



HOUSE OF LORDS COMMISSION

Minutes

Tuesday 19 October, 12:00pm

Attendance

- Lord Speaker (Chairman)
- Lord Gardiner of Kimble (Deputy Chairman)
- Mathew Duncan (external member)
- Baroness Evans of Bowes Park
- Lord German
- Lord Hill of Oareford
- Lord Judge
- Lord Newby
- Nora Senior (external member)
- Baroness Smith of Basildon
- Lord Touhig
- Lord Vaux of Harrowden

Simon Burton, Clerk of the Parliaments, was in attendance.

1. Minutes of Previous Meeting

The Commission **agreed** the record of discussion of the previous meeting on 5 October 2021.

2. Audit Committee Progress Report: January to September 2021

C/21-22/41; HIGHLY RESTRICTED

Mathew Duncan, Chair of the Audit Committee, presented the progress report. The internal audit plan for 2020-21 had been completed successfully. He noted that some risks were rated as 'red' even after the listed mitigating actions had been taken; and that there was an improving picture in In House Services & Estates. The Committee's concern about uncertainties regarding the Restoration & Renewal Programme had been communicated to the Commission, and the two House Audit Committees were monitoring the risk of control gaps in relation to the Programme following its separation from Parliament. A question had been raised about the valuation of the Palace of Westminster, and what costs arising from Restoration & Renewal would be able to be capitalised. A member asked that a paper on action tracking in In House Services and Estates, which had been considered by the Committee, should be shared with the Commission.

3. Following up the Steering Group for Change's Ellenbogen Review Report

Susannah Street, Commission Secretary
C/21-22/40; HIGHLY RESTRICTED

The paper provided an update on the work underway related to the recommendations made by the Steering Group for Change in its Report, published in June. Matters discussed included:

- The Steering Group's recommendation that the Conduct Committee should have a lay membership majority: It was noted that the Commons appeal body was fully independent with no MP members, but the Committee's role included not just considering appeals but keeping the Code of Conduct under review and that the House's members needed to 'own' their standards of behaviour. Commission members agreed with the Conduct Committee that there would not be support in the House for moving to a lay membership majority.
- The decision not to proceed with including in the Code of Conduct a provision about conduct which brought the House into disrepute: The Conduct Committee was actively keeping this matter under review having not taken the report forward after consultation with the Party groups. The point was made that it would be vital for that Committee to continue to communicate with the House's membership about any such proposal.
- The Steering Group's original recommendation that peers' use of social media must be included in any extension of the Code combined with their more recent proposals for voluntary social media guidelines: One member expressed support for the Code covering use of social media, but it was also argued that where conduct on social media was relevant to Parliamentary duties it was covered by the Code, and that the Code could not have a wider reach on social media than it did in other aspects of life.
- The Steering Group's recommendation that Valuing Everyone training should be made compulsory for members' staff: Commission members asked about the quality of the training. The contract for delivering training was due to expire in 2022 and therefore there was an opportunity for the training to be reviewed. Proposals would be brought to the Commission about the future of the training, and whether it might be delivered in-house. It would be sensible for this to happen before the Conduct Committee gave consideration to making it compulsory for members' staff.
- Procedures relating to peers in declining health: Commission members emphasised the importance of making progress in this area, in consultation with the Whips' Offices and members of the House to ensure that whatever was proposed would enjoy the support of the House's membership. An initial paper would come to the Commission in November.

The Commission **agreed** the revised Terms of Reference for the Steering Group for Change included in the paper's Annex.

4. Arrangements for the Parliamentary estate: Winter 2021/22

Simon Burton, Clerk of the Parliaments
C/21-22/39; HIGHLY RESTRICTED

- A. The Lord Speaker noted that the House of Commons Commission had agreed the proposals the previous day.

- B. Professor John Simpson of the UK Health Security Agency updated the Commission on the current national situation. COVID-19 and other respiratory diseases were being monitored carefully.
- C. John Owen, Director of Strategic Business Resilience (based in the House of Commons) presented the proposals. The intention was to establish a framework for the operation of the estate through the winter so that Parliament was well-prepared and resilient, given the uncertainty of the situation regarding cases of COVID-19, other illnesses, staff absences (due to illness or waiting for test results) and supply chain challenges. The paper included proposed trigger points with an indication of what responses might be required, either as local reactive measures where a public health concern had materialised, or estate-wide preventative measures where risks had increased.
- D. Trends would also be monitored; Parliament's teams were in constant contact with the UK Health Security Agency and Westminster City Council.
- E. Concern was expressed about a proposal that if certain trigger points were reached, the Houses' Covid Strategy Group would look at implementing local measures in response to a local outbreak without further consultation with the Commission. Members requested clarity that services to members would not be affected without Commission members being consulted, and asked that the Clerk of the Parliaments provide information frequently on relevant trends. Simon Burton agreed, and confirmed that he would communicate regularly with Commission members and that if any services were expected to be impacted Commission members would be informed in advance if possible, and consulted on any necessary prioritisation. It was noted that local measures had already been implemented through the course of the pandemic where outbreaks had been found, and no services had been amended without consultation.
- F. The Commission **agreed** the trigger points for when health-related measures would be required, but that all measures would have to be accompanied by constant communication and consultation with Commission members.
- G. With regard to the Commission's risk appetite, strong support was voiced for prioritising the ability of the House to conduct its business in person, above access for non-passholders.
- H. John Owen would look again at how the parties and Crossbench group could be supported in providing information on levels of illness, in addition to the mandatory reporting of COVID-19 cases.
- I. Some Commission members felt that there was not sufficient clarity about when face coverings should be worn. Concern was expressed that many visitors to the estate were not wearing face coverings. The importance of consistency and simplicity was highlighted; however, the complexity of the situation for all employers was also noted.
- J. The Commission **agreed** to support and encourage personal behaviours that would improve the resilience of the House: testing and reporting results twice a week; reporting symptoms or positive test results; individuals at higher risk of

having COVID-19 behaving appropriately (e.g. wearing face coverings, and minimising contacts or duration in communal areas); and individuals helping to reduce demand when the level of risk to the estate was higher e.g. by reducing contacts, minimising guests and working at home – although on the latter the importance of members being able to plan ahead was noted.

- K. The Commission **agreed** that any decisions required about the prioritisation of catering services due to supply chain issues should be taken by the Services Committee.
- L. It was noted that arrangements were being made for MPs who needed to bring more than six constituents into Parliament. A similar arrangement for the Lords, by which the Chair of the Services Committee would take decisions in consultation with the Covid Strategy Group and Black Rod, was suggested: this would need to be defined.
- M. The Commission requested that a revised version of the paper be circulated. The importance of clear communication with the House's membership was emphasised.

5. Any Other Business and Next Meeting

Lord Vaux provided an oral update on the work of the Finance Committee, and Lord Touhig provided an oral update on the work of the Services Committee.

The Lord Speaker noted that he had received some representations on the subject of members' allowances; he would discuss this in his one-to-one meetings with the party/group leaders.

It was suggested that the incoming Chief Operating Officer should be invited to an upcoming Commission meeting.

The next meeting was scheduled for 16 November. Some Commission members requested to move away from meetings on Tuesday mornings and to reduce the frequency of meetings.

Also circulated for information:

- **Clerk of the Parliaments' Monthly Update**
Clerk of the Parliaments
C/21-22/42; RESTRICTED

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