



PROCEDURE AND PRIVILEGES COMMITTEE

Minutes of the meeting held via Microsoft Teams on Tuesday 2 March 2021

[Items highlighted will be redacted before publication of the Minutes]

Present:

Lord McFall of Alcluith (Chair)	Lord Mancroft
Lord Ashton of Hyde	Lord McAvoy
Lord Eames	Baroness McIntosh of Hudnall
Baroness Evans of Bowes Park	Lord Newby
Lord Faulkner of Worcester	Baroness Quin
Lord Fowler	Baroness Smith of Basildon
Lord Geddes	Lord Stoneham of Droxford
Baroness Harris of Richmond	Baroness Thomas of Winchester
Lord Judge	Viscount Ullswater

with the Clerk of the Parliaments.

1. Hybrid proceedings at ping pong

The Chairman explained that this item followed discussions during ping pong on the Trade Bill, where a number of members were frustrated that the Committee's hybrid House guidance prevented backbenchers other than tablers of motions from taking part as virtual participants. It had also been raised in the debate on the Committee's report on 22 February.

The Leader and the Chief Whip had written to the Committee suggest two options: either to keep the status quo or to agree a modest increase in the number of virtual participants allowed by extending the rule to cover anyone who signed and spoke to the original Lords amendment when it was voted on. The Chief Whip reminded members that the Committee had accepted the principle that ping pong should be restricted in the hybrid House and that the issues under discussion had generally been well aired before ping pong was reached.

The Convenor accepted that ping pong in hybrid House could not be a time for free debate by an unlimited number of members but recognised why members had sought an increase in the number of members who were allowed to take part. He saw the second option as a reasonable concession.

Other members pointed out that the current arrangements for ping pong in the hybrid House breached the principle of parity between remote and physical participants and cited the Fisheries Bill as an example of a time when a new issue had been introduced during consideration of Commons amendments.

The Leader of the Opposition said that hybrid House proceedings whilst inherently inadequate were the best option in the current difficult circumstances and supported the second option of opening it up. She suggested that if in the future a new issue was introduced at ping pong which had not been the subject of prior debate that the Usual Channels should discuss how to deal with it.

The Committee **agreed** that any member who signed and spoke to the original Lords amendment when it was voted on could take part in the resulting ping pong proceedings. It was agreed that these changes should take effect from 9 March.

2. Interventions in Hybrid House – follow up

The Chairman reminded the Committee that at its meeting on 26 January it had considered a paper suggesting a model for reintroducing spontaneous interventions in hybrid proceedings. The Committee had asked for the option to be narrowed to replacing the existing procedure of emailing the clerk to ask to speak after the Minister on certain types of business. The paper before the Committee set out what that change would involve.

A demonstration of the possible change had taken place on Friday 26 February. The Second Clerk explained that whilst feedback had been largely positive it may be that the Committee and the usual channels feel that, having reduced the risk of the proposal, there may be only narrow scope for benefits in introducing a change now which would require further adaptation by members.

The Leader pointed out that it was hoped that a return to normality was not too far away and she questioned whether the work involved in implementing the change and training members was therefore worth it. Other members of the Committee suggested trialling the new system for a month. The Leader of the Opposition proposed that the Committee should test the new system before asking the House as a whole to adopt it. Lord Geddes proposed that the Deputy Speakers should also be invited to take part in the rehearsal.

It was agreed that a rehearsal of the new system would be held after the Easter recess with members of the Committee and the Deputy Speakers taking part.

3. Private Members Bills ballot procedure

The Chairman introduced the paper which invited the Committee to consider reforms to Private Members' Bills (PMBs) procedure, to improve the service delivered to members by focussing resources on those PMBs most likely to make progress.

The Clerk of Private Bills outlined the seven proposed changes and explained that a report from the Committee would be necessary to give effect to the proposed changes. The Chief Whip said the Government supported the proposals.

The Committee **agreed** the proposals contained in the paper.

4. Refusing or ending leave of absence for conduct purposes

The Assistant Standards Clerk explained to the Committee that the Guide to the Code of Conduct provided that, in certain circumstances, leave of absence may be refused or ended to

enable a Code of Conduct investigation to be investigated and pursued but there was no clarity about how this would work in practice. The paper set out two options with a steer towards option 2 which would empower the Commissioner and Conduct Committee to order Leave of Absence be terminated. The Chief Whip said the Government supported option 2.

The Convenor said that he also supported option 2 and suggested that consideration be given to removing the Committee's power to appoint a Leave of Absence Sub-Committee.

The Committee agreed that the Commissioner and the Conduct Committee should be empowered to order Leave of Absence be terminated. A further paper would be brought to the Committee to give effect to this decision.

5. Election of the next Lord Speaker

The Lord Speaker, Lord Fowler, had announced the previous week that he was resigning as Lord Speaker at the end of April. The Chair explained that the note before the Committee set out the timetable and other arrangements relating to the election of his successor.

Members suggested that the limit of 75 words for the candidate's written election addresses was too short and it was agreed to increase this to 500. As a further response to the current circumstances which meant that Members were not in regular informal contact with each other it was proposed and **agreed** that candidates should be able to submit a video of 3 minutes maximum length in support of their candidacy. This would be recorded on Teams with a member of administration staff.

A number of members said that one hustings event was not enough in the current circumstances. It was **agreed** by correspondence after the meeting to increase this to at least two events.

Some members raised concerns that Civica Election Services was the external contractor for the election. The Clerk explained that they had won the contract through an official tender process and that the contract would be up for renewal later that year.

There was some discussion about whether a stricter Code of Conduct for candidates should be introduced setting out in more detail which activities were and were not prohibited. No conclusion was reached on this point.

The Committee **agreed** the arrangements relating to the election of the Lord Speaker as set out in the note.

6. Any Other Business

The Government Chief Whip set out a proposal to extend what were currently Oral Questions for Secretaries of State sitting in the Lords to include departmental ministers sitting in the Lords who were full members of the Cabinet. This extension would enable the House regular opportunities to question Lord Frost on his ministerial portfolio following his appointment as a full member of the Cabinet at the beginning of the month. A member of the Committee sought reassurance that Lord Frost would continue to be available to answer standard Oral Questions in the House: the Chief Whip gave that assurance.

The Committee **agreed** to the proposal to extend Oral Questions for Secretaries of State sitting in the Lords to include departmental ministers sitting in the Lords who were full members of the Cabinet.

Lord Geddes raised the issue of hereditary peer by-elections and said that it seemed pointless to further postpone them when the Lord Speaker election was going ahead. The Chair reminded him that the House had agreed the postponement subject to the Committee reconsidering the issue after Easter.

It was **agreed** that hereditary peer by-elections should not be further postponed once the current suspension ran out and that the Committee should meet after Easter to discuss how they should be conducted.

Baroness Quin asked whether the Committee had recently considered the lengthy delays between the publication of Select Committee reports and the subsequent debate on the floor of the House. The Chair undertook to raise this at the Chair's forum. The Leader said she would communicate with departments about the need to provide good quality responses to Select Committee reports.

Chloe Mawson
Clerk to the Procedure Committee