HOUSE OF LORDS

PC/19-21
2nd meeting
MINUTES

PROCEDURE COMMMITTEE

Minutes of the meeting on Monday 9 March 2020

Present:

L. Ashton of Hyde	L. McAvoy
L. Bew	L.McFall of Alcluith (Chair)
B. Browning	L. Mancroft
L. Eames	L. Morris of Aberavon
B. Evans of Bowes Park	L. Newby
L. Foulkes of Cumnock	B. Smith of Basildon
L. Fowler	L. Stoneham of Droxford
L. Geddes	B. Thomas of Winchester
L Judge	B. Warwick of Undercliffe

with the Clerk of the Parliaments.

Apologies were received from Baroness Harris of Richmond and Viscount Ullswater.

Items not on the Agenda

- The minutes of the Committee's meeting on 2 May 2019 were agreed.

2. The role of the Lord Speaker and Deputy Speakers – Six-month Review
The Lord Speaker introduced his paper and reminded the Committee that in April 2019, the Committee proposed, and the House agreed to, a number of changes to the role of the Lord Speaker and Deputy Speakers in relation to calling on items of business. At the time, the Committee agreed to review these changes after six sitting month. The Lord Speaker reported that the changes had been successful and had made the business of the House a little more transparent to those watching.

The Committee to recommend that these changes should be made permanent.

3. **Timetabling bills**

The Clerk of Legislation introduced his paper on the timetabling of bills and spoke to the paper in the name of Lord Forsyth of Drumlean. In September 2019, the House's first ever motions to timetable proceedings on a bill were tabled in the context of the European Union Withdrawal (No. 6) Bill and the prospect of Prorogation the following week. The Clerk's paper set out options for the Committee to consider in the light of these events.

The consensus was that recent procedural events relating to the UK's withdrawal from the European Union were highly unusual and that in general the House's existing guidance and procedures should be retained. The Committee agreed that no change was necessary to the main text of the Companion, but that a non-judgemental, factual footnote should be inserted to reference the events of 4 and 5 September 2019 and to refer to the Hansard for those dates.

3. Speaking time limits

The Clerk introduced a paper which set out two proposals which Lord Cormack had asked the Committee to consider:

- that all speakers in a debate should have at least six minutes to speak, even if this meant closing lists early; and
- that Thursday debates should be allocated six hours instead of five.

The Committee did not support either of the two proposals outlined above. The consensus was that there should be no change to the opening and closing times for speakers' lists and that any member who wished to sign up to speak should be able to do so, and that an extra hour of debate on a Thursday could have a negative impact on those members who lived further away from the House. It was also suggested that debates with a large speakers list and where a speaking time limit of three or four minutes was set often produced better speeches.

The paper also asked the Committee to consider revising the procedure for determining the length of debates on a Thursday. The Committee agreed to amend the Companion to give the House greater flexibility to determine the lengths of balloted debates on Thursdays to reflect the number of speakers in each debate.

4. Appointment of the R&R Estimates Commission

The Clerk of the Parliaments introduced his paper about the appointment of the Restoration and Renewal Estimates Commission.

The Committee agreed to recommend:

- the proposed arrangements for the establishment of the Estimates Commission including the nomination of its members by the House of Lords Commission; and
- the arrangements for answering any written questions about its work in the House of Lords, including the suggested amendments to the Companion to the Standing Orders.

5. Taking Commons Urgent Questions in the Lords

The Leader of the Opposition introduced her paper which invited the Committee to look again at the issue of time for UQs with particular attention on a compromise that protects both frontbench and backbench time.

It was agreed that the Usual Channels should discuss this further and that the Leader of the Opposition would bring forward a further paper at a future meeting.

6. **Leave of Absence Process**

The Chief Whip introduced his paper which sought the Procedure Committee's endorsement of some changes to the leave of absence process in order. In discussion it was agreed that the Journal Office would proactively share the data about Members who are on leave of absence with the parties and groups on a regular basis.

The Committee agreed to recommend that when requesting leave of absence members should be required to:

(a)(i) Specify a date by which they expect to return to the House, and
(a)(ii) Specify a reason for asking to take leave of absence;
(b) Renew their leave of absence at the start of each new Session (rather than Parliament).

The Committee also agreed to propose consequential changes to Standing Order 22.

7. **Asperity of Speech**

At its January meeting the Committee had agreed that a revised text of SO 32 on Asperity of Speech would be considered by the Committee at this meeting. The Clerk introduced a paper setting out the proposed revised wording. The Committee agreed the wording, subject to minor amendment.

The Committee discussed whether the responsibility for reading it out should continue to rest with the Clerk at the Table or whether this should pass to the member on the Woolsack (in the same way that responsibility for calling on items of business had passed from the clerk to the Woolsack). It was agreed that the member on the Woolsack should read this out if required to do so by the House.

8. **Finance Bill Sub-Committee: request for exemption from rotation rule**

The Committee considered a request from Lord Forsyth of Drumlean, chair of the Economic Affairs Committee and Finance Bill Sub-Committee, about the rotation rule and the establishment of the 2019–20 Finance Bill Sub-Committee. Lord Forsyth stated that the rotation rule had a detrimental effect on the Finance Bill Sub-Committee. He therefore made the case for an exemption from the rotation rule for the sub-committee.

The Procedure Committee agreed that the Finance Bill Sub-Committee should not have a general exemption from the rotation rule. However, they were sympathetic to the difficulties that the Chair of the Economic Affairs Committee described and agreed that he should seek an exemption from the Committee of Selection on a case by case basis by writing to that Committee setting out why the exemption was necessary.

9. **Updating of Standing Order 64**

On 3 October 2019 the House had agreed the report of the Liaison Committee, *Review of Investigative and Scrutiny Committees: towards a new thematic committee structure*. As a result a new Public Services Committee has been appointed and some existing committees' names have changed.

The Committee agreed to the proposed changes to Standing Order 64 to reflect the new committee names.

10. **Review of the wording of the Public Business Standing Orders**

At its January meeting, the Committee had discussed a review of the language of the Public Business Standing Orders. The Clerk introduced her paper which set out how such a review might be conducted.

The Committee agreed the proposal to appoint a sub-group consisting of four members of the Procedure Committee to consider the wording of the Public Business Standing Orders and to report back to the full Committee with recommendations. Lord Stoneham of Droxford, Lord Judge, Lord Foulkes of Cumnock and Lord Mancroft were appointed to the sub-group.

Kate Lawrence/Chloe Mawson
Clerks to the Procedure Committee