



PROCEDURE AND PRIVILEGES COMMITTEE

Minutes of the meeting held via Microsoft Teams on Tuesday 29 June at 3pm

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

Present:

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

with the Clerk of the Parliaments.

1. Matters arising from the minutes of the previous meeting

Lord Faulkner of Worcester had asked the Committee to consider changing the rules so that members can only table an oral question every six weeks, instead of every four weeks. The Chair explained that this proposal had not yet been taken forward because the agenda for this meeting was full with business requiring urgent decisions in order for the House to take timely decisions about the Chamber's operating model from 6 September.

2. Procedural changes arising from the hybrid House

The Chair introduced his paper (PC/21–22/05) and explained that, whilst it had been agreed by the Commission that the House would return to normal procedures in September, there might be appetite to retain some of the recent adaptations made in response to the COVID-19 pandemic. The proposals in his paper were brought forward on the basis of discussions with colleagues across the House, and in the light of the debate on 20 May about the operation of hybrid proceedings.

Decision 1 – Speakers' Lists

The Chair said that in the debate on 20 May, arguments had been expressed for and against the retention of speakers' lists for oral questions and "Secretary of State" questions. He proposed that the House should be consulted quickly. The result of the consultation would inform the Committee's report to the House which the House would have to agree before it could be implemented.

The Leader of the Opposition said that if the House decided to retain speakers' lists for oral questions, this should be kept under review.

The Committee *agreed* to consult the House on the retention of speakers' lists using the PeerHub voting application and to review this decision after a suitable period.

Decision 2 – Speakers' lists deadlines

The Committee *agreed* that the deadlines for signing up to participate in business which attracted a speakers' list prior to the pandemic should be amended to be 6pm two working days before the item of business is taken, and 4pm should that deadline be on a Friday.

Decision 3 – Changing the wording of an Oral Question

The Committee *agreed* that the deadline for changing the wording of questions should be maintained at 48 hours in advance of any question being asked.

Decisions 4-6 - Time allocated to oral questions and private notice questions

The Government Chief Whip said that the changes to the time allocated to oral questions and private notice questions had been a response to the COVID-19 pandemic. The Government agreed to the time allowed for oral questions being 40 minutes in total (ten minutes per question) and 30 minutes in total (ten minutes per question) for "Secretary of State" questions. However the Government wanted the time allowed for PNQs to be ten minutes per question as before the pandemic so that all questions had the same time allowance. The Government Chief Whip highlighted that whilst none of these changes in themselves were a large extra time commitment, taken as a package it was significant.

The Lord Speaker wanted the time allowed for PNQs to be 15 minutes. He explained that he was rigorous in applying the guidance in the *Companion* so that only urgent and important requests for PNQs were accepted. On average he had allowed around 1.5 per week. Before the pandemic when PNQs were allocated ten minutes, his experience was that often backbenchers failed to intervene because the time was taken up by frontbench contributions.

The Committee *agreed* that the total question time for normal and topical oral questions should be 40 minutes.

The Committee *agreed* that the time available for proceedings on questions to Lords ministers who are full members of Cabinet should be 30 minutes.

The Committee divided on the question that after 6 September Private Notice Questions should be for 15 minutes rather than 10 minutes (See Annex for division list).

The Committee *decided* that after 6 September Private Notice Questions should be for 15 minutes.

Decision 7 – Balloted Questions for Short Debate in Grand Committee

The Committee *agreed* to continue with the ballot for QSDs in Grand Committee.

Decision 8 – Balloted Questions for Short Debate – lunch and dinner break business

The Chair's paper proposed that the balloted QSD process could be adapted to produce a balloted list of QSDs for debate in Grand Committee and an ordered list of those not successful in the ballot for Grand Committee which the Government Whips' Office could use to select QSDs to be taken as a dinner break business.

The Government Chief Whip said that the process for balloted QSDs in Grand Committee had worked well during the pandemic and that he would prefer the Table Office to draw an additional list of entries rather than the Government Whips Office having discretion to select QSDs from the full list of entries to the most recent ballot.

The Committee *agreed* that the Table Office should draw an additional list of entries to the ballot for use by the Government Whips Office to arrange lunch and dinner break business.

Decision 9 – Business in Grand Committee

The Committee *agreed* that further work should be undertaken to extend the time for which a Grand Committee can sit to five hours.

Decision 10 – Degrouping of amendments

The Chair explained that the proposal before the Committee was a pragmatic attempt to prevent unhelpful last-minute degrouping of amendments .

The Committee *agreed* that the Companion should be amended to discourage degrouping of amendments once each day's groupings had been published.

Decision 11 - Flexibility on timings of general debates

The Government Chief Whip said that the purpose of this proposal was to give the Usual Channels flexibility to divide the overall time between two general debates taking place on the same day depending on the number of speakers and the importance of the topic.

The Committee *agreed* that further work should be undertaken to consider the options for introducing flexibility to alter the timing of time-limited debates without the need for a business of the House motion, this might, for example be reflected in automatic timings in half-hourly increments being set for different numbers of speakers, which would remove the discretion in the current system.

3. New voting model

The Chair reminded the Committee that the Commission had agreed on 15 June that a pass-reader system for voting should be developed alongside similar work underway in the House of Commons. The Commission had also agreed that an interim piece of development to the PeerHub system should take place to require voting to take place either in close proximity to the Chamber or on the Parliamentary Estate. The Chair's view was that voting should be a serious event and that members should not, for example, vote whilst in a bar or restaurant.

Interim solution

Decisions 1 and 2 – space in which Members may use interim PeerHub solution

A number of points were made about where members should be allowed to use the interim PeerHub system to vote. It would be disruptive to the work of Committees if members had to leave to go and vote. Some members thought that the proposal to limit the use of the interim PeerHub system to close proximity of the Chamber should be extended to include, for example, the Library and Committee rooms but not restaurants and bars.

The Convenor of the Crossbench peers proposed that the space in which Members might vote using the interim solution should be defined as “a place of work on the Parliamentary Estate.

The Committee *agreed* to this proposal and that the wording on the question in PeerHub should be adapted to match.

Decision 3 – PeerHub technical issues

The Committee *agreed* that members facing technical issues with PeerHub should be able to seek support in the Table Office during a division in person.

Decision 4 – deferred division

The Committee *agreed* that the procedure for deferring divisions where possible should be maintained in case of technical failure for the duration of the interim solution but not for business that required an immediate decision.

Decision 5 – email contingency voting process

The Committee *agreed* to continue the existing email contingency process for business that required an immediate decision (adapted to reinforce the need to be in proximity to the Estate).

Pass-reader voting

Several members praised PeerHub and said that it was an extremely useful information source. Some thought that the House should carry on using the PeerHub remote voting system rather than developing a new pass-reader solution. The Chair explained that the Commission had given a strategic steer for the pass-reader system to be developed and it was for the Committee to recommend to the House how this should be implemented.

Decision 6 – decisions by correspondence

The Committee *agreed* to taking less significant decisions relating to pass-reader voting, when needed, by correspondence.

Decision 7 – pass-reader voting in the Royal Gallery

The Leader of the Liberal Democrat peers said that in order to gain the full benefit of the pass-reader system, pass-readers should be installed in extra locations around the estate such as in Millbank House and the Committee Corridor. The Chair explained that this would delay implementation of the project but that the Committee could return to this proposal in the future as a possible further stage of the project.

The Committee *agreed* that pass-reader voting should be possible in the Royal Gallery in the long-term.

Decision 8 – Tellers

The Government Chief Whip said that tellers were helpful if voting was taking place only in the lobbies as they could count the members. If voting were extended to other locations, tellers would not be able to validate whether members had been through more than one voting area. He reminded the Committee that the House had conducted divisions without tellers for the last year with no problems.

The Leader of the Opposition said that the Committee would need to take decisions in the autumn relating to the procedures around a division without tellers such as whether a member should take the result from the Clerk and hand it to the member on the woolsack.

The Committee *agreed* that it would prefer a system designed not to require tellers in order to allow voting in other areas.

4. Ongoing virtual participation for members unable physically to attend on grounds of disability

The Chair said that the Commission had agreed that a model should be explored by which virtual participation in some or all business could be maintained for a small number of disabled members who might be unable to attend the House physically. The Commission would discuss the issue of eligibility criteria in early July. The Committee's role was to take decisions over what operating model for virtual participation for eligible members should be proposed to the House.

Committee members noted that it was a strength of the House of Lords that members with disabilities were able to represent the interests of people with disabilities and that it would be regrettable if these members were prevented from participating by reason of their disability.

Decision 1 - Range of business in which eligible members would be able to participate

The Committee *agreed* that eligible members should be able to choose to participate remotely in all types of business of which there was sufficient advance notice.

Decision 2 - Business without speakers' lists

The Committee *agreed* to require eligible members wishing to participate virtually to:

- Be required to give notice by 12 noon on the previous day of their wish to speak on any business without a speakers' list; and
- Be called at fixed points in the business, i.e. after the first supplementary question, as the first backbench speaker on a statement, or as the first intervention on a group after the question is put the first time.

Decision 3 – Remote voting

The Committee *agreed* that eligible members should be able to continue to vote remotely. The individual should be able to choose between ongoing use of PeerHub or voting by telephone or a combination of the two with the eligible member confirming their method of voting in advance.

5. Any other Business

There was no other business.

Duncan Sagar
Clerk to the Procedure Committee

Annex

Division

The Committee divided on the Question that after 6 September Private Notice Questions should be for 15 minutes rather than 10 minutes.

The result was: Contents: 12, Not Contents: 5.

MEMBER	CONTENT	NOT CONTENT
Lord Gardiner of Kimble (Chair) (DID NOT VOTE)		
Lord Ashton of Hyde		X
Lord Bew	X	
Lord Eames		
Baroness Evans of Bowes Park		X
Lord Faulkner of Worcester	X	
Lord Geddes		X
Baroness Harris of Richmond	X	
Lord Judge	X	
Lord Kennedy of Southwark	X	
Lord Mancroft		X
Lord McFall of Alcluith	X	
Baroness McIntosh of Hudnall	X	
Lord Newby	X	
Baroness Quin	X	
Baroness Smith of Basildon	X	
Lord Stoneham of Droxford	X	
Baroness Thomas of Winchester	X	
Viscount Ullswater		X