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Summary

The changes to proceedings and operation of the House of Commons since March 2020 have disproportionately affected MPs from the smaller opposition parties, the vast majority of whom represent constituencies in the devolved nations of the UK. The reality of travel during the pandemic means that, on occasion, these MPs have been prevented from representing their constituents—and parties—in the Commons, with a potentially negative effect on the quality of parliamentary scrutiny. This is regrettable and, we argue, is linked to a failure in the decision-making processes to give sufficient weight to the specific circumstances of MPs representing constituencies in Northern Ireland, Scotland and Wales, with the potential to decrease the perceived legitimacy of the Westminster Parliament for constituents in these nations.

Introduction

1. Our submission draws on research carried out over the last three years for the ESRC funded project *Rethinking the role of small parties in the UK's Parliaments* [ES/R005915/1]. Over the last three months we have interviewed MPs from all of the small opposition parties and monitored their attendance and participation in Commons debates.
2. We focus here on the experiences of opposition party MPs from Northern Ireland, Scotland and Wales during the covid-19 pandemic and the impact of changes to parliamentary proceedings on their parliamentary work. We raise two key issues:
 - i) Changes to the proceedings and operation of the House of Commons have had a disproportionate impact on members of the smaller opposition parties, particularly those predominantly based in the devolved nations (Alliance, DUP, Plaid Cymru, SDLP, SNP) and this has directly affected their participation in the chamber.
 - ii) The decision-making process has not given enough attention to the specific circumstances facing these MPs, particularly on the issues of travel to Westminster and the separate national restrictions which they were required to follow.

Changes to parliamentary proceedings have had a disproportionate impact on members of the smaller opposition parties, particularly those based in the devolved regions.

3. Small party MPs make up 11% of the House of Commons.¹ They play a vital role in scrutinising the Government and their constituents are as entitled to representation as people living in constituencies represented by the MPs from the governing party or the Official Opposition.
4. Of the 73 small party MPs in the Commons, 65 (89%) represent constituencies in Northern Ireland, Scotland or Wales.
5. MPs representing constituencies in Northern Ireland, Scotland and Wales have experienced far greater difficulties travelling to Westminster than the vast majority of MPs representing constituencies in England. This has regularly prevented them from taking part in proceedings. For example, in the first few months of the pandemic, MPs flying to Westminster from Northern Ireland saw travel options reduce from twelve flights to London each day to just one. This

¹ There are 73 MPs representing the Alliance, DUP, Green Party, Liberal Democrats, Plaid Cymru, SDLP and SNP; 565 MPs representing the Conservatives or Labour and 4 MPs sitting as independents.

regularly necessitated late arrival to the Palace on Mondays (missing the first few hours of business) and prevented attendance on Thursdays because of travel advice. In one case, a Member from Northern Ireland had to ask a colleague from another party to represent him in an Urgent Question in the chamber, as he was unable to travel at short notice (Wendy Chamberlain MP speaking on behalf of Stephen Farry MP, HC Deb, 4 Jun 2020, c1024).

6. The removal of remote voting possibilities in May 2020 and the subsequent extension of proxy voting has meant, in practice, that at least one member of each political party has tended to travel to Westminster in order to cast proxy votes on behalf of the party group (see, for example, Patrick Grady MP's comments HC Deb, 30 Dec 2020, c504). This places a disproportionate burden on parties with a smaller number of MPs. This is further exacerbated for smaller opposition parties which have no MPs residing within or near, London. It presents significant challenges for travel and places the Member and their family at increased risk as a result of their journey to and from Westminster (public transport is unavoidable for journeys from Northern Ireland, for example).
7. The insistence on physical presence for substantive business during the second half of 2020 and the need to ensure social distancing in the chamber has placed additional pressure on the small party benches, in what was already a very crowded area of the chamber. This has led to some smaller party MPs struggling to contribute unless they are willing to take a seat elsewhere. On occasions this has meant smaller party MPs sitting on the government benches, something which not all members feel able to do. This can restrict the opportunity for participation for these MPs.

Decisions on changes to parliamentary proceedings have been too London-centric and have not given enough attention to the specific circumstances of MPs outside England.

8. It is welcome that the Procedure Committee itself recognised that some possible changes to proceedings, such as pairing arrangements, would disproportionately affect the smaller parties and highlighted the particular travel difficulties for some MPs (Procedure Committee, 2020, HC 300, para 65, para 6).
9. MPs representing the smaller opposition parties in the devolved nations were the first to press the government for adaptations to parliament's operation in early March 2020 to negate the need to travel to Westminster to participate in business (Carol Monaghan MP, HC Deb, 4 Mar 2020, c834). It was another MP representing a smaller opposition party in the devolved nation (Alistair Carmichael) who secured an emergency debate on the Government's changes to the hybrid Parliament after the Whitsun recess.
10. Despite these efforts, our research has found that small party MPs felt they had been excluded from the decision-making process around virtual and hybrid proceedings. It was particularly noticeable that none of the MPs we interviewed felt that the specific issues affecting their travel had been taken into consideration.
11. There are two areas in particular where the lack of input from these MPs in the devolved nations has caused difficulties and unnecessary anxiety, particularly around the different public health restrictions in place in Northern Ireland, Scotland and Wales. There was no recognition of how this would affect MPs from these areas in carrying out their parliamentary duties. Plaid Cymru have already raised this issue in their own written evidence to the committee's inquiry (TTC0004, para 46), but this concern has also been echoed by MPs from other small opposition parties during our research.

12. This has facilitated a lack of understanding from constituents and the wider public around why these MPs are travelling to Westminster. One MP travelling regularly in order to cast proxy votes for their party group explained that they are placed in an impossible position; 'if I didn't attend I'd be accused of not doing my job, if I do attend I'm accused of putting people at risk'.

Conclusion

13. The changes to the operation and proceedings of the House of Commons since March 2020 have made it harder for MPs representing constituencies in Northern Ireland, Scotland and Wales to participate in parliamentary proceedings due to the difficulties and restrictions on travelling to Westminster. This has reduced the representation of their constituents and, due to the concentration of small opposition parties in the devolved nations, potentially limited the scrutiny of Government. While we welcome the change in procedures in December 2020 to enable all MPs to take part in substantive proceedings virtually, it is regrettable that the motion enabling such participation was not tabled and agreed ahead of the return from Whitsun recess in June 2020.
14. Restricting the opportunity for MPs to participate in proceedings based on the distance of their constituency from Westminster is damaging for Parliament. Not only does it effectively deprive large groups of constituents of the representation to which they are entitled, but it also makes it more difficult for the Commons to scrutinise the Government effectively.
15. The proxy vote system has, in practice, led to occasions where MPs have had to travel to Westminster from Scotland, Wales or Northern Ireland, simply to cast votes on behalf of their party. While there have been examples of proxies working cross-party, it is unrealistic to expect smaller parties to act in this fashion for all votes, particularly during major and contentious issues (such as the recall on 30 December 2020).
16. Both these issues reflect a failure of the decision-making processes, in this case led by the Leader of the House, to reflect the specific circumstances of MPs representing constituencies in the devolved nations. This has the potential to undermine the legitimacy of the Westminster Parliament for constituents in Northern Ireland, Scotland and Wales.