’ was not whipped. This is a convention to which the House should return. Third, that tabling substantive motions relating to House business as a ‘nod or nothing’ decision artificially curtails the House’s ability to express itself. This practice introduces an undesirable element of unpredictability to the House’s affairs.

8. ***We call on the Government to commit to protect substantive motions on House business with a Business of the House motion which reserves time for debate and decision.***

9. As was pointed out after the debate had concluded,¹⁴ the Government could have brought the debate back for decision in the days that followed. The Chair made a Point of Order to that effect following the Business Statement on 15 December,¹⁵ reiterating her call in a letter to the Leader of the House following Business Questions on 17 December.¹⁶ The Leader replied on 21 December announcing the Government’s intention to extend virtual participation to include debate without reference to clinical vulnerability or any other conditions. This change in approach was driven by a wish to “[reduce] physical attendance on the estate, whilst allowing members to continue to contribute to business”.¹⁷ It was made in light of rising case numbers, heightened comparative transmissibility of a new coronavirus strain and large parts of the South East of England entering Tier 4 restrictions.

10. In our Sixth Report, we wrote that:

the House Service approach to the introduction of hybrid proceedings was based on the minimum viable product. This was a sensible approach, and no doubt contributed substantially to the successful delivery of those proceedings in a highly unfamiliar environment. We would expect a similarly measured approach to be taken to the introduction of mixed virtual and physical participation in debate in this case.¹⁸

11. Events, however, took a different course and no such measured approach proved possible. The House renewed arrangements for virtual participation over the Christmas period, with the Speaker accepting the Government’s request for a recall on 24 December and the House sitting on 30 December to take all stages of the European Union (Future Relationship) Bill.¹⁹ By failing to pursue the reintroduction of virtual participation earlier in the month, the Government introduced an unnecessary element of risk into proceedings on the Bill. The motion on *Virtual Participation in Proceedings during the Pandemic (Temporary Orders) (No. 2)* was agreed to without debate with only brief comment from the shadow front benches.²⁰

14 HC Deb 24 November 2020, [col 796](#)

15 HC Deb 15 December 2020, [col 166](#)

16 [Letter from the Chair of the Committee to the Leader of the House, Jacob Rees-Mogg MP, dated 17 December 2020](#)

17 [Letter from the Leader of the House, Jacob Rees-Mogg MP to the Chair of the Committee, dated 21 December 2020](#)

18 [Sixth Report](#), para 31

19 Now the [EU Future Relationship Act 2020](#). The Clerk and Strategic Director of the Chamber Business Team described the House Service’s response to the Christmas recall at Qq419–420.

20 HC Deb 30 December 2020, cols [504–5](#)

12. The Leader's letter to the Committee made clear that the Government tabled its motion because of specific circumstances relating to the pandemic. The letter also provided an insight into the wider factors influencing the Government's decision-making processes for procedure under coronavirus restrictions. These were:

- a) "Parliament can continue to do its important work"
 - i) "business in the main chamber, including scrutiny of the Government and the legislative agenda, can progress as effectively as possible under the new restrictions"²¹
 - ii) "Parliament is able to carry out its vital legislative functions and play this key constitutional role"
- b) "constituents are best served when Parliament meets physically to the fullest extent possible"
- c) "need to lower the transmission of this new strain of the virus"

These factors can be summarised as **Delivering essential parliamentary functions**, **Meeting physically where possible**, and **Managing infection risk on the parliamentary estate**. We consider each of these factors in turn.

13. On the first factor, **Delivering essential parliamentary functions**, we note that at every stage since March 2020, the House has been able to debate, legislate and hold the Government to account.²² This is both because parliamentary procedure is inherently flexible and adaptable and because Members and House officials have found creative solutions to procedural and technological obstacles. That said, at times, the pandemic has meant that aspects of the House's essential functions have been limited either by time or breadth of participation. The breadth of participation has shrunk in accordance with the number of Members able to participate physically on the estate or virtually in accordance with decisions of the House. The depth of proceedings has been diminished through the loss of real-time feedback from live participation and loss of aspects of spontaneity.²³ These compromises, taken consciously, have been necessary to ensure the continuity of proceedings. But while a loss of depth to hybrid proceedings is almost inevitable and undesirable, improved technology has mitigated the limitations on capacity experienced earlier in the pandemic. This is the result of huge efforts from across the House Service, especially in the Broadcasting and Digital teams, for which the Committee is very grateful.

14. The second factor, **Meeting physically where possible**, is one that commands widespread support within the House. Restrictions on proceedings came into effect just over 40 sitting days into a new Parliament, which has limited the ability of newly elected Members to learn how the House works outside of pandemic circumstances. In addition to essential parliamentary functions, much incidental and ancillary activity, such as the opportunity to speak informally to colleagues has fallen victim to the pandemic.

21 See also Q501 [Mr Rees-Mogg]

22 A point also made by the Clerk at Q430. The Leader voiced strong support for the continuity of proceedings at Q481 and Q514.

23 This is a subject which we explored with witnesses in detail on 27 January, see for example Q424 [Mr Hamlyn] and Q429 [Dr Bengler and Mr Hamlyn]

15. The House's ability to meet physically is, as the Leader noted in his letter, balanced with the third factor of **Managing infection risk on the parliamentary estate**. This responsibility is held by the Speaker and Clerk under the direction of the House of Commons Commission. Experience since March 2020 has shown that making decisions based on assumptions about the likely (or desired) course of the pandemic is a process fraught with risk. The House should have the opportunity to express its view (or more accurately, views) on where the balance between these factors should be struck. We note that at each stage of the pandemic, the House Service has found technological solutions which have been applied through the inherently adaptive and flexible nature of the House's procedure.²⁴

16. **We endorse the factors set out by the Leader of the House in his letter to the Chair of 21 December as determining the Government's approach to the management of the House during the pandemic. We note that not all of the matters concerned are within the Government's control. However, we believe that there will be additional principles and factors that should be taken into account when we make decisions on the House's procedure.**

17. The Chair wrote to the Speaker on 18 December.²⁵ In her letter, the Chair set out four issues:

- a) The relationship between procedural and practical considerations
- b) The consequence of temporary orders being allowed to lapse
- c) Changes to practice which could be considered for retention
- d) Changes to the nature of proceedings under pandemic restrictions

18. We received a memorandum from the Clerk of the House on 15 January,²⁶ which for ease of reference is reproduced in full in the second appendix to this report. We are grateful to the Clerk and other House officials for the considerable detail offered in the memorandum. We set out below a few key passages which have informed our subsequent questioning of witnesses:

- Requirements to limit attendance in the Chamber specifically and on the parliamentary estate in general "will not be removed suddenly and all at once. If continuing public health requirements lead to a managed and gradual withdrawal of some restrictions, it might make sense for there to be a managed transition from the arrangements put in place to address them."²⁷
- There has been a longstanding presumption of physical attendance for the purposes of participation in proceedings, but this presumption is not without its exceptions.²⁸

24 See also Q428 [Dr Bengler]

25 [Letter from the Chair of the Committee to the Speaker of the House of Commons concerning temporary procedural changes during COVID-19 pandemic, dated 18 December 2020](#)

26 House of Commons ([CVR0119](#)); see also Appendix 2

27 [CVR0119](#), para 3

28 [CVR0119](#), paras 5–7

- The introduction and sustainment of hybrid proceeding has involved a great deal of practical change in the day-to-day operation of the House Service, which has adapted rapidly and effectively to new modes of working.²⁹
- The barriers to further advances in hybrid proceedings (such as greater spontaneity) are not primarily technological but in the effective integration with the Chamber and the impact on the nature and quality of proceedings.³⁰
- The current system of card reader voting and widespread proxy votes, although somewhat streamlined from its earliest incarnation, involves several manual steps. EVEL divisions are not possible under the current arrangements.³¹
- A temporary order was passed on 22 April to enable remote by-elections for the Chairs of the Business, Energy and Industrial Strategy Committee and the Committee on Standards.³² A similar order would be needed for any subsequent by-election to take place in the same way.³³
- Virtual participation currently takes place under an order of 30 December, which amended the order of 4 June 2020 (as amended on 22 October), and the principle of parity between Members participating physically and Members participating virtually no longer applies.³⁴
- The laying of papers has since March taken place by email, which has increased the workload of the Journal Office, and introduced the potential for errors to be made by bodies laying papers before Parliament.³⁵

19. After we had received the memorandum, we held an oral evidence session on 27 January with the Clerk, the Managing Director of the Governance Team (and head of the House's COVID-19 response) and the Strategic Director of the Chamber Business Team.³⁶ We published the Government's response to our Sixth and Seventh Reports in our Fourth Special Report on 29 January,³⁷ and on 1 February took oral evidence from the Leader of the House.³⁸ In addition to our public sessions, we held a private meeting with Mr Speaker on 10 February, shortly before the House went into the February recess. In these sessions we explored three principal areas:

- **The mechanics of procedural change:** The relationship between decisions of the House, changes made under the authority of the Speaker and changes in Member behaviour and conduct.

29 [CVR0119](#), paras 18–20

30 [CVR0119](#), para 22

31 [CVR0119](#), paras 31–32

32 Votes and Proceedings, [22 April 2020](#), item 5

33 [CVR0119](#), para 38

34 [CVR0119](#), paras 39–40

35 [CVR0119](#), para 44; A continuous improvement project conducted in late 2020 identified efficiencies in the process which have been realised; further work is now underway to increase the reliability and resilience of the process.

36 [Qq419–456](#)

37 [Fourth Special Report: Procedure under coronavirus restrictions: Government Responses to the Committee's Sixth and Seventh Reports](#)

38 [Qq479–514](#)

- **The availability of a political mandate:** The ability and willingness of the House, the Government or Commission to set a direction and provide political authority for a course of action.
- **The evolution of the House’s response to the pandemic:** Whether the presumption of a ‘hard reset’ to pre-pandemic proceedings is either possible or desirable; whether certain changes to practice could be identified as candidates for longer term adoption; and the ongoing impact of public health restrictions on physical presence.

20. This report deliberately focuses on changes to procedure since March 2020 and does not attempt to codify the House’s wider pre-pandemic norms. The conventions and courtesies of the House arise from the nature of proceedings and have been somewhat disrupted both by changes to procedure since the pandemic, and the limited opportunity for newly elected Members to experience pre-coronavirus proceedings. We see this as a matter principally for Mr Speaker and his Deputies, under whose authority guidance is issued. It may be that there is a role for training on procedure and House customs at a point when more Members can be accommodated in the Chamber.

The mechanics of procedural change

21. Changes made to the procedure and practice of the House since the start of the pandemic have been introduced on the explicit basis of their being temporary and time limited.³⁹ On 1 July the Leader made the case that a full reversion was necessary:

lots of things have been agreed on the basis that they are temporary, and it would be improper to make those permanent without restoring the *status quo ante* first⁴⁰

22. This was a point which he reinforced in a more nuanced form on 1 February:

I feel that, in good faith, people like me said to Members who were very suspicious of these changes and didn’t want them to happen, “Don’t worry, this is temporary; we will go back to normal.” I would be cheating them if, in a widespread way, I didn’t do my best to facilitate—caveated by what I said a moment ago about it being a decision for the House, rather than me—and make my best efforts to make sure it goes back to normal, before decisions on permanent changes are made.⁴¹

23. In our First Report we ourselves recommended a period of six weeks for initial review and concluded that the “present package of modifications is proposed in the context of an unprecedented national emergency and is not to be seen as a basis or precedent for changes to procedure and practice outwith this situation”.⁴² We reiterated this point in our Third Report.⁴³

39 HC Deb 21 April 2020, cols 2–24 *passim*.; see also [Procedure under coronavirus restrictions: proposals for remote participation—First Report of Session 2019–21](#) paras 18, 25 and 26

40 Q171

41 Q508; see also Q499

42 [First Report](#), para 26

43 [Third Report](#), para 28

24. We stand by our earlier conclusions. But we, as is the Leader, are clear that these are decisions to be taken properly by the House and not by the Government or this Committee. In our Third Report, we indicated our intention to “assess all temporary procedures and practices which have been introduced, to establish whether there is any merit in adapting them for use by the House once coronavirus restrictions have ceased”.⁴⁴ At the end of May, our Third Report envisaged a more nuanced course to the pandemic.⁴⁵ In March 2021 it seems more likely that, though suppressed by a successful programme of vaccinations and greater understanding of transmission risks, the possibility of new strains means that a residual risk will be present for some time yet. We share the Leader’s caution that “[i]t is a dangerous business making forecasts about where this pandemic will go and therefore how flexible one can be about doing things.”⁴⁶

25. *In accordance with the Government’s plans for a cautious and steady easing of lockdown restrictions, we call for the temporary orders to be extended to the beginning of stage 4 (currently 21 June).*

26. *We recommend that the House reverts to all aspects of its pre-pandemic practice and procedure.*

27. **Substantive changes to procedure and practice should be made by the House on a motion put down with sufficient notice to allow for the proper tabling and selection of amendments. Anything else curtails free expression and potentially hides the consensus on procedural change that is in everyone’s interest to find.**

The availability of a political mandate

28. We explored the question of a political mandate with witnesses on 27 January. Matthew Hamlyn explained that

[t]he mandate is to try as far as possible to replicate the normal physical Chamber in a hybrid form. [...] There is an implicit mandate continually to think how we can introduce things that make it more like the “before times” [...] Had we had a mandate in April to design something that was going to work for a year and a half or a year, we might have started from a different place.⁴⁷

29. We see some of the limitations of the hybrid model when we consider how to manage interventions between physical and virtual Members without disrupting too greatly the natural flow of proceedings, and when considering the interaction between the Member “on their feet”, the Member seeking to intervene and the occupant of the Chair.⁴⁸ The Clerk went on to explain how the House Service sought to balance the risk of wasted work and ensure that work undertaken was proportionate and did not involve vast expenditure at risk.⁴⁹

44 [Third Report](#), para 11

45 [Third Report](#), para 41

46 Q485; although the Leader struck a more optimistic note at Q493.

47 Q426

48 A point made by the Leader at Q480.

49 Q445

30. The implicit (or general) mandate that Mr Hamlyn spoke of is contingent upon specific, explicit mandates coming forward from the House. On several occasions since the start of the pandemic the House Service has had to respond rapidly to a specific requirement which has emerged only at the last minute, for introduction soon thereafter. This has placed significant burdens on a relatively small number of staff with key operational roles in terms of the delivery of essential broadcasting and procedural functions, often during recesses. Making changes to the operation of the Chamber at such pace not only increases staff-based risk, but also means that the finished product is more limited than would otherwise be the case, and introduced with less testing than would give greater confidence in its operation. This can be seen from the original introduction of the hybrid model in April 2020 and the limitations in place during January 2021.

31. The Leader accepted that there was a case to be made for the development of virtual interventions on the basis that it might be useful in the future:

I am not hostile to that at all. The evidence you took last week is very interesting about the technological capability to do it, and about the practical difficulties. I agree with you. The broadcasting team have worked miracles. It works much better than it did before. That does not mean that there are not any practical difficulties. Technology improves, and as technology improves things become possible that one thought were not possible before.⁵⁰

While the technological side of virtual interventions may be manageable, care would need to be taken on their integration with physical proceedings, which may not be straightforward.

32. We recommend that the House Service is given an explicit mandate from the Commission to extend the scope of its development of hybrid proceedings and the resources necessary to separate it from the day-to-day demands of running the Chamber. This does not presuppose further extension in either scope or duration of hybrid proceedings, but would serve to de-risk aspects of hybrid sittings and enable ancillary benefits (for example within the House's business continuity plans or as part of preparations for Restoration and Renewal) to be realised.

33. Difficulties in establishing a political mandate have arisen because of the House's interwoven decision-making authorities. Decisions related to the House's response to the pandemic are variously the responsibility of the Commission, the House, the Speaker and the Government.⁵¹ As the Leader of the House told us:

when I say that the House decides, you point out that I have to put down a motion, but actually the House decides informally as much as formally. It decides because people make their views known. The Whips in both parties get representations from Members as to what they want. It isn't simply that the Leader of the House determines.⁵²

50 Q497

51 Q503

52 Q507

While this may be an accurate summary of routine decision making in the House, it may not be a sufficiently robust process to make significant decisions on procedural matters. We would favour greater formality in the processes by which views on such matters are expressed and decided on by the House.

The evolution of the House's response to the pandemic

Card reader divisions

34. The House's previous use of the division lobbies was identified as a risk early in the pandemic.⁵³ The House used both remote and Chamber-based forms of voting before settling on a system using card readers based in the division lobbies, subsequently supplemented by an extension of proxy voting.⁵⁴ We explored the potential of card reader divisions as a permanent alternative to the pre-pandemic system of division clerks at desks in the lobbies with witnesses on 1 July, approximately a fortnight after their introduction.⁵⁵ We returned to the subject on 27 January in the context of widespread proxy voting, with only around 40 Members taking part physically in divisions. The Clerk expressed his own support for the retention of card readers in the lobbies as an alternative to division clerks,⁵⁶ which was echoed by the Leader.⁵⁷ Card reader is not without its challenges, as Matthew Hamlyn explained to us.⁵⁸

35. Standing Orders Nos. 83J to 83X relating to 'English Votes for English Laws' were originally suspended under the terms of the order of 22 April 2020.⁵⁹ They have been subsequently disapplied as part of a wider package of pandemic-related matters by the order of 2 June 2020,⁶⁰ which was extended on 1 July to 2 September,⁶¹ on 2 September until 3 November,⁶² and finally on 22 October 2020 to 30 March 2021.⁶³ We pressed the Leader on the Government's plans for the EVEL Standing Orders in the context of our inquiry into the procedure of the House and the territorial constitution on 1 February, but to little effect.⁶⁴ It is not currently possible to conduct an EVEL division with the system of card readers and proxies.⁶⁵

36. We are not convinced that, with an effective card reader voting system in place, the conduct of EVEL votes should be any more difficult than with tellers. Consistent with the Leader's assurances above on returning to the status quo ante we urge the Government to reinstate the EVEL Standing Orders as soon as possible. We will consider this issue further and whether any changes to the procedures are desirable during our inquiry into the procedure of the House of Commons and the territorial constitution.

53 Q10

54 We reported on the introduction of remote divisions in our [Second Report](#) and their discontinuance in paras 44–53 of our [Third Report](#)

55 Qq216–8

56 Q432

57 Q499; this signalled a shift in the Leader's thinking on this point from earlier in our inquiry, cf. Q171

58 Q432

59 Votes and Proceedings, [22 April 2020](#), item 9D.(1) *Hybrid substantive proceedings (Temporary Orders)*

60 Votes and Proceedings, [2 June 2020](#), item 3(5) *Proceedings during the pandemic (No. 2)*

61 Votes and Proceedings, [1 July 2020](#), item 10 *Proceedings during the pandemic (No. 3)*

62 Votes and Proceedings, [2 September 2020](#), item 8 *Proceedings during the pandemic (No. 4)*

63 Votes and Proceedings, [22 October 2020](#), item 11 *Proceedings during the pandemic (No. 5)*

64 Qq458–461

65 Q432 [Mr Hamlyn]

Arrangements for select committees

37. Arrangements for select committees to conduct more of their business virtually were introduced in an Order of 24 March 2020:

Box 1: Excerpt from the Votes and Proceedings, 24 March 2020

Select Committees (Participation and Reporting) (Temporary Order)

Ordered, That:—

(1) for the period specified in paragraph (4) of this Order, the following measures shall have effect in relation to the proceedings of any select committee which has the power to report from time to time;

(2) members of any select committee to which this Order applies may participate in select committee proceedings through such electronic means of communication as have been approved by the Speaker;

(3) the Chair of any select committee to which this Order applies may report to the House an order, resolution or Report as an order, resolution or Report of the Committee which has not been agreed at a meeting of the Committee, if satisfied that all members of the Committee have been consulted about the terms of the order, resolution or Report and that it represents a decision of the majority of the Committee, and

(4) this Order shall have effect from the date that it is made until 30 June 2020, save that the Speaker may extend its effect by notifying the House that in his opinion it is expedient that these arrangements continue in force until a specified later date; more than one such notification may be given, but each such notification shall be given no less than a week before the expiry of this Order or any subsequent extension to it.—
(James Morris.)

Source: Votes and Proceedings, [24 March 2020](#), item 15

38. Unlike other temporary orders, the power to extend the Order lies within the discretion of the Speaker. Mr Speaker has indicated that he is content for the change to be made permanent.

Capacity in the Chamber

39. The Clerk of the House was clear that the biggest constraint on the spontaneity of proceedings was the size of the Chamber and speculated that social distancing might be one of the last things to go.⁶⁶ The Leader acknowledged that “[a]s long as the number of seats in the Chamber is restricted, we will need to have call lists”,⁶⁷ and on 25 February told the House that

the road map that the Government have set out for the country at large will obviously have an effect on what is going on in this House. Particularly important for the Chamber will be any changes on social distancing, because this Chamber will not be back to full, proper operation until the social distancing measures have been altered. That will be fundamental to any decisions that we have to make.⁶⁸

66 Q430

67 Q496

68 HC Deb 25 February 2021, [col 1095](#)

We previously concluded that we did not “think it is reasonable for Members, and by extension the constituents they represent, to be excluded from proceedings of the House because they choose or have been advised to follow Government advice on how to protect their health during a pandemic.”⁶⁹

Sittings in Westminster Hall

40. In early January, the new strain of coronavirus created the need to further suppress attendance on the parliamentary estate. In response, the Leader “reluctantly” tabled motions to suspend sittings in Westminster Hall and cancel sitting Fridays without a firm date for their resumption. The hon. Member for Christchurch tabled amendments to both motions but did not press them to divisions on the basis of assurances given by the Leader during the debate. The Government had put motions on the Order Paper on 12 January as a ‘nod or nothing’ decision but the amendments acted as blocking motions.⁷⁰ The House agreed to the motions without division on the basis that alternative arrangements would be made.⁷¹ Members of this Committee were concerned that suspending sittings in Westminster Hall and cancelling sitting Fridays would further limit the ability of backbench Members to represent their constituents and hold the Government to account.

41. The Clerk told us on 27 January that sittings along the lines of Westminster Hall could take place in an alternative room on the parliamentary estate without significant adaptation.⁷² The Leader of the House subsequently acknowledged that technology was not a leading limitation on a hybrid Westminster Hall, but that he would need assurance that a proposal to resume Westminster Hall would meet with general approval.⁷³ The Chairs of this Committee, the Petitions Committee and the Backbench Business Committee wrote signalling their support on 11 February.⁷⁴ The Government signalled its intentions to resume Westminster Hall sittings in a hybrid model in Boothroyd Room with effect from 8 March in a motion passed on 25 February.⁷⁵

Conclusion

42. At a much earlier stage of the pandemic the Leader drew attention to the wider procedural landscape:

We have had the most extraordinary period of flux in the understanding of procedures, and the Procedure Committee could be enormously helpful if it were to look at how things have changed over the last couple of years, not just in relation to coronavirus and how we have had to adapt, but at things that happened before that, to see whether we need any areas of clarification [...]

When I was on the Procedure Committee, we looked at a revision of the Standing Orders, simply to tidy them up and get them back into a coherent

69 [Third Report](#), para 34

70 HC Deb 12 January 2021, [col 265](#)

71 HC Deb 13 January 2021, [cols 425–443](#)

72 Q449

73 Q482

74 [Letter from the Chairs of the Backbench Business, Petitions and Procedure Committees to the Leader of the House, Rt Hon Jacob Rees-Mogg MP concerning Westminster Hall, dated 11 February 2021](#); Appendix 1D

75 [Votes and Proceedings, 25 February 2021](#), item 9 *Sittings in Westminster Hall during the pandemic*

whole, because they have been edited and sub-edited so much over the years that they are not in the order that one would like. We did that work very thoroughly, and the then Government just put it in a drawer and ignored it. It would be a very useful exercise to review that work so that we could have a more orderly book of Standing Orders.⁷⁶

43. The public business Standing Orders have not been systematically reviewed for several years. We agree with the Leader that it would be a useful exercise to review that work and this is a matter to which we will turn our attention in the next Session.

Conclusions and recommendations

Our report

1. *We call on the Government to commit to protect substantive motions on House business with a Business of the House motion which reserves time for debate and decision.* (Paragraph 8)
2. We endorse the factors set out by the Leader of the House in his letter to the Chair of 21 December as determining the Government's approach to the management of the House during the pandemic. We note that not all of the matters concerned are within the Government's control. However, we believe that there will be additional principles and factors that should be taken into account when we make decisions on the House's procedure. (Paragraph 16)
3. *In accordance with the Government's plans for a cautious and steady easing of lockdown restrictions, we call for the temporary orders to be extended to the beginning of stage 4 (currently 21 June).* (Paragraph 25)
4. *We recommend that the House reverts to all aspects of its pre-pandemic practice and procedure.* (Paragraph 26)
5. Substantive changes to procedure and practice should be made by the House on a motion put down with sufficient notice to allow for the proper tabling and selection of amendments. Anything else curtails free expression and potentially hides the consensus on procedural change that is in everyone's interest to find. (Paragraph 27)
6. *We recommend that the House Service is given an explicit mandate from the Commission to extend the scope of its development of hybrid proceedings and the resources necessary to separate it from the day-to-day demands of running the Chamber. This does not presuppose further extension in either scope or duration of hybrid proceedings, but would serve to de-risk aspects of hybrid sittings and enable ancillary benefits (for example within the House's business continuity plans or as part of preparations for Restoration and Renewal) to be realised.* (Paragraph 32)
7. *We are not convinced that, with an effective card reader voting system in place, the conduct of EVEL votes should be any more difficult than with tellers. Consistent with the Leader's assurances above on returning to the status quo ante we urge the Government to reinstate the EVEL Standing Orders as soon as possible. We will consider this issue further and whether any changes to the procedures are desirable during our inquiry into the procedure of the House of Commons and the territorial constitution.* (Paragraph 36)
8. The public business Standing Orders have not been systematically reviewed for several years. We agree with the Leader that it would be a useful exercise to review that work and this is a matter to which we will turn our attention in the next Session. (Paragraph 43)

Annex: Terms of reference

The Committee agreed the following terms of reference for its inquiry on 30 April 2020:

- The Procedure Committee is monitoring and evaluating the use of the temporary procedures and practices agreed to by the House of Commons on 21 and 22 April.
- These temporary changes have been introduced in consequence of the public health restrictions on movement and association introduced to combat the coronavirus pandemic.
- The Committee will consider submissions relating to any aspect of House procedure and practice affected by coronavirus restrictions.
- The Committee will also consider proposals for further changes to procedure and practice which may be necessary to allow the House's business to continue under such restrictions.
- Although the procedural changes made are strictly temporary, the Committee may wish to evaluate whether any features of the changes merit adoption by the House.

This first call for evidence was supplemented by a specific call between 1 and 8 October:

- The effect which current rules on time limits on speeches have on participation in debate.
- The process whereby MPs currently apply to participate, and are able to participate, in debate, including seating arrangements in the Chamber.
- Whether the temporary system of call lists adequately facilitates debate management in the current situation.

Appendix 1: Correspondence

A. Letter from the Chair to the Leader, 17 December

Dear Jacob

At Business questions today you twice expressed your regret at the way in which the debate on your motion on virtual participation on 24 November ended. Many hon. and Rt hon. Members would share that view, but also regret the way in which the debate began, which did not demonstrate the fundamental principle of fair play which should underpin our proceedings.

As you will be aware (HC Deb 15 December col 166), I am keen to explore ways in which the debate on your motion can be brought to an orderly conclusion. The simplest way would be for a short debate to take place at your initiation.

I would invite you to consider whether time could be found early in the new year so that the opinion of the House can be tested on your motion and any amendments which are selected. By bringing such a debate forward under the terms of a motion governing debate and decision, we could be sure of a line being drawn under the question.

It is a matter of deep regret to my committee that the question of how Members may participate in proceedings has become so divisive. Changes to procedure—whether intended to be temporary or permanent—are best made by consensus, and I hope that my committee will be able to engage constructively with you when the House comes to consider how the temporary changes made over the course of 2020 can best be reviewed.

Yours sincerely

Rt Hon. Karen Bradley MP

B. Letter from the Chair to Mr Speaker, 18 December

Mr Speaker—

Earlier in the year the House worked quickly to respond to the emerging circumstances in which we suddenly found ourselves. This enabled continued sittings of the House in the face of a global pandemic and tribute has rightly been paid to the ingenuity and hard work of the House staff that made it so.

Since then, the practice of the House has changed significantly—not out of all recognition—but far enough for questions to be asked about whether, when and to what extent we would return to the state of affairs in place before March 2020.

Throughout my committee's scrutiny of procedure under coronavirus, we have consistently expressed the view that the procedural changes that have occurred since March have been agreed to on the basis of their being temporary.

Any permanent changes must be made consciously and by consensus. While between us we share many years' experience of this place before COVID-19 struck, we have 140 colleagues—a fifth of the House—whose experience of pre-pandemic Parliament is limited to 44 sitting days not including swearing-in and State Opening.

This is one of the reasons that it is far from obvious that in practical terms that we can revert overnight to the way things were without consequence. Further, the House has seen that allowing temporary orders to lapse without a plan is not the way that the affairs of this House should be conducted.

While it is too early to say precisely what form any work my committee carries out will take or when precisely it will start, I believe that we are at a point where it makes sense to begin to consider how we would initiate such work and what questions we would seek to answer.

With that in mind, I would welcome your thoughts, informed by the expertise of the House authorities, on the following matters:

- (1) Whether and how far distinctions can be drawn between procedural and practical considerations;
- (2) Where procedural changes made since March are governed by temporary orders, what the practical implications of those orders lapsing would be; and
- (3) Whether there are any matters which in your view, being essentially practical rather than strictly procedural, ought to be considered for retention.

I would also welcome your perspective on whether the nature of proceedings has changed materially under COVID restrictions. This is an issue that many Members elected prior to 2019 have raised with the committee.

I am copying this letter to the Leader of the House, at whose initiative any changes to Standing Orders would be made and whose views my committee would also welcome. I should like with your agreement to publish this letter, along with your reply, early in the new year.

My committee will then be able to take an informed decision on the terms of reference of any work we choose to launch in the spirit of the same consensus in which the changes last year were made. I am anxious—as I hope you are—to avoid a scenario in which the procedures of this House after coronavirus become something that divides hon. and Rt hon. Members.

I wish you and your family a happy and peaceful Christmas.

Yours ever—

Rt Hon. Karen Bradley MP

C. Letter from the Leader to the Chair, 21 December

Dear Karen,

The challenges presented by the covid pandemic have meant that, throughout this year, we have all had to respond quickly to the evolving situation. As a consequence, the House has made changes to our procedures at unprecedented speed. I have been grateful to the Procedure Committee for its nimble advice and assessment of these new procedures in recent months. Following your correspondence to me of 17 December, I am writing to update you about the implications of Saturday's announcement on Tier 4.

As a consequence of the measures confirmed over the weekend, it is the Government's intention to bring forward a motion to extend remote participation to substantive proceedings in the chamber when the House next sits. This will allow any member who wishes to participate in debates remotely to do so, thereby extending the measures that are already in place to allow remote participation in questions and statements. Proxy voting, which has worked well in recent months, will continue in its current form. The precise details of these changes are being discussed with the House authorities and I will share the motion with you when it is to be tabled. I do not plan to include eligibility criteria in the motion for members to take part remotely.

I have always been clear that we have been keeping our approach to the pandemic in Parliament under review. Since March, the Government has taken a range of steps to ensure that Parliament can continue to do its important work, whilst allowing members to participate in some proceedings remotely. The Government firmly believes that our constituents are best served when Parliament meets physically to the fullest extent possible and this remains my strong view. However, it is right that we balance this with the need to lower the risk of transmission of this new strain of the virus. Given that this new strain is more easily transmittable, we have taken this decision with the aim of reducing physical attendance on the estate, whilst allowing members to continue to contribute to business.

In tabling a motion, I am sure you will understand that the focus must be on ensuring that the business in the main chamber, including scrutiny of the Government and the legislative agenda, can progress as effectively as possible under the new restrictions. It is essential that Parliament is able to carry out its vital legislative functions and play this key constitutional role. We will have to assess how these changes affect other elements of our proceedings, such as Westminster Hall. It is the Government's intention to bring forward these changes as soon as possible, at the start of the next sitting, subject to our continuing discussions with the House authorities. The motion will be time limited and I welcome the Committee's continuing views on how our procedures are working.

I would be very happy to discuss this with you and look forward to meeting the Committee in the New Year. I am copying this letter to Mr Speaker and I will place a copy in the House of Commons library so that other members are aware of the Government's intended approach.

With every good wish,

Yours ever,

Jacob Rees-Mogg

D. Letter from the Leader to the Chair, 11 January 2021

Dear Karen,

Following the House's agreement to the motion on 30 December, it is now possible for members to contribute to debates in the chamber remotely. I look forward to the Committee's assessment of how these changes are working in due course. These measures were introduced in part as an important way of reducing the number of people on the parliamentary estate, in line with the latest government covid guidance.

I have since received representations from across the House, expressing concerns about the continuation of Westminster Hall and sitting Fridays. In view of these representations, I have tabled motions to suspend sittings in Westminster Hall and sitting Fridays for the foreseeable future. It will obviously be for the House to decide whether these motions should be agreed.

As ever, I would be happy to discuss this with you and I look forward to meeting the Committee shortly.

I am copying this letter to Mr Speaker, the Chairman of Ways and Means, the Clerk of the House, the Shadow Leader of the House, the SNP Shadow Leader, Sir Bernard Jenkin, Ian Mearns and Catherine McKinnell.

With every good wish,

Yours ever,

Jacob Rees-Mogg

E. Letter from the Chairs of the Procedure, Petitions and Backbench Business Committees to the Leader of the House, 11 February 2021

Dear Jacob

Further to your comments at Business questions today, we write as the Chairs of three committees with an interest in the resumption of sittings in Westminster Hall. We are of a common view that Westminster Hall should resume at the earliest opportunity, subject to arrangements being COVID-secure and open to hybrid participation without qualifying criteria on Members for participation.

It is our understanding that work has been conducted to scope the potential for hybrid sittings of Westminster Hall to take place in another room on the parliamentary estate. Such hybrid sittings would lead to only a marginal increase in the number of people required on the estate and come without the cost of fitting additional broadcast hardware in the Grand Committee Room.

The House Authorities should be afforded sufficient time to make and test the necessary arrangements for hybrid sittings and allow hon. and Rt hon. Members to apply for debates. In the interests of practicality and courtesy to all Members, we hope that you will give advance notice of your intention to table a motion once confirmation that the arrangements are ready has been given and that you protect a short amount of time for debate and decision.

Given your stated reluctance to bring forward the motion suspending Westminster Hall, we hope that you will now seek to bring it back in accordance with your commitment at the conclusion of the debate to do so “as soon as is possible and practical in view of the circumstances” (HC Deb 13 January 2021 col 440). Your conditions, as ours, are now satisfied.

Yours sincerely

Ian Mearns, Catherine McKinnell and Karen Bradley

F. Letter from the Leader of the House to the Chairs of the Procedure, Petitions and Backbench Business Committees, 24 February 2021

Dear Chairmen

Thank you for your recent correspondence requesting the resumption of Westminster Hall debates. I am writing to confirm that I have tabled a motion today to bring back sittings in Westminster Hall for the House to consider tomorrow. I enclose a copy of the motion for your information.

I agree with you that it is important to resume these debates. I made the commitment to bring them back as soon as possible and practical and it is clear that there is now demand from across the House. As I have said before, I firmly believe that scrutiny leads to better government and was reluctant to curtail Westminster Hall sittings but I did so following significant representations expressing concern about their continuation in light of the higher transmission rates of the new variant of Covid-19.

I would like to point out that as well as requests to restart Westminster Hall debates, I have also received correspondence urging caution with regard to their return. No matter what form the debates in Westminster Hall take - physical, virtual or hybrid - they will require an additional House resource and presence on the Estate which, as you know, has been stretched over many months. There is also a trade off in terms of available accommodation for select committees and evidence-taking in Public Bill Committees will, on occasion, need to take priority. Therefore, it is by no means a straightforward decision to bring forward the motion at this time. Nevertheless, I have been assured that doing so will not affect the covid-secure status of the Palace of Westminster and that, should the House agree to the motion tomorrow, hybrid debates can start from Monday 8 March.

The House will have the opportunity to take a decision tomorrow but I am not convinced that the motion warrants protected time for debate due to its straightforward nature and the fact that the approach is based on support from your Committees and others across the House. It may help if I explain that the expiry date specified in the motion has been selected to align with the other hybrid proceedings orders, so that they can be extended in parallel in due course. I hope that it will be supported tomorrow.

I am copying this letter to Mr Speaker, the Chairman of Ways and Means, the Clerk of the House and the Shadow Leader of the House.

With every good wish,

Yours sincerely,

Jacob Rees-Mogg

Appendix 2: Memorandum from the Clerk of the House (CVR 119)

Introduction

1. The Chair of the Procedure Committee, in her letter to the Speaker of 18 December, asked for the Speaker's initial thoughts, informed by the expertise of the House authorities, about whether, when and to what extent the House might return to practice prior to March 2020. The Speaker has asked the House Service to prepare a memorandum to assist in discussion of these matters, and to supplement his own views.

The public health context

2. Before turning to the specific questions raised by the Committee, it may be helpful to make a few remarks about the public health context. The main ways in which public health requirements have affected the business of the House and its Committees since the onset of the pandemic have been as follows:

- a) A requirement to limit the number of Members and staff who can be present in the Chamber at any one time;
- b) A requirement to limit the number of Members and others who are present in the Grand Committee Room (where Westminster Hall sittings are held) and in other Committee rooms (where select and general committees meet) at any one time;
- c) A requirement to limit the numbers who can be present in certain spaces within the precincts where parliamentary business is transacted or supporting services are provided, including the division lobbies, Vote Office outlets, the Library and offices where procedural services are provided;
- d) Limitations on the attendance of Members, their staff, Parliamentary staff and others (including select committee witnesses) at Westminster due to public health advice or other factors.

3. It seems likely that these requirements will not be removed suddenly and all at once. If continuing public health requirements lead to a managed and gradual withdrawal of some restrictions, it might make sense for there to be a managed transition from the arrangements put in place to address them.

4. The Committee's request suggests that it is considering the procedural and practical implications of a future state in which exceptional public health requirements no longer affect parliamentary business. This memorandum seeks to address such a future state to aid discussion, but should not be read as making any assumptions about the timescale for, or indeed the likelihood of, reaching such a future state.

Attendance as basis for participation

5. Broadly speaking, physical attendance at Westminster has been the usual basis for participation in parliamentary proceedings in the Chamber and in most formal activities in committees. There are, of course, ways to participate in proceedings remotely of long standing—such as tabling amendments and questions—but until the recent changes physical attendance has been required for almost all Chamber activities, except in very limited circumstances.

6. An example of the formal arrangements that can be made to avoid the requirement for physical attendance is in relation to private Members' ballot bills, where success in the ballot and the consequential benefits in terms of priority are personal. On the day of formal presentation of the bills, a nominated Member can stand in for the successful Member to protect their priority in the running order. Other informal arrangements occur from time to time when an absent Member asks another Member to act on their behalf in certain types of business, in which case the replacement Member takes responsibility for the proceeding, and the role of the absent Member can only be acknowledged informally.

7. It is important to note that some exceptions to physical attendance being the basis for participation existed prior to March 2020. For instance:

- It has long been possible for witnesses to select committees to give evidence by video link.
- Exceptional arrangements have occasionally been made for select committee chairs to exercise formal powers following meetings at which some members have not been physically present.⁷⁷
- Proxy voting in respect of Members was introduced on a temporary basis in and has now been made permanent in respect of parental leave and certain types of care.⁷⁸
- There is a longstanding informal practice of “nodding through”, which has allowed the votes of Members on the Estate, but not present in the division lobbies, to be recorded.

8. Perhaps the most fundamental decision the Committee will need to consider in this inquiry is whether it is appropriate to revert to the pre-2020 assumptions about the requirement for physical attendance at Westminster as the basis for direct participation in proceedings in the Chamber, and in formal proceedings in committee, except in the case of the pre-existing exceptions noted above.

Call lists

9. Call lists were first introduced during the period of “hybrid” proceedings (that is, proceedings in which Members can participate remotely by video link, as well as in person) in late April and May 2020. They have remained in use since then, even in respect of debates where virtual participation was not possible between June and December

77 CJ (2012–13) 181, 16 July 2012 (Parliamentary Commission on Banking Standards).

78 Votes and Proceedings, 1 February 2018; Standing Order 39A.

2020. They remain an important tool for managing physical limits on attendance in the Chamber to enable social distancing, as well as being essential to the smooth operation of arrangements for virtual participation.

10. Call lists have been prepared under the authority of the Speaker. They are not reliant on any of the temporary orders considered in this memorandum.

11. It is not for the House of Commons Service to comment on the merits or otherwise of call lists being retained when social distancing is no longer considered necessary in the Chamber, but it is important to note that the authority for call lists rests with the Speaker, not the orders passed by the House, and the decision on their retention is properly one for the Speaker and Deputy Speakers.

12. I now turn to the four questions posed by the Committee.

Question 1: Whether and how far distinctions can be drawn between procedural and practical considerations

13. The procedural and practical considerations are interlinked. For the purposes of preparing this answer, “procedural” considerations are taken to include:

- a) Formal decisions of the House, for example, the passage of specific orders of temporary duration, including temporary amendments to Standing Orders;
- b) Changes made under the authority of the Speaker, the Chairman of Ways and Means (in respect of Westminster Hall) or the Chairs of general and select committees;
- c) Changes in Member behaviour and conduct, including on matters covered by the courtesies and conventions of the House which are not strictly procedural.

14. Practical considerations are taken to include:

- a) Technological requirements, including those relating to broadcasting and to virtual participation, and
- b) The staffing impacts associated with the pandemic and with the procedural changes arising from it.

15. The procedural considerations are addressed in the answers to the subsequent questions, so it may be helpful at this point to provide an overview of the practical considerations.

16. The changes to the practice of the House in response to the pandemic have required very rapid adaptations and extensions to the use of technology by the House Service, including in particular the Parliamentary Broadcasting Unit and the contractors with which it works, as well as the Parliamentary Digital Service. This has enabled the introduction of a range of changes, of which the following list is illustrative rather than comprehensive:

- a) Virtual participation in Chamber proceedings drawing on the use of Zoom, a method subsequently adopted by the House of Lords, and involving significant changes within the Chamber, including the provision of large screens;
- b) Virtual and subsequently hybrid public and private meetings of select committees and joint committees, alongside similar developments in the House of Lords;
- c) Remote voting using secure technology based on an existing platform previously developed by the Parliamentary Digital Service and the House Service (“MemberHub”), an approach subsequently successfully adopted by the House of Lords;
- d) The use of pass readers to record the names of Members voting in divisions;
- e) The electronic laying of official papers before the House (and the House of Lords);
- f) The extended use of MemberHub for the submission of names for statements and urgent questions, alongside its pre-existing use for questions and Early Day Motions.

17. These technological changes have generally not involved creating new technological solutions from scratch. To some degree, the House Service and the Parliamentary Digital Service have benefitted from the progress made in developing technology-based procedural solutions, and sustained investment in technology to support broadcasting and reporting of the House, prior to the pandemic. Where new technology has been deployed, it has generally built on well-developed proprietary systems, such as Zoom.

18. The staffing impact has been considerable, and it is not easy to see how it will be radically reduced. The impact has been twofold. First, staff in the House of Commons Service, alongside Members and their staff, and workers in many other workplaces, had to adapt rapidly to provide a range of services from home and/or remotely. Many procedural services that were provided wholly or partly face-to-face or using paper are now provided electronically or by phone. This underlying process goes well beyond procedural services, of course, and, in that sense, is not directly relevant to the subject matter of this memorandum. But this process has necessarily added to the pressures and demands on staff associated with the procedural changes required by the House and its committees.

19. Second, technological innovation has been and will remain very labour-intensive. It has involved sustained commitment from existing staff in the House Service and Parliamentary Digital Service, a substantial extension of the use of contractors, most notably our established broadcast partners, and the reassigning of staff. All those concerned have proved immensely adaptable, enabling the House of Commons Chamber to be the first in the world to introduce a hybrid system in response to the pandemic in April and also enabling a rapid response to changing requirements, such as the introduction of virtual participation in debate on a new basis from the recall of the House on 30 December 2020 and with immediate effect.

20. In setting out these practical considerations, I don’t intend to suggest that they should act as a determining factor in the decisions the House makes about its proceedings and those of its committees in the future. The main effect of these considerations is that reasonable notice should be given wherever possible for changes, and for any features of

the current temporary adaptations that might become permanent. The Committee should also be aware that prolonged use of such innovations and such technologies will have budgetary implications—in terms of both technology and staffing resource. It should also be borne in mind that most of the overhead costs associated with supporting virtual participation in the Chamber would apply even in a scenario where virtual participation was only open to a limited number of Members.

21. The practicalities of the methods used to enable virtual proceedings do have an impact on the proceedings themselves. The need to make sure those Members participating virtually are on line and audible means that proceedings have to be more choreographed than before. While it has long been good practice to give notice of points of order, it is not unknown for other Members to respond or make further points once a matter has been raised. It is not currently possible for those participating virtually to intervene or be intervened upon.

22. In theory, it is technologically possible that there could be a system whereby those Members participating virtually could indicate they wished to speak and be brought in by the Chair, but it would require resources to develop, both financial and in staff time. Any such system would, however, increase the pressure on the Chair and those assisting the Chair. It is easy to see who wishes to intervene when Members are physically present; anyone who has handled a large online call will know the difficulty of identifying those who are waiting to speak. The number of potential participants in the Chamber are far higher than on most such calls.

23. It is a matter for Members as to whether these changes are beneficial or not, but they do impact on the principle that Members have to be present to participate, and have to pay attention to the progress of proceedings in the Chamber.

Question 2: Where procedural changes made since March are governed by temporary orders, what the practical implications of those orders lapsing would be?

24. The procedural changes governed by temporary orders can be considered under five separate headings, relating to select committees, voting in divisions, including on business governed by the “English Votes for English Laws” Standing Orders, voting in Select Committee Chair by-elections, social distancing requirements in the Chamber and virtual participation in proceedings in the Chamber.

Select Committees (participation and reporting)

25. This order was first introduced on 24 March 2020. Unlike the other temporary orders, the power to extend the operation of the order lies within the discretion of the Speaker, subject, of course, to the power of the House itself to amend or rescind the order.

26. The order permits Members to participate in Committee meetings, including evidence-taking, remotely. It also facilitates remote agreement of reports and other decisions. Without these powers Members would have to revert to being together physically in order for formal meetings to be held and reports to be agreed.

Voting in divisions

27. A remote electronic voting system was developed during the Easter recess, at the request of the Leader of the House. On 22 April 2020, the House agreed a motion to introduce remote voting. The order on remote voting was due to lapse on 12 May 2020, but was extended until 20 May. After large-scale testing with Members, remote voting was used for the first time on 12 May 2020. Members used MemberHub to cast votes electronically, whether they were on or off the Estate. Members had 15 minutes to vote. They were notified about a division by text and email. There was a back-up system for any Member who experienced technical difficulties, which was typically used by one or two Members each time there was a division. The division result could be published online as soon as it had been announced in the Chamber. Electronic voting could theoretically have been used for double majority or Legislative Grand divisions under the “English Votes for English Laws” (EVEL) standing orders, but it never was as the EVEL Standing Orders had been temporarily disapplied. On 20 May 2020, the order on remote voting lapsed and was not renewed.

28. When the House returned after the Whitsun recess, on 2 June 2020, it agreed a motion stating that divisions would be conducted under arrangements made by the Speaker. The motion specified that Members could participate in divisions only if they were physically present on the Parliamentary Estate and that the Speaker’s arrangements had to conform to Public Health England guidance. The motion was itself subject to a division and, because the order on remote voting had lapsed without being replaced, and because the House’s previous method of voting by walking through the division lobbies was regarded as not sufficiently safe on public health grounds, the House was left with no agreed way of dividing. In this situation, the Speaker specified the method that would apply: Members walking through the Chamber and stating their name and vote at the Despatch Box.⁷⁹

29. After the motion had been agreed on 2 June 2020, this “roll-call” voting continued to be used until 11 June (and is still in use as a back-up if pass reader voting fails). Each division took between 30 and 45 minutes and there were long queues to get to the Chamber. The queue in the Chamber itself moved too quickly for Members’ names to be recorded in real time, so they were recorded afterwards by divisions staff watching a broadcast of the division (this necessitated a live broadcast feed of the division). This meant the results usually took more than an hour to produce and EVEL votes would not have been possible even if those standing orders had not been temporarily disapplied.

30. Pass reader voting has been used since 15 June 2020, under the authority conferred on the Speaker by the order of 2 June. Members vote by walking through the appropriate Lobby and tapping their pass against one of two pass readers. Members who are nominated proxies tap their pass against the reader to record their own name, and then as they leave inform the Tellers how many proxy votes they are casting and email the Public Bill Office so that the names of their proxies can be recorded. Originally, 12 minutes were allowed before the doors were locked. As the number of Members voting in person decreased, this interval was reduced to 10 minutes and then to the normal minimum of eight minutes.

31. When pass reader voting was first used, the names from the pass readers had to be printed and entered into the divisions system manually. The names can now be extracted

⁷⁹ This voting method has been widely referred to as “roll-call” voting, although it would more accurately be described as an “open declaration of votes”.

from the pass reader computer using an encrypted memory stick. This has reduced the time involved in processing divisions. However, proxy votes still need to be entered manually into the divisions system from emails. The time taken from the end of a division to the publication of the names online is usually about 15 to 20 minutes and EVEL votes are not currently possible. The pass readers in the Lobbies are a temporary installation and were installed very quickly.

32. The formal effect of the order of 2 June 2020 ceasing to have effect would be to require voting to take place in the division lobbies in accordance with the requirements of Standing Order No. 38 and to remove the requirement to adhere to guidance issued by Public Health England. It would also require the use of a system to enable Members representing different constituent parts of the United Kingdom to be counted separately or not counted at all during certain divisions for the purposes of the Standing Orders relating to territorial application of certain legislation (“the EVEL Standing Orders”, Standing Orders Nos. 83J to 83X). Re-instating the application of the EVEL Standing Orders would require the adoption of a robust voting system capable of swiftly recording the outcome of any division in terms of both the House as a whole and the relevant territorial subset(s) of Members (England, England and Wales, England and Wales and Northern Ireland). The existing pass reader system, when combined with extensive proxy voting, cannot deliver a system which meets this requirement. It’s possible that a future pass reader system could deliver EVEL votes, subject to the necessary development work and security accreditation.

33. Re-instating the application of the “English Votes for English Laws” provisions of Standing Orders would require some transitional provision to dispense or otherwise deal with Bills which were still before the House but which had been read a second time while those Standing Orders were suspended.

34. The Speaker’s authority might prove sufficient to enable some continuing adaptations, although the removal of reference to public health requirements before pandemic-specific public health guidance ceased to all Members of the House and staff of the House working in and around the Chamber would arguably be sub-optimal.

35. Arrangements for deferred divisions would be unaffected by the order of 2 June ceasing to have effect. Although that allowed for the period for deferred divisions to be extended, this extension is no longer required due to the large number of proxy votes in operation. The venue for deferred divisions—currently moved from the division lobbies to Members’ Library on public health grounds—is determined under the Speaker’s authority rather than an order of the House.

36. The most recent changes to the proxy voting system were those agreed on 23 September and 3 November 2020. On 23 September the House agreed a new Standing Order (No. 39A) which makes permanent provision for a proxy vote by reason of absence from the precincts of the House for childbirth or care of an infant or newly adopted child. The background to this will be familiar to the Committee from its work, and that of its predecessors, on the pilot arrangements. On that date, proxy voting was also extended on a temporary basis to Members absent from the precincts for medical or public health reasons related to the pandemic. This temporary additional system was modified on 3 November 2020 to remove the requirement on Members who have registered another Member to act as their proxy to be absent from the precincts.

37. If the temporary modifications of the proxy voting Standing Order were to cease to have effect, all Members other than those qualifying for a proxy vote under the permanent Standing Order would be required to attend within the precincts to vote. Except in the case of Members who are “nodded through”, Members would also be required to pass through the division lobbies to vote.

Voting in Select Committee Chair by-elections

38. A temporary order was passed on 22 April to allow a remote by-election for the Chairs of the Business, Energy and Industrial Strategy Committee and the Committee on Standards. The by-election was held on 6 May 2020. What would be the effect of not passing a similar temporary order for any subsequent Select Committee Chair by-election? Broadly speaking, the effect would be very similar to that applying to divisions and deferred divisions: all Members would be required to be present in the precincts of the House to vote in such an election. Exceptions have occasionally been made to allow votes to be cast by Members who are unable to vote in person. If a Member is present on the Estate, but unable to go to the Committee Room where the ballot is being held, they can ask for a clerk to collect their ballot paper and put it in the ballot box for them—a version of “nodding through”).

Virtual participation in proceedings

39. The order of the House of 30 December 2020 allows Members to participate in most proceedings of the House by electronic means. There are some limited exceptions in the order of 30 December, and some further exceptions set out in the scheme which was issued by the Speaker on 8 January 2021.

40. This new scheme differs in some respects from the hybrid proceedings that took place in April and May 2020. At that time, a resolution of the House of 21 April was in force (subsequently rescinded by the order of 2 June) which established a principle of parity between Members participating physically and Members participating virtually. In compliance with that principle, Members present in the Chamber were essentially subject to some of the same restrictions that applied to Members participating virtually, and which arose from practical considerations. That “parity principle” no longer applies.

41. The current scheme imposes a number of new limitations on virtual participation arising from practical considerations. Almost all of these arise from the absence of provision for spontaneity. Members participating physically are not affected by the same restrictions and can thus intervene and be intervened upon, move certain motions without notice and raise points of order without notice.

42. If the order of 30 December 2020 were to cease to have effect, all Members would be subject to the same requirements for physical attendance in the Chamber to participate in its proceedings that were in place prior to the pandemic. Members who were unable to be present in the Chamber would thus be unable to participate in such proceedings.

Limits on attendance in the Chamber

43. The order of the House of 2 June 2020, and an earlier order of 21 April which it replaced, disapplies Standing Order Nos. 7 and 8. Essentially, these Standing Orders provide the

formal authority for the system of “prayer cards” and embody to some degree the broader right of Members to attend in the Chamber at a time of their choosing. Without such an order, the right of attendance would essentially be restored. It should be noted, however, that informal limits on attendance to secure social distancing operated in the second half of March without formal sanction of an order of the House.

Question 3: Whether there are any matters which in your view, being essentially practical rather than strictly procedural, ought to be considered for retention

44. As noted earlier, the pandemic has necessitated a number of changes to the way procedural and other services are provided. Some of these changes offer benefits and may become permanent. One example would be the system of e-laying of Government papers. However, the systems which have been put in place at speed with tremendous staff goodwill may not be suitable for long term use. E-laying is currently done by email, which increases burdens on Journal Office staff, and extra resources will be needed to ensure its continuation, either for development work, or from increasing the staff complement slightly. It should be noted that some staff working to support hybrid proceedings are only available for this task because the pandemic has curtailed how much they can do in their usual roles. Obviously this would not be the case in more normal circumstances.

45. Retaining the use of pass readers for divisions—assuming the technical challenges outlined in paragraphs 31 and 32 above can be resolved—would have the benefit of freeing up the teams of staff who have to be on call close to the division lobbies whenever the House is sitting (this could also result in a modest financial saving).

46. In relation to select committee, making committees’ current remote working provisions would have resource implications, principally relating to broadcasting capacity, but potentially also for Committee Office staffing. However, the arguments about whether the arrangements should be made permanent are primarily for select committee chairs and members, and the Liaison Committee will no doubt wish to express a view.

47. It would not be appropriate for the House of Commons Service to express a view on the wider merits of retaining, possibly in modified form, some of the changes to the way business is conducted in the Chamber.

Question 4 (unnumbered in the Committee’s letter but numbered here for ease of reference): Whether the nature of proceedings has changed materially under COVID restrictions

48. It is not easy for the House of Commons Service to offer an answer to this question. The extent and nature of changes to proceedings is only likely to be evident when the pandemic-related restrictions are no longer in place.

49. It is in the nature of a large legislature such as the House of Commons that Members will have different views on the merits of changes. Some changes will be very welcome to some Members, who may wish to see those changes become permanent, while others may believe it is appropriate for pre-pandemic practice to be restored. Many Members will see great benefit from greater predictability in the conduct of proceedings. Others may sense a loss of spontaneity and flexibility.

50. While it would not be appropriate for the House Service to express views on the merits or otherwise of retaining on an enduring basis any of the innovations introduced in response to the pandemic, I and my colleagues would be happy to provide further evidence on the procedural and practical implications of retaining certain innovations at a later point in the Committee's inquiry, and I look forward to discussing these issues with the Committee.

John Benger

15 January 2021

Formal minutes

Wednesday 10 March 2021

Members present:

Karen Bradley, in the Chair

Aaron Bell	Nigel Mills
Kirsty Blackman	Douglas Ross
Jack Brereton	James Sunderland
Bambos Charalambous	Owen Thompson
Sir Christopher Chope	Liz Twist
Chris Elmore	Suzanne Webb
James Gray	William Wragg
Kevan Jones	

Draft Report (*Back to the future? Procedure after coronavirus restrictions*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

Paragraph 21 read as follows:

Changes made to the procedure and practice of the House since the start of the pandemic have been introduced on the explicit basis of their being temporary and time limited. We do not question that this is the procedural reality. However, as the course of the pandemic has become more complex and lasted months rather than weeks, it has become less clear whether it is desirable, or even possible to revert fully to practice before March 2020. On 1 July the Leader made the case that a full reversion was necessary:

lots of things have been agreed on the basis that they are temporary, and it would be improper to make those permanent without restoring the status quo ante first.

Amendment proposed, in line 3, to leave out from “limited.” to “On” in line 6.—
(*Mr William Wragg.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraph 22 read and agreed to.

Paragraph 23 read as follows:

The possibility of a full reversion or hard reset to every aspect of pre-pandemic practice and procedure in the House has become less likely as the pandemic lasted longer than anyone hoped or expected when formal restrictions were introduced in April 2020. In our First Report we ourselves recommended a period of six weeks for initial review and concluded that the “present package of modifications is proposed in the context of an unprecedented national emergency and is not to be seen as a basis or precedent for changes to procedure and practice outwith this situation”. We reiterated this point in our Third Report.

Amendment proposed, to leave out from the beginning of the paragraph to “In” in line 4.—(*Mr William Wragg*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraph 24 read as follows:

We stand by our earlier conclusions. But we, as is the Leader, are clear that these are decisions to be taken properly by the House and not by the Government or this Committee. We do not believe that a fair-minded observer would have grounds for believing that the Members moving or supporting procedural changes arising from the pandemic had done so in bad faith if they were subsequently retained following a specific decision to do so. In April 2020 many Members believed that the pandemic would, at some stage, be ‘over’ in a meaningful sense, and hopefully sooner rather than later. In our Third Report, we indicated our intention to “assess all temporary procedures and practices which have been introduced, to establish whether there is any merit in adapting them for use by the House once coronavirus restrictions have ceased”. But even at the end of May, our Third Report envisaged a more nuanced course to the pandemic. In March 2021 it seems more likely that, though suppressed by a successful programme of vaccinations and greater understanding of transmission risks, the possibility of new strains means that a residual risk will be present for some time yet. We share the Leader’s caution that “[i]t is a dangerous business making forecasts about where this pandemic will go and therefore how flexible one can be about doing things.”

Amendment proposed, to leave out from “Committee” in line 3 to “In” in line 6.—
(*Mr William Wragg*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Another Amendment made.

Paragraph, as amended, agreed to.

Paragraph 25 read and agreed to.

Paragraph 26 read as follows:

We do not believe that a full reversion to all aspects of pre-pandemic practice and procedure is either necessary or desirable. What matters is that the House itself decides which measures it retains—or not, as the case may be.

Amendment proposed, to leave out from “We” to the end of the paragraph and insert “recommend that the House reverts to all aspects of its pre-pandemic practice and procedure.”—(*Mr William Wragg*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraph 27 read as follows:

This will depend on the House’s ability to express its will, which rests in turn on the bringing forward of motions in a manner which allows for the tabling of amendments. In our First Report we accepted the case—exceptionally—for the motions introducing hybrid proceedings to be moved without notice, which the Leader acknowledged as extraordinary in his remarks in the Chamber.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 8
Kirsty Blackman	Aaron Bell
Bambos Charalambous	Jack Brereton
Chris Elmore	Sir Christopher Chope
Nigel Mills	James Gray
Owen Thompson	Douglas Ross
Liz Twist	James Sunderland
	Suzanne Webb
	Mr William Wragg

Question accordingly negated.

Paragraph disagreed to.

Paragraphs 28 to 35 (now paragraphs 27 to 34) read and agreed to.

Paragraph 36 (now paragraph 35) read as follows:

Card reader voting offers obvious advantages in terms of time, certainty and publication of result, over divisions conducted by Members giving their name to clerks in the Chamber. But it is not without its challenges, as Matthew Hamlyn explained to us. Integration with security passes is convenient for Members but adds an undesirable layer of technical complication which impedes the swift publication of data relating to divisions. We encourage the House Service to seek reliable fixes to these problems. If this cannot be achieved, a separate voting card may be necessary. The Clerk was clear in his evidence to us that card reader voting is possible within the existing procedural framework; no changes to Standing Orders are required.

Amendment proposed, in line 1, to leave out from “voting” to “is” in line 3.—
(*Mr William Wragg.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Amendment proposed, in line 4, to leave out from “us.” to the end of the paragraph.—
(*Mr William Wragg.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraph, as amended, added to paragraph 35 (now paragraph 34).

Paragraph 37 (now paragraph 35) read and agreed to.

Paragraph 38 read as follows:

We recommend that should the House make a decision to retain card reader divisions the House Service makes the necessary investment to make them a viable long-term solution. Such a decision should take place following a debate in accordance with our recommendation at paragraph 9 [*now paragraph 8*].

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 8
Kirsty Blackman	Aaron Bell
Bambos Charalambous	Jack Brereton
Chris Elmore	Sir Christopher Chope
Nigel Mills	James Gray
Owen Thompson	Douglas Ross
Liz Twist	James Sunderland
	Suzanne Webb
	Mr William Wragg

Question accordingly negatived.

Paragraph disagreed to.

Paragraphs 39 to 40 (now paragraphs 36 to 37) read and agreed to.

Paragraph 41 (now paragraph 38) read as follows:

Unlike other temporary orders, the power to extend the Order lies within the discretion of the Speaker. Mr Speaker has indicated that he is content for the change to be made permanent. As it becomes easier for committees to meet physically, it may be that less use is made of it but we see no grounds in principle for its removal.

Amendment proposed, in line 3, to leave out from “permanent.” to the end of the paragraph.—(*Mr William Wragg*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraph 42 read as follows:

We recommend that the operative provisions of the temporary order relating to Select Committees (Participation and Reporting) are reintroduced in a Sessional Order at the start of the next Session with a view to similar provisions being included in a subsequent review of Standing Orders, subject to an assessment of their use and in consultation with the Liaison Committee.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 8
Kirsty Blackman	Aaron Bell
Bambos Charalambous	Jack Brereton
Chris Elmore	Sir Christopher Chope
Nigel Mills	James Gray
Owen Thompson	Douglas Ross
Liz Twist	James Sunderland
	Suzanne Webb
	Mr William Wragg

Question accordingly negatived.

Paragraph disagreed to.

Paragraph 43 (now paragraph 39) read and agreed to.

Paragraph 44 read as follows:

It is not necessary for some Members' ability to participate virtually in proceedings to be prematurely curtailed in order either to make or sustain the case for the benefits of physical proceedings. The reality is that some Members will not be able to come safely into Parliament until rates of vaccination increase and transmission rates drop. We recommend that virtual participation in debate remains for as long as restrictions on capacity in the Chamber are in place.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 8
Kirsty Blackman	Aaron Bell
Bambos Charalambous	Jack Brereton
Chris Elmore	Sir Christopher Chope
Nigel Mills	James Gray
Owen Thompson	Douglas Ross
Liz Twist	James Sunderland
	Suzanne Webb
	Mr William Wragg

Question accordingly negated.

Paragraph disagreed to.

Paragraphs 45 to 48 (now paragraphs 40 to 43) read and agreed to.

On the proposal of the Chair, and with the leave of the Committee, a single Question was put on paragraphs 49 to 50.

Paragraphs 49 to 50 read as follows:

Almost a year into the pandemic, the House can see how events since March 2020 have raised wider issues about the House's decision-making processes. The House has an opportunity to improve those processes, should it wish to. We are now extending our call for evidence to seek views on what such an improved process might look like, and what factors the House should consider when it comes to make decisions on changes to procedure and practice. While the House must respond to events and cannot anticipate the course of the pandemic, there is no need for the House to limit itself to purely reactive measures. Indeed, there would be merit in the House adopting a framework by which future decisions can be assessed.

We issue our revised call for evidence with the intention of enabling the House to identify which measures, if any, it sees a role for as we emerge from the pandemic. We will report again to the House with specific recommendations.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 8
Kirsty Blackman	Aaron Bell
Bambos Charalambous	Jack Brereton
Chris Elmore	Sir Christopher Chope
Nigel Mills	James Gray
Owen Thompson	Douglas Ross
Liz Twist	James Sunderland
	Suzanne Webb
	Mr William Wragg

Question accordingly negated.

Paragraphs disagreed to.

An Annex—(*The Chair*)—brought up and read, as follows:

Terms of reference

The Committee agreed the following terms of reference for its inquiry on 30 April 2020:

- The Procedure Committee is monitoring and evaluating the use of the temporary procedures and practices agreed to by the House of Commons on 21 and 22 April.
- These temporary changes have been introduced in consequence of the public health restrictions on movement and association introduced to combat the coronavirus pandemic.
- The Committee will consider submissions relating to any aspect of House procedure and practice affected by coronavirus restrictions.
- The Committee will also consider proposals for further changes to procedure and practice which may be necessary to allow the House's business to continue under such restrictions.
- Although the procedural changes made are strictly temporary, the Committee may wish to evaluate whether any features of the changes merit adoption by the House.

This first call for evidence was supplemented by a specific call between 1 and 8 October:

- The effect which current rules on time limits on speeches have on participation in debate.
- The process whereby MPs currently apply to participate, and are able to participate, in debate, including seating arrangements in the Chamber.
- Whether the temporary system of call lists adequately facilitates debate management in the current situation.

The Committee now issues a further call for evidence in response to the following questions:

- What principles and other factors should guide changes to the practice and procedure of the House? How should they be balanced?
- Should the general requirement for physical presence as a necessary condition of participation in most proceedings be reinforced? What exceptions—if any—should apply?
- How should the House strike a balance between breadth of participation and spontaneity in the context of a Chamber in which physical participation is limited?

- Should the concept of ‘House business’ be formalised? Should it be described in Standing Orders or subject to a process of certification?

Amendment proposed, to leave out lines 24 to 35.—(*Mr William Wragg*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Annex, as amended, agreed to.

Two papers were appended to the report as Appendix 1 and Appendix 2.

Motion made, and Question put, That the Report, as amended, be the Eighth Report of the Committee to the House.

The Committee divided.

Ayes, 8	Noes, 6
Aaron Bell	Kirsty Blackman
Jack Brereton	Bambos Charalambous
Sir Christopher Chope	Chris Elmore
James Gray	Nigel Mills
Douglas Ross	Owen Thompson
James Sunderland	Liz Twist
Suzanne Webb	
Mr William Wragg	

Question accordingly agreed to.

Resolved, That the Report, as amended, be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 17 March at 2.30 pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 1 June 2020

Dr John Benger, Clerk of the House, House of Commons; **Mark Hutton**, Clerk of the Journals, House of Commons [Q1–57](#)

Monday 8 June 2020

Rt Hon Jacob Rees-Mogg MP, Lord President of the Council and Leader of the House of Commons, Office of the Leader of the House of Commons [Q58–119](#)

Wednesday 1 July 2020

Rt Hon Jacob Rees-Mogg MP, Lord President of the Council and Leader of the House of Commons, Leader of the House of Commons [Q120–177](#)

Wednesday 1 July 2020

Dr John Benger, Clerk of the House, House of Commons; **Matthew Hamlyn**, Strategic Director, Chamber Business Team, House of Commons Service [Q178–224](#)

Wednesday 8 July 2020

Dr Ruth Fox, Director, Hansard Society; **Professor Meg Russell**, Director, Constitution Unit, University College London; **Dr Hannah White**, Deputy Director, Institute for Government [Q225–247](#)

Wednesday 15 July 2020

Tommy Sheppard MP, Shadow Leader of the House of Commons, Scottish National Party Parliamentary Group; **Rt Hon Valerie Vaz MP**, Shadow Leader, House of Commons [Q248–278](#)

Monday 5 October 2020

Steve Brine MP; **Hywel Williams MP** [Q279–318](#)

Wednesday 7 October 2020

Daisy Cooper MP; **Rachael Maskell MP**; **Dr Philippa Whitford MP** [Q319–337](#)

Monday 12 October 2020

Stephen Farry MP; **Claire Hanna MP**; **Barbara Keeley MP** [Q338–354](#)

Rt Hon Dame Eleanor Laing MP, Chairman of Ways and Means, House of Commons; **Rt Hon Dame Rosie Winterton MP**, First Deputy Chairman of Ways and Means, House of Commons; **Mr Nigel Evans**, Second Deputy Chairman of Ways and Means, House of Commons [Q355–382](#)

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

[Q383–418](#)

Wednesday 27 January 2021

Dr John Benger, Clerk, House of Commons; **Marianne Cwynarski**, Managing Director, Governance Office, House of Commons; **Matthew Hamlyn**, Chamber Business Team Strategic Director, House of Commons

[Q419–456](#)

Monday 1 February 2021

Rt Hon Jacob Rees-Mogg MP, Leader of the House, House of Commons

[Q457–514](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CVR numbers are generated by the evidence processing system and so may not be complete.

- 1 Adams, David ([CVR0065](#))
- 2 Amess, Sir David (Member of Parliament, House of Commons) ([CVR0094](#))
- 3 Anderson, C. Adair ([CVR0080](#))
- 4 Baldwin, Harriett ([CVR0004](#))
- 5 Bell, Aaron (Member of Parliament for Newcastle-under-Lyme, House of Commons) ([CVR0114](#))
- 6 Black, Mhairi ([CVR0020](#))
- 7 Brennan, Mr Kevin ([CVR0023](#))
- 8 Cadbury, Ruth ([CVR0030](#))
- 9 Callaghan, Amy ([CVR0021](#))
- 10 Carson, Rowland ([CVR0055](#))
- 11 Champion MP, Sarah ([CVR0031](#)) and ([CVR0100](#))
- 12 Childs, Professor Sarah ([CVR0026](#))
- 13 Committee on Standards in Public Life ([CVR0012](#))
- 14 Cooper, Daisy ([CVR0077](#))
- 15 Cooper, Rosie ([CVR0106](#))
- 16 Crawley, Angela ([CVR0003](#))
- 17 Cumberpatch, Dr Chris ([CVR0042](#))
- 18 Davies, Daniel ([CVR0034](#))
- 19 Davies MP, Geraint ([CVR0027](#))
- 20 Day, Martyn ([CVR0017](#))
- 21 Docksey, Miss Lesley ([CVR0051](#))
- 22 Doogan, Dave ([CVR0015](#))
- 23 Downey, Mr Jim ([CVR0078](#))
- 24 Eleanor, Rt Hon Dame ([CVR0112](#))
- 25 Electoral Reform Society ([CVR0093](#))
- 26 Evans, Paul ([CVR0001](#))
- 27 Fair Vote UK ([CVR0092](#))
- 28 Farry, Dr Stephen ([CVR0084](#))
- 29 Fawcett, Ms Valerie ([CVR0068](#))
- 30 Folkard, Mrs L ([CVR0059](#))
- 31 Foxcroft, Ms Vicky (Member of Parliament for Lewisham Deptford, House of Commons) ([CVR0105](#))
- 32 Gillespie, Mr Robert ([CVR0036](#))

- 33 Grant, Peter ([CVR0019](#))
- 34 Griffin, Eva ([CVR0049](#))
- 35 Gwynne, Andrew (Member of Parliament for Denton and Reddish, House of Commons) ([CVR0110](#))
- 36 HM Government ([CVR0090](#))
- 37 Hall, Dr Nicola ([CVR0053](#))
- 38 Hamlyn, Matthew (Strategic Director, Chamber Business Team, House of Commons) ([CVR0115](#))
- 39 Hansard Society ([CVR0083](#))
- 40 Hodgson, Mrs Sharon ([CVR0096](#))
- 41 House of Commons ([CVR0085](#)), ([CVR0086](#)) and ([CVR0119](#))
- 42 Hyde, Mr ([CVR0043](#))
- 43 Johnson, Dame Diana (MP for Kingston upon Hull North, House of Commons) ([CVR0111](#))
- 44 Keeley, Barbara (Member of Parliament for Worsley and Eccles South, House of Commons) ([CVR0103](#))
- 45 Laing, Dame Eleanor (Chairman of Ways and Means, House of Commons) ([CVR0116](#))
- 46 Liam, Mr ([CVR0002](#))
- 47 Liberal Democrat Parliamentary Party ([CVR0013](#))
- 48 Lucas, Caroline ([CVR0011](#))
- 49 Luckraft, Dr. David Alan ([CVR0054](#))
- 50 MacNeil MP, Angus (Member of Parliament for Na h-Eileanan an Iar) ([CVR0010](#))
- 51 Manovitch, Dr David ([CVR0058](#))
- 52 Marsden, Graham ([CVR0045](#))
- 53 Maskell, Rachael ([CVR0024](#)) and ([CVR0095](#))
- 54 McCallum, Jim ([CVR0046](#))
- 55 McCulloch, Captain Andrew ([CVR0072](#))
- 56 McDonald, Stuart C ([CVR0061](#))
- 57 McKinnell, Catherine (Chair, Petitions Committee, House of Commons) ([CVR0118](#))
- 58 Mepham, Mr Stephen ([CVR0037](#))
- 59 Miller, Mrs Maria ([CVR0117](#))
- 60 Miller, Rt Hon Maria (Member of Parliament , MP for Basingstoke) ([CVR0102](#))
- 61 Official Opposition ([CVR0113](#))
- 62 ParliAble ([CVR0082](#))
- 63 Plaid Cymru ([CVR0009](#))
- 64 Polan, Ms Marilyn ([CVR0066](#))
- 65 Pughe-Morgan, Philip ([CVR0040](#))
- 66 Qureshi, Yasmin ([CVR0071](#))
- 67 Ranby, Berkeley ([CVR0044](#))

- 68 Sheerman, Mr Barry ([CVR0079](#))
- 69 Sheppard, Tommy ([CVR0014](#))
- 70 Siddiq, Tulip ([CVR0075](#))
- 71 Slaughter, Mr Andy ([CVR0028](#))
- 72 Smyth, Karin ([CVR0087](#))
- 73 Stevenson, John ([CVR0099](#))
- 74 Stokes, Roger ([CVR0073](#))
- 75 Streeting MP, Mr Wes ([CVR0029](#))
- 76 Taylor, Mr Peter ([CVR0070](#))
- 77 Thewliss, Alison ([CVR0016](#))
- 78 Thirkell-White, Mr Roderick ([CVR0038](#))
- 79 Thomas, Ms Stella-Maria ([CVR0033](#))
- 80 Thompson, Mr Robert ([CVR0050](#))
- 81 Thomson, Richard ([CVR0005](#))
- 82 Vaz, Rt Hon Valerie (Shadow Leader of the House of Commons, Official Opposition) ([CVR0091](#))
- 83 Vowles, Professor Hannah ([CVR0047](#))
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- 85 Wick, Mr. Alan ([CVR0060](#))
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- 87 Wishart, Pete ([CVR0018](#))
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List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

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Number	Title	Reference
1st Report	Procedure under coronavirus restrictions: proposals for remote participation	HC 300
2nd Report	Procedure under coronavirus restrictions: remote voting in divisions	HC 335
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4th Report	Proxy voting: review of pilot arrangements	HC 10
5th Report	Written Parliamentary questions: Departmental performance in the 2017 Parliament	HC 790
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7th Report	Procedure under coronavirus restrictions: call lists and time limits on speeches in debates	HC 1031
1st Special Report	Procedure under coronavirus restrictions: the Government's proposal for proxy voting for shielding Members	HC 429
2nd Special Report	Procedure under coronavirus restrictions: Government Responses to the Committee's First, Second and Third Reports	HC 565
3rd Special Report	Proxy voting: review of pilot arrangements: Government Response to the Committee's Fourth Report of Session 2019–21	HC 836
4th Special Report	Procedure under coronavirus restrictions: Government Responses to the Committee's Sixth and Seventh Reports	HC 1165