

# A Parliament for the People

## Proposals to Reform the House of Commons



Policy Paper 20

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# Summary

We are right to be proud of our long history of parliamentary democracy and the historical evolution of the House of Commons. However, dissatisfaction with the working of the House of Commons is widespread. To many people, the Commons is an anachronistic, inept and unresponsive institution. Members of Parliament are generally held in low esteem, while commentators draw attention to the ‘overload’ of the responsibilities heaped on MPs. The House of Commons is not fully representative of the community; it is dominated by the executive; legislation is often defective; and the citizen is too often not consulted or dissatisfied. Britain needs a Parliament that can perform effectively and recover the respect of the people.

Liberal Democrat propose many major changes to Britain’s constitution, including devolving power to Scottish and Welsh Parliaments and English regions, a fair voting system, a Bill of Rights, and freedom of information legislation and a smaller executive. These would radically affect the composition and workings of the House of Commons. The House of Commons could be reformed before any of these changes have been introduced. The following proposals, based on Liberal Democrat principles, shows how this should be done:

## Better Legislation

To improve the quality of legislation, Liberal Democrats would:

- Make systematic consultation on proposed legislation the norm rather than the exception.
- Seek to make legislation easier to understand with ‘plain English’ drafting and better explanatory material.
- Time-table legislation in the Commons using an all-party steering committee, with select committees taking evidence on proposed legislation, on bills and on how acts have worked in practice.
- Abolish annual Parliamentary sessions and allow legislation to remain before Parliament for more than one year if necessary.
- Improve the scrutiny of secondary legislation and of European legislation.
- Improve opportunities for the House to debate and vote on private Members bills, including bills initiated by Citizens’ petitions.

## **Money Matters**

To improve the House of Commons' ability to scrutinise Government finance, Liberal Democrats would:

- Provide an opportunity for the House to debate the Government's plans for public expenditure and vote on the options.
- Provide an annual debate on the methods by which the Government informs the taxpayer on its spending.
- Allow more private members debates on expenditure.
- Place all quangos and agencies that spend public money under the jurisdiction of the National Audit Office and the Public Accounts Committee.

## **Scrutinising the Executive**

To strengthen the House of Commons' ability to hold the Government to account, Liberal Democrats would:

- Fundamentally restructure Prime Minister's Question Time to make it more informative and less confrontational.
- Encourage select committee membership in order to provide an alternative career structure for MPs independent of Government.
- Give select committees adequate resources, and allow more time in the House for their reports to be debated.
- Provide more opportunities for debates on major policy changes and topical issues.
- Aim to transfer to the House of Commons the Royal Prerogative powers to dissolve Parliament, appoint Prime Ministers and ratify treaties.

## **Improving the Operation of Parliament**

To adapt the whole culture of Parliament for the 21st century, Liberal Democrats would:

- Programme and timetable all business to prevent wastes of time and all filibusters.
- Review a range of archaic and silly practices.

- Encourage the Speaker to cut back unnecessarily partisan and insulting behaviour.
- Give MPs fuller access to information held by Government.
- Make the Palace of Westminster more accommodating for MPs of both sexes, more accessible for disabled people, and more open to the public through greater use of information technology and better facilities.

## **Raising Standards**

Liberal Democrats believe that the job of an MP is increasingly a full-time one. We would:

- Develop a new pay regime that prohibited members from receiving substantial outside earned incomes in addition to their full parliamentary salary.
- Conduct a thorough review of the facilities that Members need to do their jobs properly.
- Continue to monitor the conduct of MPs to prevent sleaze and corruption.

These are only a few of the specific and practical reforms in this document. They could start today. The two old parties are too deeply enrooted in current practices to be able to make the radical reforms that are necessary to take Parliament in to the new millennium. Liberal Democrats are ready to make the reforms Parliament needs.

# ***Introduction: The Case for Reform***

**1.0.1 We should be proud of our long tradition of parliamentary democracy and the historical evolution of the role of the House of Commons. Some reforms, such as the expanded role of select committees and the televising of the parliamentary proceedings, have improved the effectiveness and visibility of the processes of Parliament. However these have not gone nearly far enough. There is a need for more radical reforms, building on the achievements of past years, to improve the effectiveness of the House of Commons as a legislative assembly and as a representative body which scrutinises the work of government and (as Lord Justice Scott has recently restated) calls Ministers to account. These are urgently needed if the Commons is to regain the respect of the people it represents.**

1.0.2 Dissatisfaction with the working of the House of Commons is widespread. To many people the Commons is an anachronistic, inept and unresponsive institution. Members of Parliament are generally held in low esteem, while commentators draw attention to the “overload” of responsibilities heaped on MPs. There is a substantial and unacceptable gender imbalance in the membership of the House. In other ways, it is not fully representative of the community. Legislation is often defective and too often the citizen is not consulted and left dissatisfied. The House of Commons is perceived to lack independence of the executive and is, therefore, inadequate as a forum of the nation.

1.0.3 Although theoretically Parliament is sovereign and the House of Commons ultimately determines who governs the country, many of the powers of government are exercised under the prerogative of the Crown.

Foreign and defence policy, for example, may be questioned and debated, but they are not subject to formal approval by the Commons. Evolutionary changes in the franchise, in the relationship of the Commons to the unelected House of Lords, and in the procedures of the House of Commons itself have made it the fulcrum of the British system of government. But in practice governments are rarely defeated and the House is too often dominated by the executive.

1.0.4 In Federal White Paper 6, *Here We Stand* (1993), the Liberal Democrats set out our programme for constitutional reform. The principle of the sovereignty of the people would be embodied in a written constitution. This would distribute powers - legislative, executive, and judicial - so as to achieve greater accountability, efficiency and effectiveness and to secure proper constitutional checks and balances. Liberal Democrats would introduce:

- A fair voting system.
- Fixed-term parliaments.
- Freedom of information legislation.
- A Bill of Rights.
- Citizen-initiated referendums.
- Devolved parliaments and government in Scotland and Wales.
- A framework for devolved, democratic assemblies for the regions of England.
- A reduction in the number of MPs (to about 450).

- Reform of the House of Lords.

1.0.5 Under these proposals the role, composition and powers of the House of Commons would change dramatically. These changes would have far-reaching implications for its procedures and practices and for the number of MPs needed in Parliament, including

(as recommended by the Kilbrandon Commission) a reduction in the number of Scottish MPs. However, even before this major constitutional settlement is implemented, the House of Commons must be modernised, so that it can do its job better. This Policy Paper raises issues which can and should be faced now.

# ***The Liberal Democrat Approach***

**2.0.1 The basic fault with democracy in Britain today is that it is not democratic. Parliament does not truly represent the people. The interests of minorities and even majorities are often badly neglected by a powerful government sustained by a majority in the House of Commons. The present parliamentary processes give insufficient opportunity for the people to make a direct contribution, in Parliament itself, to policy-making, the preparation of legislation or the scrutiny of government policies and actions. And too often the people are kept in the dark, so Parliament fails to provide protection against government from behind closed doors:**

- MPs are not able to secure full information on all matters relevant to the conduct of government.
- Citizens need to be better informed about the working of Parliament itself.
- There should be greater openness about the financial and other interests of Members of both Houses.

**2.0.2 The cures for these faults lie in applying well-established Liberal Democrat principles to the very processes of Parliament itself:**

- Giving sovereignty to the people;
- Concern for minorities and individuals;
- Greater access for the citizen to the processes of government;
- Less secrecy and more freedom.

This Paper is inspired by these principles. Its recommendations are designed to give them practical application.

**2.0.3 Other themes are central to these recommendations. The volume and complexity of parliamentary business continues to increase and it is difficult, under present procedures, for all matters to be considered properly. It is therefore essential that MPs are able to make the most effective use of their time - on the floor of the House, in committees and in their offices - to scrutinise legislation and the policies and running of government, to initiate debate on other matters and to attend to the many problems of their**

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## ***A fundamental change in the organisation of business is required.***

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constituents. Much more use may have to be made of committees, both to enable MPs to look at detailed matters in an informed and efficient way and to enable the wide range of business to be considered by more specialised groups of members without taking up all the time on the floor of the House. Time could then be provided, on the floor and in committees, for more debates on major policy matters or on issues of current concern to the people. MPs of all parties would have to be given the staff, technical resources, information services and facilities (including adequate facilities for Members and staff of both sexes) to enable them to do their work speedily and effectively. And MPs would have to devote their time,

skills and experience to their parliamentary duties on behalf of their constituents, for which they should receive proper pay and allowances.

2.0.4 Many of the reforms recommended in this Paper would require additional time and effort to be given by MPs to the scrutiny of legislation and other aspects of government; additional committees would be set up; and additional opportunities created for public participation. All of this would make it almost impossible, under present procedures, for the Government, while enabling the House to carry out more effective scrutiny, to get its business through without unacceptable delay. A fundamental change in the organisation of

business is required. Much more business, both on the floor and in committees, will have to be carefully programmed and made subject to strict time-tables to make it possible to introduce other procedural reforms.

2.0.5 It is time to look critically at the organisation, machinery, procedure and customs of the House of Commons. Parliament must rid itself of practices (however sanctified by tradition) that impede the effective working of the House while retaining those (old or new) which work well. A new broom is required to sweep through our ancient Parliament. This Paper sets out how this should be done.

# Legislation

**3.0.1 The House of Commons must scrutinise legislation on behalf of all the people, including minorities, and hold Ministers fully to account for the secondary legislative powers Parliament has given them.**

3.0.2 But the legislative process is flawed. The independent Hansard Society Commission on the Legislative Process has identified four particular problems:

- Affected bodies are not involved directly enough in the preparation of legislation.
- Drafting of government bills is often too hasty and difficult for users to understand.
- Parliamentary scrutiny of bills is often ineffective and delegated legislation is badly neglected.
- Not enough attention is given to the practical side of legislation or to how Acts have worked in practice.

## 3.1 Primary Legislation

3.1.1 The experience of several recent Bills has given weight to the Hansard Society Commission's findings. The poll tax legislation, the Child Support Bill, the Dangerous Dogs Bill and much of the criminal justice legislation in 1993-94 were all brought to Parliament with flaws that should have been spotted earlier, and left Parliament with many problems still outstanding. New legislation is often required, simply to correct initial drafting problems. This wastes time and damages both good government and the interests of all those affected.

3.1.2 Liberal Democrats would involve the public much more directly in the legislative process, both before bills are presented to

Parliament and when they are being considered by the House of Commons. Acts would be more readily available and more intelligible to those most directly affected. Parliamentary processes would be modified to ensure adequate scrutiny, while protecting important business by efficient time-tabling.

3.1.3 Liberal Democrats propose constructive and practical reforms. We would:

- *Introduce systematic and monitored consultation*, with all bodies likely to be affected or who show concern, on all proposed bills.
- *Publish more bills in draft* to facilitate consultation with those affected.
- *Review the style of drafting* (taking account of Australian and Canadian experience with “plain English” drafting) to make it more intelligible to the users.
- *Publish more explanatory material with legislation* to explain its purpose and intended effect and to help those affected, including the courts, to interpret and understand the new law.

3.1.4 We would bring radical reforms to the House of Commons to achieve better scrutiny of government legislation and less rush, including:

- *Making all stages of bills before the House subject to time-tables* prepared by an all-party legislative steering committee and approved by the House (to replace the use of guillotines drawn up and imposed by the Government).
- *Giving departmental select committees a greater role* in pre-legislative scrutiny, with

evidence being taken from outside organisations and individuals.

- *Examining some bills in special committees before second reading* in order to clarify the government's purposes in introducing the bill and to enable Opposition parties and back-benchers to comment on and influence the way the bill has been prepared and drafted at the earliest possible stage, before formal decisions are taken.
- *Making second reading debates shorter,* with time-limited speeches.
- *After second reading, empowering committees on bills to spend more time on taking evidence* before debating and deciding on amendments (a further extension and strengthening of the special standing committee procedure).
- *Requiring departmental select committees to keep in touch with all bodies affected by legislation* in their fields and to review systematically the operation of major Acts (and of related delegated legislation) after they come into force.
- *Giving constitutional bills particularly careful scrutiny*, with prior examination in many cases by a pre-legislative committee. The main issues of principle should continue to be debated by a committee of the whole House, with the more detailed provisions being sent to smaller committees with powers to consider evidence.

3.1.5 We would abolish annual parliamentary sessions. Long or complex bills would be brought forward under a two-year (instead of one-year) legislative programme, to allow more time for consultation and drafting and more stringent parliamentary scrutiny. Some bills might be kept before Parliament for more than one year. (The new unified Budget has delayed the second reading debates on important Government bills causing legislation to be rushed. If annual sessions are abolished, this problem could be removed but the new Budget system needs to be kept under review).

3.1.6 We would complete the new Statute Law Database as soon as possible and so make the full state of statute law (both primary and secondary legislation) instantly accessible to all citizens.

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### ***We would abolish annual Parliamentary sessions.***

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## **3.2 Secondary Legislation**

3.2.1 Parliament considers other types of legislation besides major Government bills. Ministers can put forward secondary legislation, relating to existing laws. The arrangements for the debate and scrutiny of secondary legislation are totally inadequate, allowing changes in the law affecting many people to go through either without any debate or without proper attention to the details of the law.

3.2.2 Liberal Democrats would reform the way secondary legislation is dealt with. We would:

- *Require systematic and monitored consultation on major items of secondary legislation*, as is now adopted for deregulation orders under the Deregulation and Contracting Out Act 1994.
- *Make more systematic arrangements to ensure debate*, in committees, of secondary legislation which the Opposition parties or back-benchers wish to consider.
- *Ensure that evidence from affected people is heard* on important instruments of secondary legislation and that more time is allowed for debates leading to votes on their merits. Recent procedures for parliamentary scrutiny of deregulation orders could be extended to all major delegated legislation.

### **3.3 Private Members' Bills**

3.3.1 Backbench Members are sometimes given the opportunity to put forward their own proposals in Private Members' bills. The present procedures have been strongly criticised. Important Private Members' bills, supported by a majority of MPs, can be blocked by Ministers or by organised minorities to deny adequate debate or a vote. We would:

- *Review backbenchers' rights and opportunities to initiate and secure debate of private Members' bills. Time-tabling should be employed to ensure that, provided there had been adequate discussion, votes are allowed on all Private Members' bills debated in the House.*
- *Provide opportunities for the House to debate and vote on bills prepared by select committees.*

- *Provide opportunities for backbenchers to introduce bills initiated by citizens' petitions presented to the House.*

### **3.4 European Union Legislation**

3.4.1 The ways Parliament considers proposed European Union legislation and policy and the European aspects of domestic legislation are also far from satisfactory.

3.4.2 *We would enable the House to examine in greater detail, in consultation with directly affected bodies, legislation proposed by the European Commission at an early stage, before it is presented to the Council of Ministers, and generally improve the arrangements for debating European Union policies and proposals. (See Policy Paper 19, Meeting the European Challenge (1996).)*

# **Money Matters**

**4.0.1 Each year the government takes difficult decisions on a series of financial issues, including:**

- **The overall level of public expenditure;**
- **The total tax burden, and the borrowing requirement;**
- **How expenditure is to be allocated over a period of years between the main public services; and**
- **The details of expenditure within each service.**

Parliament is meant to scrutinise all government's decisions, but is failing to examine systematically and effectively these essential aspects of public spending.

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***Liberal Democrats would provide an annual debate on the methods by which the Government inform the public about how tax payers money has been spent.***

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4.0.2 The House of Commons gives fairly thorough consideration to taxation but not to expenditure. Since 1993 when the taxation and spending parts of the budget were brought together, major finance debates have been concentrated in November and December, when there can be a five day debate on the Budget, another day on the economy, and a further five days debating the Queen's speech, some of which deals with financial issues. At other times of the year there are fewer economic debates and little systematic scrutiny of Government expenditure, other than by the Public Accounts Committee.

4.0.3 The new unified Budget theoretically makes it possible to consider, formally, the relationship of taxation to expenditure when the Budget is introduced, and to hold constructive debates on the totals and balance of expenditure at later stages. These opportunities have so far not been grasped.

4.0.4 Liberal Democrats would reform the way financial business is considered. We would:

- *Change the arrangement of business to avoid concentrating too much financial business, debated under the unified Budget, at one time of the year (this would be helped by abolishing annual sessions), with these debates being shortened to allow more financial debates on later occasions.*
- *Introduce an annual Tax Management Bill to deal with the more technical and less political or revenue-raising provisions at present contained in the Finance Bill. This would shorten the Finance Bill and enable less rushed and more thorough scrutiny to be given to the more complex aspects of fiscal legislation.*
- *Make Budget debates cover the balance between expenditure and taxation and conclude with votes on the optimum level of Government borrowing and taxation for the forthcoming year. There would also be votes on the planned totals of Government expenditure for each year of the expenditure programme.*
- *Introduce short debates and votes on the planned totals for all of the services, taken as a whole, following reviews by the departmental select committees. Amendments to increase the totals for some services would be allowed providing the same Members proposed compensating reductions on other services. This would*

enable the House to consider expenditure options and Opposition parties to propose alternative expenditure programmes.

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***We would place all quangos and agencies that spend public money under the jurisdiction of the National Audit Office and the Public Accounts Committee.***

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- *Require select committees to carry out detailed reviews of individual departments' spending programmes, examining expenditure options within the totals of each programme, and to present a report to the House on government proposals for major expenditure in their fields.*
- *Require specific approval to be sought in Appropriation Bills for major capital and development projects, with opportunity given for debates and votes on items selected by the Opposition parties and back-benchers.*
- *Increase the number of Estimates days to enable back-benchers to debate more aspects of expenditure of their own choosing (although the prime concern of the House should be approval of longer-term expenditure programmes).*
- *Provide an annual debate on the methods by which the government inform the public about how tax-payers money has been spent by central government. The Government must give the public clear and detailed information on the levels of Government expenditure.*
- *Place all quangos and agencies that spend public money under the jurisdiction of the National Audit Office and the Public Accounts Committee so that they can establish how that money has been spent. Reports would include details of the membership of quangos, statistics regarding their public and private meetings and information regarding members' financial interests.*
- *Repeal the old rules that can prevent Members (other than Ministers) from moving amendments to bills to increase expenditure or taxation - so allowing free and unrestricted debate.*

# **Scrutinising the Executive**

**5.0.1 As recently emphasised by the Scott report on Arms to Iraq, holding the executive to account is a central role of Parliament. Parliament must scrutinise the government and some of the institutions controlled by the government, such as the civil service and quangos.**

5.0.2 Means by which individual MPs can try to persuade Ministers in Parliament or to influence their decisions include parliamentary Questions, adjournment debates, correspondence and meetings with Ministers - but in practice it is very hard for the Commons to force the executive to adopt a particular policy or to change a decision. It is not easy for back-benchers or smaller Opposition parties to bring a matter of government policy or action to a debate or vote in the House. It is, however, essential that, even if there cannot be a vote, Ministers are required to explain their actions and decisions and defend their policies, either in the House or before a committee. Much has been achieved by the departmental select committees, and the increasing willingness of MPs to exercise their independent judgment and to vote from time to time against their party line is to be welcomed. But further reforms are needed to strengthen this accountability and the parliamentary scrutiny of the executive.

5.0.3 Liberal Democrats would strengthen the Commons' ability to hold the executive to account. We would:

- *Reduce significantly the proportion of Ministers in the Commons, and aim for a limit of 10 per cent of Members being paid as Ministers who are therefore not free to vote against the Government.*
- *Aim to transfer certain powers, at present exercised under the Royal Prerogative, to the House of Commons itself, including, in*

accordance with the procedures to be devised by the House, the appointment of a Prime Minister and the ratification of international treaties.

- *Provide that Parliament would only be dissolved, and a general election called, either at the end of the fixed term for the life of Parliament or following the passage by the House of Commons of a constructive vote of no-confidence (ie that a Government would not fall unless a majority of the House vote in favour of an alternative).*

5.0.4 The constitutional recognition of constructive votes (as in Germany) would mean that Governments can no longer, for their own political advantage, request a dissolution of Parliament at a time of their own choosing. It would mean that the House of Commons could impose its will on the Government by defeating it on legislation and other business without risking a general election. And, by leaving the power to dissolve Parliament - together with the power to appoint the Prime Minister - in the hands of the Commons ,it would remove the risk of the Sovereign in person being required to take controversial political decisions, particularly in the event of a hung Parliament.

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## ***Liberal Democrats would fundamentally restructure Prime Minister's Questions.***

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- *Provide more opportunities out of both government and Opposition time for debates on major policy changes that do not involve legislation.*

- *Enable the House to hold more short debates on topical issues of current concern or on matters needing urgent attention.*
- *Fundamentally restructure Prime Minister's Questions.* As currently conducted they are a disgrace to Parliament: the Prime Minister is not properly called to account, the Liberal Democrats and minor political parties are given derisory treatment and the public is held in contempt. Questions to the Prime Minister would be on specific matters but asked without notice (as in Canada), with the right to ask main Questions being allotted to back-benchers by the Speaker or by ballot. The Speaker would continue to exercise discretion over the calling of supplementary Questions, with only supplementaries relevant to the original Question being allowed before the next main Question is called. If, in the opinion of the Speaker, the Prime Minister had failed completely to answer any Question, the Member asking it would be entitled to a second supplementary Question. The Speaker would also ensure that the leaders of all the Opposition parties were given adequate opportunities, in addition to those given to other Members, to raise with the Prime Minister the important issues of the day, and especially those that the Government might prefer undiscussed.
- *Provide, in addition to the normal Questions to the Prime Minister, weekly mini-debates on topics selected by ballot in which the Prime Minister would have to reply to points made by Members from both sides of the House.*
- *Allow some Questions to each departmental Minister to be tabled not more than a few days in advance, so as to increase their topicality.*
- *Provide more opportunities for important reports from select committees to be debated in the House.*
- *Require the Procedure Committee to draw up guidelines regarding refusal or failure by Ministers to answer Parliamentary Questions on grounds of cost or for other reasons, and provide for cases of such refusals to be referred to the Committee for consideration.*
- *Conduct a systematic survey to discover what, if any, additional resources (e.g. staff and research assistance) each select committee needs to enable it to do its job properly, whilst ensuring that the committees remain under political direction and control and do not become over-staffed.*
- *Give some select committees (as an experiment) the power to appoint one or more of their members as 'rapporteurs' to carry out investigations on the committee's behalf and to prepare draft reports (as is done in many other parliaments and international assemblies).*
- *Provide debates in committee on ministerial policies or decisions or on other issues, of special concern to particular regions or affecting particular interests, that would not merit debate on the floor of the the House.*
- *Establish a new select Committee to provide Parliamentary oversight of the work of our proposed Sustainability Development Office in planning and promoting the UK strategy for environmental sustainability. (See Policy Paper 8, *Agenda for Sustainability* (1994))*
- *Ask the Procedure Committee to consider the payment of the chairs and other key members of committees to encourage an alternative career structure for MPs, independent of ministerial appointment.*

# ***The Machinery and Operation of Parliament***

## **6.1 Parliamentary Customs and Procedures**

6.1.1 The Commons is rightly criticised for too often spending time trading insults rather than debating constructively. Some of the conventions that have evolved around Parliament now seem archaic, and there is a good case for a thorough review. In particular everything possible needs to be done, without reducing the effectiveness of the House in carrying out its business, to avoid procedures or practices which deter women and other under-represented groups from entering Parliament.

6.1.2 The problems posed for many Members and their families by the sitting days and hours of the House are well known. The problem is essentially one of geography - the need for most Members to work for most of the week in London, far away from their homes - and would not be simply solved by the Commons meeting daily in the mornings and ceasing to sit in the evenings. There is also the problem of finding time for many committee meetings, for Members to meet their constituents and delegations and for Ministers to work in their departments. Liberal Democrats therefore welcome recent changes. These enable members to spend more working time in their constituencies at the week-end and allow the House to rise significantly earlier on most days. Provided the effective scrutiny of government is not compromised, this should lead to better use of Members time and a House which is kept more in touch with the concerns of the people it represents.

6.1.3 Liberal Democrat proposals would build on recent reforms. We would:

- *Programme and time-table the business of the House and of committees* (other than select committees), so preventing filibusters and reducing phoney points of order, etc. This would be done on the basis of proposals made by a Business Steering Committee, chaired by the Speaker and including representatives of all the larger parties (with numbers proportionate to the strength of the parties in the House) and of back-benchers. Where necessary, the Committee would also propose time limits on speeches. Its decisions, if unanimously adopted, would be automatically implemented; if the Committee were divided, its proposals would be subject to approval by the House after a short debate.
- *Enable the Business Steering Committee to transfer more business of interest to only limited groups of Members* (including some debates on select committee reports, some adjournment debates and some debates on private members' motions) to various committees (as Scottish Questions and other business are now).
- *Reform morning sittings so that debates on private Members' motions could end with votes*, and (under the control of the Business Steering Committee) could be more commonly used, providing they do not interfere with the work of committees. This would enable business to be concluded earlier on those days.
- *Improve the presentation of the papers showing the weekly and daily business of the House and its committees*, for the benefit of the public as well as MPs.

- *Reexamine the feasibility of electronic voting in the House in the light of new technology*, provided that all votes remain personal to the Member concerned and are published; special arrangements should be made to enable those who cannot attend the House for health reasons to vote electronically.
- *Ask the Procedure Committee to review a range of practices which are often considered archaic and silly and tend to bring the House into disrepute* (such as the wearing of a hat to raise a point of order during a division and all-night queuing to secure a slot for introducing a Private Members' bill). The Committee would also be asked to review the customs regarding the formal uniforms and wigs of the Speaker and other officers, the form of address between Members in debate, and the conventions governing the Speaker's choice of MPs to speak in debates and the order in which they speak. The recommendations of the Committee on these matters should be decided by all Members on a free vote in the House.
- *Appoint a committee to advise the Speaker* on the preparation of fuller guidance for new Members on the organisation, practices, procedures and customs of the House, on the services provided for MPs by the various departments of the House, and on the desirability of arranging induction courses for Members on such matters.
- *Encourage the Speaker to cut back unnecessarily partisan behaviour, disruptive and insulting language, and time-wasting which tend to undermine and weaken Commons scrutiny of the executive and public respect for Parliament.*

## 6.2 Design and Accommodation

6.2.1 Much of the design of the present Houses of Parliament stems from times which had different requirements. Recently added parliamentary buildings are much more up-to-date, but further improvements are still required for the benefit of MPs, staff and the public. We would:

- *Provide accommodation services in the House of Commons to make the working life at Westminster easier for MPs of both sexes to handle*, with less damage to family life. These include a creche or nursery (with accredited carers) for the children of MPs and staff, an after-school room, hairdressing and basic shopping facilities and adequate toilets.
- *Make the Palace of Westminster more welcoming and accessible to the public*, with, for example, clearer guidance at the entrance on the access rights of the public; improved sign-posting to committee rooms etc.; employment of trained staff to help and advise visitors; and standing room at the back of the public gallery, and in some committee rooms, for school parties and other visitors who simply wish to view Parliament briefly without following the proceedings in detail.
- *Provide proper facilities to help disabled people - MPs, staff and visitors - have ease of access to the Palace of Westminster*. This would include, for example, making parliamentary buildings wheelchair-accessible, and introducing textured paving stones to make it easier for blind and visually-impaired people to find their way around.
- *Open, where there is a demand, some parliamentary offices, such as the Library, the Public Information Office and Members' offices, to authorised users at weekends and during recesses.*

# **Services for Members and the Public**

## **7.1 Pay, Allowances and Staffing**

7.1. MPs need enough resources to be able to do their work effectively, while cutting out wasteful and excessive spending wherever possible.

7.1.2 Many MPs find the £42,000 allowance for staff and other office expenses to be inadequate, leading to too few and underpaid staff. Opposition spokespeople with portfolios sometimes have particular problems because they do not get any extra staff allowance. Other MPs find the allowance is quite adequate - it can give incumbents a big advantage at election time.

7.1.3 Opposition parliamentary parties also receive public money to fund their parliamentary offices. At present the amount of money a party gets is based upon the number of votes they received in the previous general election and the number of MPs they have.

7.1.4 The job of a Member of Parliament is, correctly, becoming a full-time occupation. Our proposals to reduce the membership of the Commons and enhance its ability to scrutinise legislation and hold the Executive to account would undoubtedly accelerate this trend. However, the pay of MPs does not adequately reflect their increasing workloads and responsibilities. Too often, Members increase their incomes through outside sources to the extent that some effectively become 'part-time' MPs. This is not acceptable. Sadly, ethical questions have also arisen, leading the House to adopt the principal recommendations of the First Report of the Committee on Standards in Public Life and additional prohibitions on paid

advocacy for outside bodies [see Chapter 8]. Further, the current system by which Members' pay is fixed, an annual vote in the Commons, arouses understandable public resentment. Liberal Democrats would:

- *Review both the level of MPs' salaries and the mechanism for their determination.* We propose a new mechanism to review and fix MPs' pay. This would involve input from non-MPs, through, for example, the use of citizens' juries. It would develop a new pay regime that prohibited members from receiving substantial outside earned incomes in addition to their full parliamentary salary. (One option to explore is a two-tier salary structure, in which those members receiving substantial outside incomes received a lower salary. This would give constituents a means of choosing whether or not they wanted their MPs to have outside paid jobs. However, we need to consider the possibility that this will create two classes of MP, with differentials in their status and workload.) Once the starting points have been fixed, salaries would be revised annually without the need for a vote in the House and presumably in line with average earnings.
- *Conduct a thorough review, including management audit, of the staff and office facilities that Members need to carry out their parliamentary functions properly,* both at Westminster and in their constituencies, with a view to agreeing new rules on Members' secretarial, research and office allowances and on the travel and living allowances which are essential to and related to the volume and nature of his or her work. The rates of car mileage

allowance should take account of environmental considerations.

- *Employ all the staff working in the House on equal opportunity terms.* To ensure that full value is given for the public money spent and that Members set an example as good employers, the conditions for the employment and payment by Members of their own staff needs to be reviewed.
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***Liberal Democrats believe the job of an MP is an increasingly full time one.***

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- *Review the operation of the grants to assist Opposition parties in Parliament.*

## **7.2 Information for MPs and the Public**

7.2.1 Liberal Democrats have long called for a Freedom of Information Act which would enable people to know more about the conduct of the government. Ministers' superior access to information gives the government a huge advantage over the Opposition in many aspects of parliamentary business.

7.2.2 To help overcome some of these problems, Liberal Democrats advocate a major expansion of the House of Commons Library to form a new Parliamentary Research Office, independent of the civil service, to serve back-benchers and the Opposition. But there is still more that could be done.

7.2.3 Liberal Democrats would end Government secrecy by passing a Freedom of Information Act to:

- *Create a public right of access to government and other official information,* covering documents which contain both factual information and policy advice.

- *Protect official information* to the extent necessary in the public interest and to safeguard personal privacy.
- *Establish procedures to achieve these purposes.*

The Act should confer a general right of access, except for a small number of narrowly-defined areas where it is overwhelmingly in the public interest that confidentiality should be maintained - including, for example, cases where disclosure would seriously impair defence, security or international relations, hinder the solution of crime or impede law enforcement, allow an unfair advantage to competitors of a company or business concerned, or constitute an unwarranted invasion of an individual's privacy. Access to Cabinet papers would be denied for a limited period of five or ten years. In general, however, the onus should be put on the authorities to justify secrecy, instead of on the public to justify access.

(See Federal White Paper 6, *Here We Stand* (1993).)

7.2.4 These principles must apply to access by MPs to official information. However, MPs should have additional rights of access, including, in many cases, access to classified information, through select committee investigations. We would introduce new procedures to allow any Member to invoke the rights of access provided by our freedom of information legislation. In serious cases of refusal or unreasonable delay to provide information covered by the general right of access (as with refusals by a Minister to provide information to a select committee), an order could be moved in the House for production of the relevant material. This way, Ministers would have to justify the refusal and the House itself could decide the matter. In other cases, a Member could complain to an independent commissioner, as proposed in *Here We Stand*, who would adjudicate.

7.2.5 In a democracy the public ought to be able to find out, speedily and cheaply, what their elected representatives are doing in

Parliament. Liberal Democrats would make information relating to Parliament much more accessible.

#### 7.2.6 Liberal Democrats would:

- *Reform the system for accreditation of press representatives to the Press Gallery* to make it fair, free and open to all applicants.
- *Enable the media and the public (including in particular, public and other libraries), by electronic means (including CD-ROM and the Internet), to access Parliament for detailed information about past and proposed business and changes of office and membership of committees etc., and to receive, free, Hansard reports of debates and committee proceedings.*
- *Create a dedicated parliamentary television channel* (via satellite or cable) to bring full coverage of proceedings on the floor of the House, and selected coverage of committees, to all citizens.

- *Provide documents for those visiting the House or committees to watch the proceedings, to explain clearly the nature of those proceedings and the main features of the procedures being followed. Special briefing would be prepared by the Education Officer for school parties.*

7.2.7 *Hansard*, the Order Paper, amendment papers, select committee reports and evidence, and other working documents of the House are too expensive (although the recent substantial reduction in the price of the weekly *Hansard* is to be welcomed) and in some cases hard for the ordinary public to obtain. The price of all parliamentary papers would be considerably reduced. Papers relating to specific business, e.g. the papers for each bill, would be readily available.

7.2.8 Also, the public attending the House or meetings in committees would be entitled to receive, free of charge, all the House of Commons working papers relating to the proceedings they are following.

# **Conduct of Members**

**8.0.1 A series of recent scandals involving MPs led the Prime Minister to set up the Committee on Standards in Public Life, chaired by Lord Nolan. The first Nolan report was published in May 1995, and the reports of the select committee appointed to review the parliamentary aspects of the first Nolan report, were published in July and November 1995.**

8.0.2 Liberal Democrats supported, indeed advocated, the general principles set out in the Nolan report, namely:

- Those in public life should put the public good before personal advantage;
- Those who choose public service should take responsibility for their own actions, guided by codes of conduct that have previously been agreed by themselves and their peers;
- Openness and independent scrutiny are essential if public concern is to be effectively addressed; it is necessary for standards to be seen to be high.

8.0.3 The House of Commons has now agreed to implement the major recommendations of the Nolan Committee which apply to Parliament, and has added an additional prohibition on the advocacy or initiation of parliamentary business on behalf of outside bodies or individuals in return for

payment. The House has also appointed a new Select Committee on Standards and Privileges, which will be advised by a Parliamentary Commissioner for Standards. The Commissioner will also advise Members on what interests they should declare and on what payments from outside Parliament they can properly receive and he will investigate allegations of impropriety and report his findings to the Committee.

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***Those in public life should put the public good before personal advantage.***

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8.0.4 Liberal Democrats welcome the decisions of the House and believe that the practical working of the new rules and procedures should be monitored most carefully (as they will be by the Nolan Committee) to ensure that they are fully respected by MPs and are effective in preventing sleaze and corruption in Parliament. It is essential that everything possible is done both to ensure that proper standards are maintained which are no less rigorous than those applied in other areas of public life, including local government, and that the public can see that this is so.

# **Parliament for the Future**

**9.0.1 As stated, Liberal Democrats propose major constitutional and democratic reforms which would so transform the system of government that even more radical reforms to the ethos of Parliament, its design and facilities, and the rules and procedures of its chambers would inevitably be required. Central to thinking about the longer term reforms of our elected House is the concept that Parliament belongs, ultimately, to the people.**

9.0.2 Following the introduction of these major reforms and when the country can afford it, Parliament will require new, modern buildings and facilities that are conducive both to efficiency and public access. Questions and imaginative thinking can begin now. Need Parliament be in London and if not, where would be best? How can new chambers be designed to influence attitudes and thus to minimise confrontational gestures and other behaviour perceived as disreputable or unnecessary? How can the optimum use be made of modern technology without discouraging or compromising the personal involvement and participation of individual members? What are the requirements for purpose-built committee suites, with ancillary

rooms for the Chairs and members of staff and research facilities? Should there be on-site conference facilities for political parties and the public to use, where members of the public could, in open forum, meet Ministers and other Members and question them about their work? These and other longer-term but still important issues must not be overlooked in the process of advocating and implementing the more immediate reforms set out in this Policy Paper.

9.0.3 The long-term vision and challenge - in effect the creation of a Parliament that both speaks for and to the people and through continuing communication effectively represents and defends them - should inspire all attempts to reform the House of Commons. Without the confidence and respect of the public, the authority and influence of the Commons as the guardian of democracy on behalf of the people will wither and perish.

9.0.4 Parliamentary reform on these lines could start today. All that is missing is the willingness of the present Ministers and Members of the House of Commons to make that start. If they will not do it, the Liberal Democrats are ready to take the lead.

# Glossary

This glossary relates to some of the terms used in this Policy Paper.  
Unless they state otherwise, explanations refer to the House of Commons.

**Adjournment debate** - A short debate on the motion for the adjournment of the House which does not permit a vote on a substantive resolution; usually initiated by back-bench members.

**Annual Session** - The period of Parliament opened each year by the Queen's Speech, which sets out the Government's programme, and is terminate by prorogation.

**Appropriation Act** - The annual Act authorising government expenditure for the fiscal year ending on 31 March.

**Business Steering Committee** - An all-party committee for organising legislative business and other debates; not used in the House of Commons, but committee's of this type are used in many other parliaments.

**Citizens' petition** - A petition presented by one or more outside persons asking for Parliamentary remedy for some wrong; and ancient procedure which could be used today to initiate legislation.

**Delegated legislation** - Orders, regulations etc. in the form of statutory instruments made by Ministers under powers given by the Acts of Parliament to the more detailed aspects of legislation; in many cases these instruments are subject to parliamentary approval or to limited debate; also known as "secondary legislation".

**Departmental select committee's** - Committee's first set up in 1979, examine the expenditure, administration and policy of every government department; they operate by taking evidence, making visits, consulting experts and agreeing reports setting out their conclusions and recommendations.

**Education Officer** - An official in the Library of the House who prepares information about the working of Parliament for schools and helps arrange visits to Westminster by school parties.

**Estimates days** - Three days allotted each session for debates on the governments annual estimates of expenditure; the choice of estimates for the debate is made by the Liaison Committee, comprising the chairmen of all the main select committees.

**Executive** - The Government, both Ministers and civil servants.

**Filibuster** - Prolongation of debate by procedural devices and by long and numerous speeches; often used in committees on controversial bills.

**Free vote** - A vote on which no guidance is given to Members by their party Whips.

**Guillotine** - An order, introduced by the Government subject to approval by the House, imposing time limitations for various stages of a bill; a procedure for preventing filibusters.

**House of Commons Library** - The Library holds a large stock of publications and provides research and information services for MPs; it includes an Information Office for the public and the Education Officer.

**National Audit Office** - The independent body, headed by the Comptroller and Auditor General, which audits all government expenditure; the Comptroller reports to the House and the reports are considered by the Public Accounts Committee.

**Order** - The established rules and practices of the House; an MP is "out of order" if he contravenes these rules etc.

**Order Paper** - A document, published for each sitting of the House, setting out the agenda of business in the Chamber for that day and listing committee meetings.

**Point of Order** - A question put to the Speaker, chairman or other presiding officer, suggesting that another member has acted in some way outside the rules or practices of the House or that something else has occurred in contravention of those rules etc.

**Pre-legislative committee** - A committee appointed to consider proposals for legislation before a bill is presented to Parliament; this work may also be undertaken by one of the regularly established departmental select committees.

**Press Gallery** - Physically, the gallery overlooking the chamber where the parliamentary correspondents of the press and broadcasting authorities and the Hansard reporters sit and report proceedings; by extension, the media representatives who are entitled to use the Gallery.

**Primary legislation** - Bills and Acts of Parliament.

**Private Member's bill** - Bills introduced by MPs who sit on the back-benches on either side of the House, i.e. excluding Ministers, whips and senior Opposition front-benchers.

**Procedure Committee** - A committee of back-bench Members regularly appointed to review the practices and procedures of the House and any specific procedural matter that is referred to it.

**Public Accounts Committee** - A committee of the House (appointed each session since 1861) to examine the Appropriation Accounts which are laid before Parliament showing how public money has been spent; it operates on the basis of reports from the National Audit Office and is advised by the Comptroller and Auditor General; it reports not only on the propriety of public expenditure but also on the "value of money" of departmental operations; it does not criticise Government policy.

**Public Information Officer** - Part of the Library of the House which, on request, gives factual information to the public on parliamentary matters and on the business of the house; it also publishes informative "fact sheets".

**Rapporteur** - A member of a committee charged with examining certain matters and preparing a report for the committee; not used in the UK but regularly used in the European Parliament and several parliaments in Western Europe.

**Royal Assent** - The formal assent given by the Queen (on the advice of her Ministers) to

a bill passed by both Houses of Parliament, so making an act, not refused since 1707.

**Royal Prerogative** - Those historic powers inherent in the Sovereign which have not been granted (but may have been qualified) by statute law, including the summoning and dissolution of Parliament, the appointment of Ministers, the making of international treaties, deployment of armed forces, the declaration of war and granting honours; all prerogative powers are exercised by the Queen on the advice of Ministers who are accountable to Parliament for that advice.

**Second Reading** - The next stage of a bill following its presentation (First Reading) and publication, when the Minister in charge explains the purposes and content of the bill and the Opposition and back-bench members give their reactions; the bill has to be approved by the House before it can proceed to further stages and there may be a vote on Second Reading on the general principles of the bill.

**Secondary legislation** - Another term for delegated legislation (see above).

**Select committee** - A committee appointed by the House to examine specified matters and to report; select committees proceed by process of inquiry (usually in public) and private discussion, rather than public debate; they are often given powers to summon witnesses and to call for written evidence; their reports are usually advisory, but a few committees have executive powers in relation to House matters.

**Statute law** - Law passed or agreed by parliament and published in Acts of Parliament and statutory instruments made by delegated legislation, as opposed to common law and decisions of the courts.

**Unified Budget** - A process introduced in 1993 under which the expenditure requirements of the Government are formally presented by the Chancellor of the Exchequer in the Budget at the same time as the revenue requirements (taxation); it is intended to facilitate joint debate of expenditure and taxation.

*This Paper has not yet been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats and the Welsh Liberal Democrats determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. If approved by Conference, this paper will form the policy of the Federal Party.*

*Many of the policy papers published by the Liberal Democrats imply modifications to existing government public expenditure priorities. We recognise that it may not be possible to achieve all these proposals in the lifetime of one Parliament. We intend to publish a costings programme, setting out our priorities across all policy areas, closer to the next general election.*

### **Working Group on Reform of the House of Commons**

Michael Ryle (Chair)	John Ricketts
George Cunningham	Colin Ross
Colin Darracott	Earl Russell
Lynne Featherstone	Alison Suttie
Sam Ghabaldan	Damian Thwaites
Sir William Goodhart QC	
Robert MacLennan MP	<i>Staff:</i>
Emma Leeds	Iain King

*Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every section or every proposal in this Paper.*

Comments on the paper are welcome and should be addressed to:

Michael Ryle,  
c/o Policy Unit, Liberal Democrats, 4 Cowley Street, London SW1P 3NB.

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