House of Commons

Procedure Committee

Public Petitions and Early Day Motions

First Report of Session 2006–07

Report, together with formal minutes, oral and written evidence

Ordered by The House of Commons
to be printed 8 May 2007

HC 513
[Incorporating HC 1002-i, Session 2005–06, HC 135-i and HC 217-i, Session 2006–07]
Published on 22 May 2007
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

Current membership

Rt Hon Greg Knight MP (*Conservative, Yorkshire East*) (Chairman)
Ms Celia Barlow MP (*Labour, Hove*)
Mr Christopher Chope MP (*Conservative, Christchurch*)
Ms Katy Clark MP (*Labour, North Ayreshire and Arran*)
Mr David Gauke MP (*Conservative, South West Hertfordshire*)
Andrew Gwynne MP (*Labour, Denton and Reddish*)
John Hemming MP (*Liberal Democrat, Birmingham, Yardley*)
Mr Eric Illsley MP (*Labour, Barnsley Central*)
Mrs Siân C. James MP (*Labour, Swansea East*)
Rosemary McKenna MP (*Labour, Cumbernauld, Kilsyth and Kirkintolloch East*)
Mrs Linda Riordan MP (*Labour, Halifax*)
Sir Robert Smith MP (*Liberal Democrat, West Aberdeenshire and Kincardine*)
Mr Rob Wilson MP (*Conservative, Reading East*)

The following Members were also members of the Committee during these inquiries:
Mr David Anderson MP (*Labour, Blaydon*)
Mr Jim Cunningham MP (*Labour, Coventry South*)

Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at http://www.parliament.uk/proccom.
A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Mr Mark Hutton and Mr Keith Neary (Clerks) and Susan Morrison (Committee Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Procedure Committee, Journal Office, House of Commons, London, SW1A 0AA . The telephone number for general enquiries is 020 7219 3318; the Committee's email address is proccom@parliament.uk.

Contents

Report

Summary

Public Petitions

In looking at the procedures for public petitions, we have chosen to build on the strengths of existing practice. We have therefore made a series of recommendations intended to make the procedures more effective and to make them more accessible to, and comprehensible by, the public. These recommendations include:

- A requirement on the Government to respond formally to all petitions within two months of their presentation;
- Publication of the texts of petitions and responses to them in Hansard;
- Easier access to petitions on the parliamentary website; and
- Opportunities for debates on petitions in Westminster Hall.

We have also expressed our support in principle for the introduction of an e-petitions system. We aim to come forward with a proposal for a worked-up and practicable system in due course.

As a consequence of these recommendations, we do not recommend that the link between petitioners and the Member (often their constituency Member) who presents the petition should be broken. Therefore we conclude that members of the public should not be able to petition Parliament directly. Neither do we recommend the establishment of a Petitions Committee.

Early Day Motions

Early Day Motions (EDMs) are frequently criticised, but they remain popular with Members and with the public. As with petitions they are an important means by which the House can engage with the public. In the face of a continuing increase in their numbers, we have considered whether the House should take steps to limit them. We have concluded, however, that the disadvantages of doing so would outweigh any benefit.

We have considered whether a procedure should be introduced to allow some EDMs to be debated. We are concerned that there is no opportunity for a backbench Member to hold a debate on a substantive motion and insist on a vote on it. But we do not believe that finding a means to debate EDMs is the best way to meet that concern. We urge the Modernisation Committee, which is currently looking at the role of backbenchers, to consider the introduction of a separate procedure to allow substantive motions tabled by backbenchers to be debated.

We recommend the continuation of the present arrangements for the printing of EDMs. Although we do not propose at this time that electronic tabling of EDMs should be introduced, we are considering issues relating to e-tabling in our inquiry into Written Parliamentary Questions and will return to this matter in the light of what we learn in that inquiry.

1 Introduction

1. Public Petitions and Early Day Motions (EDMs) are procedures which have developed over time in response to changing circumstances and the changing priorities of Members. Although procedurally and historically they are quite separate from each other, they do have a number of characteristics in common. Both are used by Members to bring to the attention of the House the concerns of particular groups of the population. Petitions are explicitly presented by Members on behalf of such groups. EDMs are frequently drafted by groups or organisations outside the House and then tabled by Members as demonstrations of support for them. Both procedures allow the public to engage with Parliament, either directly, by signing a Petition, or indirectly, by urging their Member of Parliament to add his or her name to an EDM.

2. These are not the only roles performed by these procedures. EDMs in particular have been used by Members for a wide range of purposes. In considering whether the current procedures governing them are appropriate and effective we must assess how well they meet the demands which Members reasonably wish to make of them. But we should do so in the context of the decision of the House in its Resolution on Connecting Parliament with the Public that 'the House should make itself more accessible, make it easier for people to understand the work of Parliament and do more to communicate its activity to the general public.'[1]

2 Public Petitions

3. We began our inquiry in November 2005, largely prompted by representations from Members who argued that the current procedures were unsatisfactory.[2] The right of the citizen to petition Parliament is of great antiquity. The history of public petitions is briefly described in the memorandum from the Clerk of the House.[3]

4. One of our principal aims has been to come up with recommendations to make the procedures for petitions more accessible and transparent and better able to meet the reasonable expectations of those members of the public who engage with the process. We are aware that it is widely perceived that these aims are not met by the current procedures. A Hansard Society survey in 2003 found that only 3% of Members believed that petitions were a 'very effective' way of influencing the government.[4] When the Scottish Parliament established its petitions system, it was 'specifically designed to distinguish it from the Westminster system and to serve as a hallmark of an open, accountable and accessible parliament.'[5]

1 CJ (2004-05) 120

2 Procedure Committee Press Release, *New inquiry: Public Petitions*, 23 June 2006.

3 Ev 15-16. NB Public petitions should be distinguished from petitions against private or hybrid bills, which are not addressed in this report and do not fall within the terms of reference of the Procedure Committee.

4 Ev 12

5 *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, Dr Christopher J Carman, SP Paper 654, 2006, p 11.

5. A number of written submissions were received in connection with the inquiry and are printed with this report. We heard oral evidence from Mr Michael Jabez Foster MP, Mr David Heath MP and Mr Bob Spink MP. In the course of the inquiry we undertook visits to the Scottish Parliament, the German Bundestag and the Berlin Landtag (Parliament). At the Scottish Parliament we met Members and staff of the Public Petitions Committee and Procedures Committee to discuss the procedures for the presentation of petitions to the Scottish Parliament and their e-petitions system. While we were in Berlin we met members of the Bundestag's Petitions Committee and Committee for Elections, Immunities and Parliamentary Business, together with their staff, to examine how the German Bundestag handles petitions. At the Berlin Parliament we met the Chairman and members of the Petitions Committee to discuss their petitions processes. We would like to thank all those Committee members and their staff, who provided us with valuable information for this inquiry and with their time. We are also grateful to Mr Steve Morris of the Strategic Communications Unit at No. 10 Downing Street for the briefing he gave to the Committee on No. 10's e-petition system.

The previous Committee's inquiry into Public Petitions

6. Our predecessor Committee examined the procedures for public petitions in 2004,[6] in response to recommendations made by the Select Committee on Modernisation of the House of Commons in their Report, *Connecting Parliament with the Public*.[7] The Procedure Committee's subsequent short report made two principal recommendations. First, a copy of each petition should be sent to the relevant departmental select committee when it was printed. Government observations, or notifications received by the Journal Office that no observations were to be made, should similarly be passed on. Second, the rule requiring that the top sheet of a public petition be handwritten should be dispensed with. Both of these recommendations were accepted by the House and implemented in January 2005.

The Role of the Member

7. Public petitions are requests addressed to Parliament from one or more members of the public. But they cannot be presented to the House by a member of the public directly. They must be presented by a Member. It is usual for a petitioner to approach their constituency Member to request them to present the petition, although it is not a requirement. By convention, Ministers do not normally present petitions.[8]

8. This practice contrasts with that in a number of other Parliaments. Both the Scottish Parliament and the German Bundestag allow direct petitioning by members of the public. The practices in these two Parliaments are different, but both have a Petitions Committee whose functions include assessing the acceptability of submitted petitions. We consider the option of establishing a Petitions Committee in the House of Commons in paragraphs 18 to 27 below.

---

6 Procedure Committee, Fifth Report of Session 2003-04, *Public Petitions*, HC 1248.

7 Modernisation of the House of Commons Committee, First Report of Session 2003-04, *Connecting Parliament with the Public*, HC 368, pp 30-32.

8 Ev 17

9. The arguments for allowing direct petitioning include those advanced by the Scottish Parliament as the hallmarks of its approach. Their founding principles include 'openness, accountability, the sharing of power and equal opportunities.'[9] In Germany there is an additional element. The majority of petitions received by the Bundestag are from single members of the public and concern specific personal grievances, normally involving allegations of maladministration by a public authority. There is no equivalent of the Parliamentary Commissioner for Administration (the Ombudsman) in the German system. The petitions system operates to a large extent as an alternative. It is also the vehicle for very many complaints from individuals of the sort which in the UK would be directed to and dealt with by Members of Parliament as constituency casework. It is resourced accordingly. The Bundestag Petitions Committee has a staff of 80 whose responsibilities include investigating individual complaints and attempting on behalf of the Committee to find resolutions to them.

10. We take seriously the arguments for greater openness and accessibility. Petitions have the potential to be an important means of engaging with the public. Mr Bob Spink told us, the petitions procedure:

> … tackles, and helps us to repair, this terrible malaise of the disconnect and disenchantment with politics and politicians that the public have because it engages them in politics.[10]

But Mr Spink was not in favour of removing the requirement that a petition must be presented by a Member.[11]

11. The arguments for direct petitioning and the arguments for and against a Petitions Committee are difficult to separate. Parliaments which allow direct petitioning often have Petitions Committees. Some means of assessing the acceptability of submitted petitions would clearly be needed, particularly if it was to remain the case that a presented petition was a formal parliamentary proceeding. If we were to conclude that direct petitioning should be allowed, it is very likely that we should also conclude that a Petitions Committee should be established. A conclusion in favour of a Petitions Committee, on the other hand, would not necessarily imply support for direct petitioning.

12. The arguments against direct petitioning are several. One of Mr Spink's chief arguments for the current arrangements was that they provide a valuable means of engaging with constituents:

> An MP who does not use petitions is missing an opportunity to engage people in his constituency and to contact them.[12]

This can benefit the petitioners as well as the Member. The association with the constituency Member of Parliament and the formal presentation of the petition on the floor of the House can raise the profile of a local campaign and even give useful coverage

9 Ev 14

10 QP 1

11 QP 16

12 QP 4

and attention to a national campaign. A Member can also advise prospective petitioners on how to prepare their petitions and, in certain circumstances, might suggest that a petition was not the best way forward.

13. There is a risk that direct petitioning could be used for party political purposes, particularly in the run-up to an election. Mr Heath recognised this risk, but believed that it should be weighed against what he saw as the advantages in terms of public access to Parliament which direct petitioning might bring. Mr Foster, however, described it as not so much a risk as a certainty:

> I think that it would simply be another part of hustings, and I think one has to be very careful before one opens it up to that extent.[13]

Similar concerns were expressed to us by Members at the Scottish Parliament (MSPs) during our visit to Edinburgh.

14. When we visited the Scottish Parliament we also talked to our Scottish colleagues about how many petitions to the UK Parliament might be expected if similar arrangements to those in Scotland were introduced. The population of the UK is more than ten times the population of Scotland. Some of the MSPs believed that it would not be practicable to adopt their system in a country the size of the UK. The number of petitions would be likely to overwhelm any Petitions Committee. It would certainly require a huge increase in staff resources. We noted above that in Germany the petitions system fulfils a number of roles, some of which would not translate to the UK. However, for a population of some 82.5 million, their Petitions Committee has a staff of 80.

15. In November 2006, No. 10 Downing Street launched an e-petitions site. We consider the issue of e-petitioning Parliament in paragraphs 55 to 58 below. It is undoubtedly less demanding to submit an e-petition on the Downing Street model than it would be to submit a traditional written petition to Parliament (even without involving a Member). There are currently well over 7,000 active petitions on the No. 10 site. We would not make a direct comparison between that figure and what we might expect from the introduction of direct petitioning, but their experience does suggest that we might expect a very significant increase in numbers.

16. It might be argued that such an increase would be a good thing, because it would show that the system was working. But, as we discuss below, one of the major deficiencies of our current arrangements is that very often the outcome of the procedure is perceived by petitioners to be inadequate. Unless we address that issue, the result of changing our procedures in a way that would allow many more petitions to be submitted is likely to lead to increased frustration and public disenchantment.

17. Petitions have been presented to the House of Commons by Members of Parliament on behalf of those petitioning for hundreds of years. The introduction of direct petitioning to the House of Commons would fundamentally alter that procedure. We recognise that a different practice is followed in some other Parliaments. In our view, however, the involvement of a Member in the presentation of a petition is a strength of our system,

rather than a weakness. We believe that there are ways in which it can be further strengthened as we discuss later in this report. **Accordingly we recommend that public petitions should continue to be presented to the House of Commons by a Member of Parliament.**

Petitions Committee

18. The House of Commons had a Petitions Committee from the early part of the nineteenth century until 1974. Its role was to sort out and classify petitions. It could report on whether petitions were in order under the rules of the House, but it had no power to look into the merits of petitions and it could not recommend remedies.[14]

19. Those who argue that the House of Commons should set up a new Petitions Committee are not arguing for the re-establishment of that former committee. Mostly they are arguing for a committee similar to that in the Scottish Parliament. The Hansard Society argued that such a committee 'represents the most straightforward and effective way of dealing with Petitions.'[15] Mr Heath described himself as 'very attracted' to the Scottish model, which 'seems to be deliberately setting out to engage with the public and actually encouraging them to use it as a process of contact with Parliament.'[16]

20. In the Scottish Parliament, the Public Petitions Committee considers each petition submitted. Where a prospective petition might be out of order, the staff of the committee will assist the petitioner to bring it within the rules. The Committee will then examine the petition. It may request further information (for example from the public authority about which the petitioner complaining); it may take oral evidence from the petitioners or from others; it may refer the petition to one of the subject committees of the Parliament. If it does the latter it expects to be kept informed of that committee's consideration of, and actions in connection with, the petition.

21. The system is widely regarded as one of the successes of the Scottish Parliament. But, as we heard in Edinburgh, it does have its limitations. Although all petitions are taken seriously, it is not evident that they are, in general, significantly more likely to achieve their objectives or to influence government policy than are petitions to the House of Commons. A report on the Scottish Parliament's petitions system, commissioned by the Parliament and published in October 2006, found it very difficult to make any objective judgement as to the success of the procedure. There was no agreed definition of success. The data on outcomes was not reliable; and it was almost impossible to demonstrate causation.[17] As Mr Foster put it to us in evidence:

> the secret of politics always is to do something you know is going to happen anyway and campaign for it vigorously.[18]

14 Ev 16

15 Ev 13

16 QP 5

17 *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, pp 71-76.

18 QP 5

22. The Scottish Parliament's report found that the Public Petitions Committee (PPC) had 'significantly reinterpreted its mission and role in the Parliament's second session' (i.e. 2003 onwards).[19] The report explained:

> One of the starkest findings in this report is the shift between the percentage of petitions forwarded to other committees in the first session of the Parliament and the percentage of petitions closed after initial consideration in the second session of the Parliament. In the first session, the PPC saw itself as the means by which members of the public may directly access the policy process within the Parliament and therefore forwarded a large percentage of petitions on to other committees for consideration. This, however, raised concerns that the Parliament and its committees could become so over-burdened with petitions that it could not effectively consider legislative matters and pursue its agenda. In the second session, the committee sought to limit the number of petitions referred on and increase its own consideration of petitions.[20]

These concerns were reflected in some of the discussions we had in Edinburgh.

23. We raise these issues because they help to highlight areas which need to be considered in any examination of whether a similar system should be introduced in the House of Commons. Petitions at Westminster have long been a relatively low profile procedure. Although their numbers have been increasing in recent years, their presentation is not widely seen by Members as a key part of their duties. In the Scottish Parliament a deliberate decision was made to give petitioning a much more central and prominent role. Even so they have faced difficulties in managing public expectations of what the procedure can deliver. To quote again from the report:

> The clerks and conveners of the PPC are right to worry about managing petitioners' expectations. The more an individual enters the petitioning process with overly-inflated initial expectations and a strongly held belief that their petition will make it through the political process in the Parliament and result in significant policy change in Scotland, the more likely it is that they will be disappointed.[21]

24. We need to recognise that whatever reforms we propose to our procedures, it would be misleading the public and arguably Members to pretend that petitions are capable of delivering more than realistically we know they are. As Mr Heath put it:

> If we move to a select committee system, it would be a different way of doing it. I think the danger, first of all, again, is raising levels of anticipation of remedy.[22]

In other words if we established a Petitions Committee, it would need at the very least to be able to deliver as much in terms of outcomes as the Public Petitions Committee in the Scottish Parliament. This would include:

---

19 *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, p 77.

20 *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, p 78.

21 *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, p 79.

22 QP 9

- proper consideration of each submitted petition and an explanation of the committee's decision on whether to take any further action in respect of it;
- a reasonable expectation that the committee would pursue a significant proportion of petitions (in the first Session of the Scottish Parliament, the Public Petitions Committee took further action on over 90% of petitions; in the second Session it was less than 75%);
- effective routes for further action (e.g. reference to another committee, debate in the Chamber); and
- feedback to the original petitioners.

25. We discussed above the possibility that allowing direct petitioning would significantly increase the numbers of petitions presented. It is equally likely that the establishment of a Petitions Committee would lead to many more petitions. The Scottish Public Petitions Committee has clearly changed its procedures in part to respond to the workload created both for it and for other committees by the number of petitions received. The workload at Westminster could be of an altogether different order. To quote Mr Heath again:

> the other serious issue which this Committee will have to look at, if it wishes to go down that route, is the problems of scale: the fact that when you scale up from a population of five million to a population of ten times that, are we going to see a major industry dealing with petitions and a large department and a select committee in permanent session in order to deal with it?[23]

26. We return to the role which select committees might play in respect of petitions in paragraphs 39 to 41, but it is worth noting that, since our predecessor's recommendation that petitions should be sent to the relevant select committee, 'informal surveys have shown that Committees have rarely taken any specific action prompted by the receipt of a petition.'[24] It is unlikely that they would welcome the establishment of a Petitions Committee with formal powers to refer particular petitions to them. It is equally unlikely that they would be willing or able to devote the time necessary to consider them properly themselves. Furthermore experience of the present practice of simply sending petitions to select committees shows that the burden is likely to fall disproportionately on a few specific departmental committees. In the 2005-06 Session, for example, more than two-thirds of all petitions were sent to just two committees.

27. We have already recommended that the requirement that petitions are presented by a Member should be retained. A Petitions Committee would not therefore have the function of determining the admissibility of petitions, since it would presumably consider only presented petitions. Without that function, greater emphasis would be placed on its responsibilities for the consideration of the substance and merits of petitions. For the reasons we have set out above, we do not believe that it would be able to discharge those responsibilities in a way which would meet public expectations. In fact we are not persuaded that it would be able to achieve any more for petitioners than could be achieved

23 QP 9

24 Ev 18

by building on our existing procedures. **We therefore do not recommend that a Petitions Committee should be established.**

Presenting Petitions

28. The procedures for the presentation of public petitions are described in the Clerk's memorandum.[25] A petition may be presented by a Member on the floor of the House, or he or she may place it in the bag which hangs on the back of the Speaker's chair. In both cases the petition, provided it is in order, is recorded in the Votes and Proceedings as formally presented. Presentation on the floor of the House takes place (except on Fridays) just before the end of day half-hour adjournment debate. Our witnesses agreed that this was the appropriate time. As Mr Heath explained:

> the timing of presentation of petitions is there for a very good purpose: to prevent abuse of process by preventing people deliberately obstructing government business, and I think that is a perfectly proper procedure. I have no problems with it.[26]

We agree and therefore do not propose any change to the time for the presentation of petitions on Mondays to Thursdays.

29. On Fridays, however, petitions are presented at the start of business, but may not extend beyond 10 am, and any petitions remaining to be presented at that time stand over to just before the half hour adjournment debate. When the time of presentation of petitions on Friday was considered by the Procedure Committee in 1987, there had been a recent occasion on which the presentation of multiple petitions had been used to obstruct the moving of a private Member's motion. It was to prevent a repeat of this practice that the Committee recommended that no petitions should be presented after 10 am. The Committee did not recommend that the presentation of all petitions should be moved to just before the half hour adjournment debate because Friday morning was then a popular time on which to present petitions.[27] At that time the moment of interruption was 10 pm on Mondays to Thursdays, and business was frequently taken after that time. Consequently petitions could be presented on those days only late at night.[28] Changes to the House's sitting hours mean that this is no longer the case. No petition has been presented on a Friday in the present session and only 6 were in the 2005-06 session.[29] In our view the principle that petitions should not be used to obstruct government business should apply also to private Members' business. We do not believe that the reasons that persuaded our predecessors in 1987 to recommend that petitions should continue to be presented at the start of business on Fridays still apply. **We therefore recommend that the time for presentation of petitions on Fridays should be the same as on Mondays to Thursdays, that is immediately before the half hour adjournment debate.**

25 Ev 17

26 QP 17

27 Procedure Committee, Second Report of Session 1986–87, *The Use of Time on the Floor of the House*, HC 350, para 68.

28 See QP 17 and QP 18.

29 Five were presented on the floor of the House; a sixth was put in the bag.

30. A Member presenting a petition may make a brief statement describing the subject of the petition and who the petitioners are. The 'prayer', the effective words of the petition, may then be read out. No other Member may speak to the petition. Mr Spink was concerned that occasionally the occupant of the Chair had pulled him up 'when you are on your third or fourth sentence after only 30 or 40 seconds.'[30] He argued that there was a convention that a Member could speak for up to two minutes when presenting a petition. We agree that two minutes is a reasonable upper limit, but it must be placed in the context that the purpose of the Member's remarks is simply to state the subject matter of the petition and who the petitioners are. In many cases that will not require two minutes and the Chair will be justified in intervening on a Member for going unnecessarily beyond those purposes.

Publishing Petitions

31. The present system for publishing petitions and government responses is not sufficiently visible to the petitioners and the general public. If a petition is presented by a Member on the Floor of the House, the Member is not expected to read the text of the petition. Any statements made by the Member at the time of presentation are recorded in Hansard, but the scope for such statements is severely limited (see paragraph 30 above). If the petition is placed in the bag at the rear of the Speaker's chair, no record of it appears in Hansard.

32. All presented petitions are recorded in the Votes and Proceedings, but only a short description of the petitioners and the subject of the petition is given. The only time the full text is published is in a supplement to the Votes and Proceedings on Thursday each week. Government responses, if provided, are printed in the same supplement, but the text of the petition to which they are responding is not reprinted. The current system makes it difficult for petitioners and other members of the public to examine the texts of petitions and to trace the subsequent responses from the Government.

33. We cannot see that publishing petitions as supplements to the Votes and Proceedings brings any special advantages. If a petition is presented on the floor of the House, that presentation is recorded in Hansard. It would be relatively straightforward to include the full text of the petition in that record. This might be on a similar basis to the printing of the texts of EDMs referred to by Members at Business Questions. Where a petition is simply placed in the bag ('bagged'), the text could be printed at the end of the day's Hansard. This approach was supported by our witnesses.[31]

34. We discuss the issue of government responses below. Here we are concerned only with their publication. Mr Spink told us:

> When the petition is presented, if it is formally presented—as 80% of them are—then that appears in Hansard, so it is appropriate that the response should follow.[32]

30 QP 17

31 See QP 24

32 QP 24

Mr Heath suggested that responses 'should be the equivalent of a written ministerial statement.'[33]

35. This seems to us to be a sensible proposal. If petitions are published in Hansard, clearly the responses to them should be also. It would be possible to set up a separate section in Hansard devoted to responses to petitions, but this would create a new and only occasionally required category in Hansard (with presumably its own separate column numbering). It is also unnecessary. It would be simpler and clearer to publish responses as written ministerial statements, but with two qualifications. Firstly the text of the petition should be republished with the response, so that the two appear together. Secondly the Member who presented the petition should be given notice of the response, and a copy should be sent to him or her.

36. **We recommend that the full text of petitions should be published in Hansard. In the case of petitions presented on the floor, the text should appear after the presenting Member's remarks. In the case of 'bagged' petitions, the text should appear at the end of the day's proceedings. Where a Member indicates that he or she wishes to be explicitly associated with a 'bagged' petition, his or her name should be printed with the text of the petition. Government responses to petitions should be published as written ministerial statements. They should include the text of the petition to which they are responding and, where appropriate, the name of the Member who presented the petition. The Member who presented the petition should be given notice of the response and sent a copy of it.**

Parliamentary website

37. Tracking down a specific petition on the parliamentary website is far from straightforward. There is no quick link to petitions on the Business of the House pages. When 'petitions' was entered into the search box, the first entry was a reference to this inquiry. Most of the subsequent entries related to petitions against private bills. None of the references on the first page was to the presentation of a specific public petition. 'Petitions' does appear in the A-Z index, but the link is only to guidance on how to prepare a petition.

38. Petitions, and the responses to them, should become more visible on the website simply as a result of being published in Hansard. Nonetheless we believe that, if they are to be an effective means of engaging with the public, they must be much easier to trace through the website. **We recommend that consideration be given to establishing a web-based database of petitions and responses. We recognise that our conclusions on e-petitions will have direct consequences for this proposal and we recommend that it be taken forward in parallel with that work (see paragraph 58 below).**

Public Petitions and Select Committees

39. We have already noted that our predecessor's recommendation that petitions should be forwarded to the relevant select committee has not led to significantly greater interest being taken in petitions by those committees. This is not altogether surprising. The Procedure

Committee deliberately replaced the Modernisation Committee's proposal that petitions should automatically stand referred to the relevant select committee, with the much less formal proposal that a copy of the petition should simply be sent. They explained this change as follows:

> We thought that the use of the word "referred" might imply that committees would be expected (at least by the petitioners) to take some action. Some petitions are about individual cases: committees usually resist taking up such cases. Committees might also, of course, not wish to ascribe more priority to issues raised in petitions than to those coming before them in less formal ways, including letters from the public and suggestions by Members. We therefore suggested, as an alternative, sending a copy of each presented petition to the relevant select committee, without any formal "referral" and with, perhaps, therefore, less expectation that committees would feel obliged to say something about each petition.[34]

40. We understand our predecessor's arguments and we agree that petitions should not be formally referred to select committees. We are concerned, however, that the present arrangements have not encouraged select committees to look actively at the petitions which have been sent to them. We do not believe that the procedure can be considered to have been a success. Mr Foster hoped that there would be 'a presumption that [select committees] would give [a petition] proper consideration.'[35]

41. We share that hope. **We do not believe that select committees should be compelled to pursue petitions sent to them, but we do recommend that they keep records of those they receive and that they formally place them on their agendas. Committees should also consider whether the issues raised by particular petitions might be pursued by correspondence rather than by formal inquiry.**

Government Responses

42. All petitions once presented are sent to the relevant government department. Presently government departments are not obliged to make any response. Approximately 20 per cent of petitions receive no response.[36] Even when a response is received the quality can be variable, with some responses being of only a single paragraph, some making no significant comment and some observations covering multiple petitions. Mr Spink told us that:

> Only half the departments respond at the moment in some years, and that is not good enough, even if the response is to take note because it is not something a department can respond on, and there are many petitions like that.[37]
>
> I hope we will get down to how we can improve the petitioning procedure: because we may well set down a procedure that forces departments to make some form of response that is appropriate and, if they do not respond, then a Member would have the right to raise it on a point of order with the Speaker, as one does with a written

34 Procedure Committee, Fifth Report of Session 2003-04, *Public Petitions*, HC 1248, para 4.

35 QP 21

36 See Annex 1.

37 QP 1

> question, and that would give us more power in enforcing responses from departments.[38]

The failure of departments to respond can seem to be a reflection on the Member who presented the petition in that it prevents him or her from providing feedback to the petitioners. As Mr Spink explained, '…the problem is getting departments to respond appropriately to petitions, … to enable Members to communicate back to the petitioners that they have been listened to…'[39]

43. On the other hand a considered response from the Government to a petition can make a positive contribution to the petitioners' experience of engaging with Parliament. We recognise that some petitions are on matters for which the Government is not responsible or which have been delegated or devolved to other bodies such as local authorities. But we concur with Mr Spink who argued that 'a department should always make a response even if the response is, in effect, a nil response.'[40] The Hansard Society commented, on this point:

> Any parliamentary practice that has the usual effect of disappointing or confusing the public should be changed. Such action becomes even more imperative at a time when the level of public disconnection and alienation from Parliament is widely acknowledged. On a more practical level the public should know that there is an established and effective mechanism to allow them to make a case for their concerns to influence the parliamentary agenda.[41]

44. We have noted that the Canadian Parliament requires their government to reply to a petition within 45 calendar days.[42] If a petition to the Canadian Parliament does not receive a response within that time a committee of the House is required to examine the reason.

45. We believe that a Member who has received no response, or an inadequate response, should have an opportunity to pursue the matter. Mr Spink, as we noted above, suggested that this might be done through a point of order to the Speaker. The matter is not, however, one on which the Speaker should be expected to rule. The greater visibility which would be given to petitions, and to the responses to them, by our proposal that they should be published in Hansard would itself give greater prominence to the lack, or inadequacy, of a ministerial response. Members already have ways of pursuing Ministers, for example through the tabling of written parliamentary questions. In the most serious cases they should have the opportunity to raise the matter in an adjournment debate. We recognise that there will be some cases where an adjournment debate will not be appropriate, for example where the petition raises matters which are not the responsibility of the Government, but we believe that establishing an expectation that the failure to respond, or to respond adequately, to a petition can lead to the matter being raised in an adjournment

38 QP 2 Bob Spink MP

39 QP 9 Bob Spink MP

40 QP 22

41 Ev 12

42 House of Commons, Canada, *Petitions: Practical Guide*. September 2006, p 7.

debate, thus requiring the Minister to respond in person, will act as an incentive to the Government to provide full and timely responses to petitions.

46. We believe that it would reinforce the importance which the House places on the proper treatment of petitions if these arrangements were given a more public recognition. This could be done by the introduction of a dedicated slot in Westminster Hall for debates on petitions. Such debates would not be exclusively on petitions to which the Government has failed to respond.

47. **We recommend that the Government should be required to respond to all public petitions within two months of their presentation. On occasion that response might be limited to explaining that the Government has no responsibility for the matter raised in the petition. The option of making no response to a particular petition should be discontinued.**

48. **There should also be a regular opportunity for Members to initiate a debate on a specific petition. If a Member has not received a timely and/or adequate response to a petition, this would be an opportunity to raise the matter with the Minister concerned. We recommend that such debates should be held in Westminster Hall at the end of the Thursday sitting. If that sitting began at 2 pm, rather than 2.30 pm as at present, debates on petitions could be held between 5 pm and 5.30 pm.**

E-petitions

e-petitions in other legislatures and organisations

49. The Scottish Parliament received its first e-petition in March 2000 and formally introduced an e-petitions system on its website in February 2004 after hosting a pilot system on an external server. Its e-petitions system enables citizens to promote their petitions on the internet, to enable the attraction of a wider audience and to gather more names in support of the petition before it is formally submitted. The e-petitions are hosted on the website for an agreed period, usually between four and six weeks. In addition to the petition itself, for the gathering of names, each e-petition also has its own discussion forum where discussion and debate about the petition and related issues can take place. Once the hosting period expires the e-petition is formally submitted to the Public Petitions Committee for consideration.[43]

50. The German Bundestag introduced a modified version of the Scottish Parliament's e-petitions system in September 2006. The Bundestag has a much greater volume of petitions than the House of Commons for the reasons set out in paragraph 9 above. To date the volume of petitions submitted via the e-petitions system has been low in comparison to the large number of petitions received by that legislature through more traditional means.

51. In Australia, the Queensland Parliament, the Tasmanian Legislative Council and the Tasmanian House of Assembly's e-petitions systems have maintained the link between the petition and Members of the Parliament, Council and the Assembly respectively. The

43 http://epetitions.scottish.parliament.uk/

petitioner must approach a Member and submit the Member's details when requesting that an e-petition receives consideration for placing on the relevant website.

52. The No. 10 Downing Street e-petitions system was launched on 14 November 2006.[44] It has rapidly attracted a large number of petitions and petitioners, and a high level of publicity, particularly for one petition which attracted over 1.8 million signatures.[45] The system allows No. 10 to send a maximum of two emails to petitioners, enabling the Government to respond directly to petitioners.

53. The No. 10 system was set up as a 'beta', in other words as a site which had a pilot or experimental status and which could be expected to change over time.[46] And changes have been made. The rules have been tightened in various ways and the layout and structure of the site has been altered. It is clear that the take up of the No. 10 site exceeded expectations and at times has put severe strains on the system. The team at No. 10 have found the task of 'moderating' e-petitions (i.e. assessing them for compliance with the rules) particularly time-consuming and demanding. This can lead to considerable delays between the submission of an e-petition and its appearance on the site.

54. We are aware of concerns that the No. 10 e-petitions system risks by-passing Parliament or even taking on a role which is more properly one for Parliament. Although there is a long history of the public petitioning No. 10 directly, we believe that Parliament should be the primary recipient of petitions from the public. We consider whether the House of Commons should introduce its own e-petitioning system below. We also emphasise that Ministers, including the Prime Minister, are first and foremost accountable to Parliament. Therefore, if the Prime Minister intends in a response to an e-petition to No. 10 to announce any change of policy or new initiative, he should ensure that he has also informed Parliament (for example by way of a written Ministerial Statement) of that fact.

e-petitions in the House of Commons

55. In preparing petitions Members, and others, have already started to gather on-line signatures, to combine with written signatures. They have then either been frustrated at not being able to present the on-line signatures or have had to find ways to circumvent current procedures. Mr Spink told us that he had presented an electronic petition with 6,000 names by using the device of adding a written front sheet to the petition.[47] In her submission to the inquiry, Mrs Theresa May MP informed us that current procedures had prevented her from presenting 960 on-line signatures that she had gathered. She stated: 'Having discussed this with a number of other Members, I am aware that others share my concern that the current procedures of the House do not accommodate the growing use of this on-

44 http://petitions.pm.gov.uk/

45 The petition entitled "Scrap the vehicle tracking and road pricing policy" had gained 1,810,687 signatures when it was closed on 20 February 2007.

46 Ev 21

47 QP 7

line technology.'[48] It has been argued that failure to embrace new technologies could further distance Parliament from the public. In their evidence the Hansard Society stated:

> If the House were to decide not to make use of electronic petitioning, this would in itself send a signal that it was rejecting the advantages that new technologies can bring. On-line technologies are increasingly the favoured methods of communication of many members of the public, in particular young people…among whom disconnection from politics and Parliament is well documented.[49]

56. We asked our witnesses about maintaining the link with Members, if an e-petitions system was introduced into the House. They were unanimous that the link should be maintained. Mr Spink said: 'I think all petitions should come through Members…'[50] and Mr Heath stated: 'I think the same rules ought to apply to an e-petition as to a paper petition. So, if we have the current system of petitions coming through an elected Member, then that is what should apply.'[51] Mr Foster said:

> I think the link with the Member is absolutely key, because it is not just a matter of presenting a view to Parliament, which, of course, is very important, but the ability of a Member also, I think, to understand what his or her constituents are trying to explain.[52]

57. The recent success and media attention gained by the introduction of an e-petitions system at No. 10 Downing Street demonstrates how the public could, if a similar e-petitions system were to be implemented in the House of Commons, be connected more effectively with Parliament. An e-petitions system might enable the House, or the Member who presented the petition, to email petitioners with the Government response to their petition. However, as we noted above, the No. 10 site has had its problems. It has been able to cope with those problems in part by adjusting its rules for e-petitions. We do not believe that a House of Commons e-petitions system could have the same flexibility. Petitions are a formal parliamentary proceeding. E-petitions must in our view be treated as having the same status as written petitions. Any system which we set up must therefore be able to cope with the levels of demand which might follow. Any consequent resource implications must be identified and met before the introduction of an e-petitions system in the House.

58. **More work needs to be done on the detailed arrangements for an e-petitions system for the House of Commons. We do, however, express our support in principle for an e-petitions system and we set out now what we believe should be some of its principal characteristics. These should reflect the procedures for written petitions:**

- **e-petitions should be sponsored by Members;**
- **they should be open for the addition of e-signatures for a certain period before formal presentation;**

48 Ev 12

49 EV 14

50 QP 32

51 QP 32

52 QP 32

- **once presented they should have the same status as written petitions.**

Over the coming months we will examine both the practical and procedural implications of introducing e-petitioning with a view to proposing a worked-up and practicable system to the House in due course.

3 Early Day Motions

59. In early 2006 we sent a questionnaire to all Members asking their views on the procedures for Early Day Motions (EDMs). We received replies from 264 Members. An analysis of those replies is published as an Annex to this report. In March 2006 we heard oral evidence from Mr Norman Baker MP, Mr Douglas Hogg MP and Mr David Kidney MP. In December 2006 we heard oral evidence from Dr Malcolm Jack, Clerk of the House of Commons, and Mr David Natzler, Principal Clerk, Table Office and Mr Paul Simpkin, Chief Office Clerk, Table Office. We have also received a number of written submission which are published with this report. We are grateful to all those who assisted us with this inquiry.

Uses to which EDMs are put

60. The memorandum from the Clerk of the House briefly describes the history of EDMs. From this it is evident that the procedure was not created with its present uses in mind. It developed over time in response to the demands and the ingenuity of Members. Perhaps as a consequence of that history EDMs are now used for a wide range of purposes. These are described in the Clerk's memorandum:

> Most EDMs fall into one or more of the following categories:
>
> > expressing opinions on issues of general public interest, often to assess the degree of support amongst Members;
> >
> > continuing the political debate (for example, criticism of Government or Opposition policy);
> >
> > giving prominence to a campaign or the work of some pressure group outside the House;
> >
> > highlighting local issues (such as the success of the local football team, the achievements of constituents, the need for a bypass, and so on).
>
> EDMs are also used for narrower purposes:
>
> > for "prayers" against statutory instruments, usually in the name of the Leader of the Opposition or the Leader of the Liberal Democrats, which act as a trigger for reference of an instrument for debate in a Standing Committee on Delegated Legislation. Such motions normally account for 2% or less of EDMs in a session (0.9% and 1.3% in the last two sessions);
> >
> > to criticise individuals (members of the Royal Family, Members of either House, a judge, or the Chair) where such criticism in debate would be disorderly; and

> to set out detailed allegations against a company, other body or individual under the protection of parliamentary privilege.[53]

61. For many of these purposes there is no obvious other parliamentary outlet. As Mr Kidney put it to us, EDMs have 'long been called "political graffiti", but out of the graffiti come some important messages to us sometimes which have not got an outlet somewhere else.'[54] The Clerk of the House commented that 'There are no proceedings which give the width that early day motions give.'[55]

62. The rules governing EDMs rarely constrain the uses which Members wish to make of them. Matters which are *sub judice* may not be raised. Unparliamentary language is not permitted. Allegations against Members, members of the House of Lords and certain others must be made as the main substance of the EDM and may not be made in passing. In our survey of Members' views only 16% of respondents were opposed to retaining the current word limit (250 words) and the requirement that an EDM be drafted as a single sentence.

63. EDMs can be an effective way of connecting with the public. All Members will have received letters from constituents urging them to sign particular EDMs. It may be that many of these letters are promoted by the very pressure or campaigning group which in the first place persuaded a Member or group of Members to table the EDM. But this does not necessarily invalidate the process. As the Association of Professional Political Consultants put it:

> for those outside Parliament EDMs are a reference point, identifying MPs who support (or oppose) a particular policy objective. EDMs can be cited in correspondence, for example with Ministers, as demonstrating a level of support for an issue in Parliament.

They went on to express their concern that:

> any restriction on current arrangements for tabling EDMs would limit the ability of organisations (perhaps primarily charities, NGOs and other 'non-commercial' groups) to make use of this valuable campaigning tool. Moreover, there is no obvious other mechanism which might be used by such groups to draw the attention of Parliament and Government to an issue.[56]

64. On the other hand there a risk that some members of the public believe that the signing of an EDM is a more significant act than it seems to most Members. Mr Hogg told us:

> one of the reasons I dislike signing them because I feel it is a form of humbuggery, that actually you are deceiving people into thinking you are doing something significant but you are not.[57]

---

53 Ev 31

54 QE 3

55 QE 39

56 Ev 50

57 QE 4

One of the arguments against the introduction of electronic tabling of EDMs is that it would make it too easy to sign them and would therefore 'make them even more worthless than they are at the present time.'[58] On the other hand, many members of the public clearly attach importance to establishing where their MP stands on specific issues. It is perhaps also possible that some Members will sign EDMs, if they are asked to, even if they do not in fact fully agree with them. There is some evidence for this latter proposition from the few occasions on which EDMs have been selected for debate on Opposition days. Not all Members, who had signed such EDMs, supported them in the division lobby.

65. It is a widely held view that there are now too many EDMs. The number tabled has been rising fairly steadily since the 1950s and has more or less doubled since the mid-1980s[59] when our predecessor committee was concerned that the increase in numbers then had had the effect of 'devaluing the currency.'[60] This same phrase was used by both Mr Hogg and Mr Baker in evidence to us.[61] Mr Baker added, 'there are too many and therefore the good ones, and the use to which EDMs can be put, become diluted by the ones which are chaff.'[62] Mr Kidney made a slightly different point:

> if there is a problem it is "Can't see the trees for the woods" problem; there are so many that we cannot pick out which ones are the significant ones. There is a danger then that something which could be quite useful becomes useless because there are too many others that are masking the one that is important.[63]

66. These are powerful arguments. The House has an interest in doing what it can to ensure the continuing effectiveness and usefulness of its procedures. We have therefore considered how the numbers of EDMs might be limited and what would be the consequences of introducing such measures. There are two approaches which could be adopted. The first would be to introduce some form of rationing of the number of EDMs which Members could table and sign. This might be accompanied by a requirement that an EDM is supported by a minimum number of Members before it could be tabled. The second would be to attempt to limit the subject matter of EDMs.

Rationing EDMs

67. The practical difficulties with any proposal to limit the number of EDMs which a Member could table were spelled out to us in the Clerk's memorandum:

> a limit of, say, five EDMs would be seen by many Members as unnecessarily restrictive, but even a limit of five, if widely taken up, might make little or no difference to the number of EDMs;
>
> should the limit be upon EDMs tabled, or current? In other words, could a Member stay within the limit by withdrawing one motion and tabling another? If this were

58 QE 25 Norman Baker MP

59 Ev 32

60 Procedure Committee, Third Report of Session 1986-87, *Early Day Motions*, HC 254, para 4.

61 QE 3

62 QE 4

63 QE 4

> not allowed, the restriction (and perhaps the objections) would be greater; and a Member who, without being improvident, used up the allocation in the first half of a session might be disadvantaged later if, for example, serious constituency issues arose;
>
> sessions are not of equal length, and the date of Prorogation is not known at the outset, so the application of such a rule would be approximate. By definition it is impossible to predict sessions which are shorter by virtue of ending in Dissolution. On the other hand, it is possible to predict that a session will be longer than usual, but not with any precision how long it will be;
>
> a limit by calendar year would mean that Prorogation—when all EDMs fall—is likely to occur during that year. The application of a limit in these circumstances, with the pressure to table EDMs early in a session so that they are in play for longer, might produce odd results;
>
> a limit by another calendar period (for example month or week) would have little practical effect, not least because the allowance would be refreshed at the end of the period; and
>
> Members could easily circumvent the rule by "trading" EDMs. Member A would prepare a motion but ask Member B to be the first name, and so technically to be the Member in charge. If Member A subsequently withdrew his or her name, then Member B would become the Member in charge, but could plausibly claim that he or she had not sought this position, and that the motion should not therefore be counted against the limit.[64]

But there is also an argument of principle. If despite all the practical difficulties a robust rationing system was introduced, it would follow that at some point Members would be prevented from tabling EDMs on matters which they considered of importance, because their ration had been used up. **In our view this would be an unacceptable restriction on the actions of individual Members.**

68. For similar reasons we do not support the proposal that an EDM should have to attract a certain number of signatures before it could be tabled. As Mr Kidney put it:

> the fact that only a small number of people hold a particular point of view does not make it a point of view that should not be listened to. It might be actually a very significant point that is being made.[65]

Limitations on subject matter

Triviality

69. As we noted above, the principal ground on which objection has been taken to the sheer number of EDMs is that 'there are so many that we cannot pick out which ones are

64 Ev 34

65 QE 7

the significant ones.'[66] A possible solution would be to find some way of classifying EDMs by their significance and then in some way removing or excluding the insignificant ones. As Mr Baker put it:

> If we can find just some way of promoting those ones which genuinely raise important points, which genuinely are ones which Members feel strongly about, cross-party, then that will be doing a service to Parliament.[67]

There is currently no rule which would specifically prevent the tabling of an EDM because its subject matter was insignificant or trivial. As Mr David Natzler, the Principal Clerk, Table Office, explained:

> *Erskine May* has a phrase that the Speaker, who ultimately controls what appears on the paper, can direct that notice of motion cannot appear if it is not a "proper subject for debate", and that phrase we would prefer, and very rarely apply. … it would be very difficult for the Office to apply such a rule [on triviality] without causing offence because even a motion tabled by a single Member on, let us say, railway line closure is obviously not at all trivial for the Member, and I do not think the Office would want to be in the position of saying that.[68]

The Clerk of the House, Dr Malcolm Jack, interpreted the phrase 'not a proper subject for debate' in the context of EDMs as follows:

> I think it is a protective phrase, if I can put it that way, of the Speaker's discretion over early day motions or any other motion or matters on the Order Paper.[69]

Although there have been occasions when particular EDMs have been singled out, by the media or by others, as being trivial or inappropriate for some other reason, for example that they are intended to be humorous, we do not believe that significant numbers of such motions are tabled. Mr Natzler told us in December 2006:

> I arrived in this office only three months ago, expecting to deal with and read a lot of trivial motions, partly because I sensed a lot of Members thought there were a lot of trivial motions on the Order Paper. I have difficulty in saying, in all candour, that I have seen one.[70]

Mrs Gwyneth Dunwoody MP commented, 'Sometimes the subjects are banal and would not be raised on the floor of the House, but they are nevertheless often important to constituents.'[71]

66 QE 4 Mr David Kidney MP

67 QE 4

68 QE 60

69 QE 62

70 QE 62

71 Ev 52

Ministerial responsibility

70. An alternative approach would be that an EDM should have to engage ministerial responsibility. This proposal was put to us by Mr Kidney, who associated it with his support for a procedure to enable EDMs to be debated:

> my proposal that we should have debatable Early Day Motions brings with it, I think, the corollary that therefore the Early Day Motions must follow the same requirements of adjournment debates, … they have to engage ministerial responsibility, and … they must not call for legislation.[72]

Mr Derek Conway MP proposed a somewhat similar restriction, that 'the issues should have some relationship to public policy.'[73]

71. We address the question of whether there should be more opportunities for debating EDMs in paragraphs 76 to 82 below. A requirement that an EDM engaged ministerial responsibility might reduce the number considerably, but it would also close off several of the uses to which Members currently put EDMs and for which there are no other obvious parliamentary alternatives. In the view of Dr Jack, such a restriction 'would be quite draconian and I think quite unpopular with a large number of Members of the House'.[74]

72. A requirement that an EDM should be related to public policy would be less restrictive, but, depending on how the phrase was interpreted, might still exclude significant numbers of EDMs. Purely local issues or matters relating to the circumstances of individuals or specific groups might be excluded, as well as those drawing attention to and soliciting support for certain campaigns. Occasionally Members have used EDMs to make allegations about the conduct of, for example, companies or local authorities which if made without the protection of parliamentary privilege might be actionable. Members should always use the protection of privilege responsibly and with care, but the freedom to make public statements on controversial or contested issues without fear of legal action should not be undervalued. The Joint Committee on Parliamentary Privilege stated in its report of 1999:

> We consider it a matter of the utmost importance that there should be a national public forum where all manner of persons, irrespective of their power or wealth, can be criticised. Members should not be exposed to the risk of being brought before the courts to defend what they said in Parliament.[75]

73. **We therefore conclude that attempts to restrict the total number of EDMs by restricting their subject matter would be misguided. Any acceptable definition of trivial would exclude too few to make a significant difference. Excluding EDMs which do not engage ministerial responsibility or relate to public policy might reduce the numbers considerably, but would also prevent EDMs from being used for a number of purposes, which are in our view both valid and valued.**

---

72 QE11

73 Ev 51

74 QE 63

75 Joint Committee on Parliamentary Privilige, First Report 1998–99, HC 214, para 40.

74. Nonetheless we understand the concern of Members that the number of EDMs currently tabled makes it hard for them and for others to find and identify those which are of interest to them. There is no easy answer to this, but we do believe that there is potential through the electronic publication of EDMs to improve the present situation. We discuss the publication of EDMs on the parliamentary website in paragraphs 91 and 92 below.

75. We are also aware that the rising numbers have led to an increased workload for the Table Office. This is felt particularly acutely at the end of sittings, since Members may table EDMs, often with many hand-written signatures right up to the rising of the House. As a consequence staff in the Table Office can be required to stay on long after the House has risen deciphering those signatures. The right to table motions and amendments until the rising of the House is used on occasion by both the Government and the Opposition. We would not wish to take it away from backbench Members. On the other hand we do not believe that there is a similar issue of principle over the printing of all the added names. Mr Natzler suggested to us that:

> It would be a help to give us some relief or some administrative freedom when there is a mass of signed motions coming in unduly late, and we would try, if we could not print the names of all those added to [an EDM], to give the numbers.[76]

We believe that this is a reasonable compromise. Accordingly **we recommend that in the case of any EDMs tabled after the moment of interruption, the Table Office should have discretion to publish only the top six names and the total number of names in the following day's papers. The remaining names would then be published the next day.**

Debates

76. 44% of the respondents to our questionnaire supported the proposition that it should be possible for some EDMs to be debated. 14% opposed it and 42% did not reply to the question. The three Members from whom we took oral evidence were in favour of enabling some EDMs to be debated, although they disagreed as to how those EDMs should be chosen and on what form the debate should take. A number of Members in responding to the questionnaire indicated that they thought that EDMs which secured a certain number of signatures should be debated. Mr Baker suggested that:

> it would be possible to decide it on a factual basis by the number of signatures or the number of parties involved or some other mechanism… That then would make debates for those matters more pressing and more likely to occur.[77]

Mr Kidney on the other hand disagreed:

> I do not support selecting an Early Day Motion for debate by the number of people who sign it, precisely because you would have some just ridiculous campaign for a large number of people to sign something which is totally not worth voting in Parliament.[78]

76 QE 48

77 QE 11

78 QE 12

Similar concerns were expressed in the Clerk's memorandum:

> To select a motion simply on the number of signatures it had acquired would have several disadvantages. A threshold would have to be set. 200 signatures? 300? Whatever the qualifying number, I think it is certain that such a requirement would send the "signing industry" into overdrive. Names would be sought and added not simply to indicate support, but to assist a motion's chances of debate. Outside organisations would be even more pressing in seeking support for EDMs that they had sponsored. The effect would surely be further to devalue the currency.[79]

77. Mr Hogg and Mr Kidney both proposed that EDMs should be selected for debate. Mr Hogg thought that the Speaker might make the selection.[80] Mr Kidney preferred the usual channels: 'why do we not accept what happens and let the usual channels make the decisions about which ones of these are debated?'[81] Both options have their disadvantages (as both Members recognised).

78. We do not believe that it would be appropriate for the Speaker to be asked to choose specific EDMs for debate. Given the number of EDMs and the range of issues they cover it would be extremely difficult to choose between them on the basis of criteria such as topicality or national importance in an objective or disinterested way. Inevitably the Speaker would be obliged to choose between statements of contention between the parties in ways which in our view would risk prejudicing the essential impartiality of his role. Neither do we believe that it would be appropriate to leave the choice to the usual channels. In proposing it, Mr Kidney drew an analogy with the Liaison Committee, but that is a formal committee of the House which discharges, in respect of the choice of subjects to be debated on Estimates days and on certain Thursdays in Westminster Hall, a duty placed on it by the House and set out in the Standing Orders.

79. A third approach would be to select EDMs for debate by means of a ballot. The practicalities of this approach are discussed in the Clerk's memorandum.[82] The conclusion reached is that a ballot of motions (as opposed to one of Members) would not be practicable. It would require that EDMs were separated into debatable and non-debatable motions. It is likely that Members would table more debatable EDMs to give themselves a better chance in the ballot. It would risk the multiplication of EDMs on particular subjects in order to give those subjects a greater chance of being drawn. Some selection in respect of topicality might also be necessary to avoid EDMs being drawn for debate long after the issue they addressed had been resolved or when the circumstances had so changed as to make the EDM no longer appropriate for debate. In short, we agree with the conclusion in the Clerk's memorandum, that if a choice is to be made by ballot, it should be by a ballot of Members, not of EDMs.

80. A ballot of Members was, of course, the method by which Private Members' Motions were selected before their abolition in 1994. Members could enter their names for a

79 Ev 35

80 QE 14

81 QE 15

82 Ev 36

separate ballot for each Private Members' Motions day. The ballot was drawn in the Chamber; three names were chosen. The Clerk's memorandum suggests that a ballot of Members could still retain a link with EDMs: successful Members could table as an EDM the motion they wished to debate, or they could choose an EDM which they had already tabled. We agree that it would be perverse to insist that a Member successful in a ballot (presumably for a day a week or more ahead) should be obliged to choose to debate an existing EDM. Such a rule would militate against topicality; it would also risk encouraging the tabling of large numbers of speculative EDMs by Members against the chance that they were successful in the ballot. On the other hand we do not see the point of tabling a motion which is to be debated on a particular future day as an EDM. It should be tabled as a notice of motion for the day on which it is to be debated.

81. Consequently we do not see any advantage in creating a link between EDMs and a procedure for selecting motions for debate by way of a ballot of Members. A number of Members, and others, have argued for the reintroduction of Private Members' Motions. We are sympathetic to this. It is a matter of some concern that the House of Commons does not provide an opportunity for a backbench Member to have a substantive motion debated and decided. We are not persuaded, however, that finding some way to debate certain EDMs would be the best way of addressing that concern. Dr Jack told us:

> I do agree with the sentiment that it is rather odd that private Members do not have the opportunity that you have alluded to, but somehow I do not think that this route is the right route, for some of the reasons we have already discussed; that in a way a lot of the purpose of early day motions is to give publicity to something or other that links, for example, … to the outside world in the sense of a campaign. And it actually may not be something that the Member would want to be debated in the House. I think that the matter of private Members' motions really is a separate matter and I think needs a different set of considerations.[83]

82. **The Select Committee on Modernisation of the House of Commons is currently inquiring into the role of the backbencher and into the use of non-legislative time. We are aware that this issue has arisen in the context of those inquiries. We urge the Committee to give serious consideration to the reintroduction of an opportunity for Private Members to have substantive motions debated and, if necessary, voted on.**

'Tagging' EDMs

83. Mr Kidney proposed that EDMs should be debated in Westminster Hall on a motion for the adjournment.[84] He accepted that this would mean that they could not be voted on. In effect, as we understand it, the EDM would be tagged to the debate, much as a select committee report may be tagged. In other words it would be noted on the Order Paper as relevant but would not be formally part of the proceedings. The Clerk's memorandum considered this possibility:

83 QE 67

84 QE 21

> It has been suggested that EDMs could be introduced into the current Westminster Hall procedure by being tagged; that is, noted on the Order Paper as relevant to a debate, as are some select committee reports. This might look rather strange in practice: the debate would be taking place on the adjournment, but set out on the Order of Business as "relevant" would be a (possibly contentious) motion which could not be voted upon. Members might find the process somewhat frustrating, and the rationale would certainly be difficult to explain to those outside the Palace of Westminster.[85]

84. There is currently no obstacle to Members seeking adjournment debates on subjects on which they have already tabled EDMs. Such debates are held from time to time, with the Member drawing the House's attention to the EDM in the course of his or her speech. It does not seem to us to be a great step from that to allowing a Member to draw attention to a relevant EDM on the Order Paper. We understand that in a strict procedural sense the result might be a little strange, but we do not believe that, in practice, it would be confusing or particularly difficult to explain to those outside the House. EDMs are widely understood to be expressions of opinion about, or means of collecting support for, particular issues. They are not tabled in the expectation that they will be debated.

85. **We recommend that Members initiating an adjournment debate, whether in the House or in Westminster Hall, should be able to draw attention to a relevant EDM on the Order Paper by means of a tag. We suggest that the tag could read: 'An Early Day Motion (No. XX, [title]) has been tabled on this subject.' Only the Member initiating the debate should be permitted to authorise a tag.**

Publishing EDMs

86. The rules governing the publishing of EDMs in the Vote Bundle are now some twenty years old. Following initial publication the day after the EDM is tabled, it is reprinted whenever a new name is added in the week of tabling and the subsequent week. From then on, it will be published once a week (on Thursdays) only if a new name has been added since the previous week. The Clerk's memorandum sets out the costs of printing EDMs in recent financial years up to 2004-05.[86] The cost in financial year 2005-06 was £627,000.[87]

87. The printing of EDMs is almost entirely for the benefit of those in the Palace of Westminster. The public and organisations outside the Palace largely rely on the parliamentary website. Within the Palace, the principal users are Members, although others, including staff and the press also use the printed version. As Mr Natzler put it:

> Putting it crudely, the blues are for you … . So if there are no Members involved in this operation—which I know sounds absurd—then we would not print the blues.[88]

88. Under the House's contract with TSO, printing costs are calculated on the basis of the number of pages printed. Reducing the number of copies distributed would therefore not

85 Ev 36

86 Ev 33

87 HC Deb, 20 February 2007, c577w

88 QE 74

have any significant effect on the total cost to the House. If the costs are to be reduced, it can only be by printing less or by printing less frequently, or both. In response to a request from the Committee, Mr Natzler suggested two options. The first was that the Thursday reprint of 'mature' motions should list, for each EDM to which names had been added, only the title, number, sponsoring Member and the added names; not in other words the text of the motion itself. This might save around £200,000 a year. The second was that the Thursday reprint should be monthly rather than weekly. This might save around £100,000 a year.

89. There are disadvantages with both options. Many Members go through the Thursday reprint to decide which EDMs to sign. If the text was not printed, they would need to access it separately, presumably through the website. The usefulness of the reprint as a free-standing document would be severely compromised. We do not believe that printing notices of added names to EDMs without printing the text of the EDM would find favour with those Members who use the Thursday reprint. For this reason we also reject the suggestion in the Clerk's memorandum that the text of an EDM should be printed only once. This proposal was tried on an experimental basis in the 1970s, but was not pursued because Members tabled a large number of amendments, which required printing, and to be comprehensible required the reprinting of the motion itself.[89] The adding of a name to a motion is a formal proceeding of the House. We agree with Mr Natzler that allowing the notice of such a proceeding to remain unrecorded in the House's papers for up to a month is undesirable.[90]

90. **We conclude therefore that the present printing arrangements for EDMs should remain. As long as the House takes the view that all formal notices must appear in print in the House's official papers, added names to existing EDMs will need to be printed. They need not be printed the day they are received. A delay of a week seems to us to be entirely reasonable. But extending that period risks delaying publication to a point where the printed notice ceases to have a practical purpose and the argument that it is the formal official recording of the act of tabling becomes harder to sustain. If added names are to be printed, it should be in a way which is of use to Members and others who rely on the House's papers. For this reason we do not support the proposal that the text of an EDM need not be reprinted**.

Parliamentary website

91. Once an EDM has been tabled, it is entered on the Parliamentary Information Management Services (PIMS) EDM database. That database is accessible on the parliamentary website. Indeed there is a direct link to it from the House of Commons Business page. It was described to us by Mr Paul Simpkin, Chief Office Clerk in the Table Office as 'a good database [which] works and is reliable.'[91] EDMs can be searched for in a number of ways, by number, by the Members who have signed them, by individual words or phrases in the text or the title, or by date of tabling. **We believe that the database is a powerful tool for accessing information about EDMs and can play an important role in**

89 Ev 37

90 Ev 38

91 QE 47

overcoming the difficulty with finding an individual EDM among the hundreds which have been tabled. As we noted above, Members argued that this difficulty was the principal factor behind their desire to reduce the total number of EDMs.

92. We have, however, one suggestion which we believe might improve the service further. The database can be searched for key words or phrases which allow EDMs on particular matters to be found very easily, but it cannot be searched by category. For example, the database can be searched for all EDMs with the word 'health' in their titles or their texts, but it cannot be searched for all EDMs on health issues. We believe that consideration should be given to classifying EDMs on the database by a limited number of subject categories. The No. 10 Downing Street e-petitions site provides an example of how this might be done.

e-Tabling

93. Three-quarters of the respondents to our questionnaire on EDMs supported the proposition that it should be possible to table, and add names to, EDMs electronically. Questions can be tabled electronically. Earlier in this report we have supported in principle the establishment of an e-petitions system. It might seem to follow that we would support electronic tabling of EDMs.

94. There are however other considerations. An EDM is a formal motion. It has the same procedural status as a motion on the Order Paper. Experience with the e-tabling of questions has shown that the authentication procedures for electronic tabling are far from watertight. Parliamentary questions are important. They should be tabled only by Members. But they are requests for information; not expressions of a particular point of view. An EDM is a proposition on which, at least in theory, the House might reach a decision. One of the principal purposes of an EDM is to allow Members formally and publicly to record their support for it. We do not believe that the deliberately weak authentication requirements used for parliamentary questions are appropriate for EDMs.

95. Another difference is that the tabling of an EDM or the adding of a name is rarely a matter of urgency and, unlike the tabling of an oral question, does not need to be done by a particular time in order to be effective. Members can add their names to an EDM in several ways: they can sign the motion on the 'blues' or on a print-off from the website; they can sign a piece of paper with the number of the EDM or EDMs to which they wish to add their names; they can ask another Member to sign on their behalf or to authorise the addition of their name in person in the Table Office. We do not believe that Members are unduly constrained by their inability in addition to do so electronically. We have been told that it would cost around £40,000 to introduce an e-tabling system similar to that currently used for questions. As we noted above, a similar system would not provide strong enough authentication.

96. **Unless significantly stronger authentication than is currently required for parliamentary questions can be guaranteed, we cannot yet recommend the introduction of e-tabling for EDMs. We will be considering issues of authentication in our inquiry into Written Parliamentary Questions and will return to this matter in the light of what we learn in that inquiry.**

Conclusions and recommendations

Public Petitions

1. We recommend that public petitions should continue to be presented to the House of Commons by a Member of Parliament. (Paragraph 17)

2. We do not recommend that a Petitions Committee should be established. (Paragraph 27)

3. We do not propose any change to the time for the presentation of petitions on Mondays to Thursdays. (Paragraph 28)

4. We recommend that the time for presentation of petitions on Fridays should be the same as on Mondays to Thursdays, that is immediately before the half hour adjournment debate. (Paragraph 29)

5. We recommend that the full text of petitions should be published in Hansard. In the case of petitions presented on the floor, the text should appear after the presenting Member's remarks. In the case of 'bagged' petitions, the text should appear at the end of the day's proceedings. Where a Member indicates that he or she wishes to be explicitly associated with a 'bagged' petition, his or her name should be printed with the text of the petition. Government responses to petitions should be published as written ministerial statements. They should include the text of the petition to which they are responding and, where appropriate, the name of the Member who presented the petition. The Member who presented the petition should be given notice of the response and sent a copy of it. (Paragraph 36)

6. We recommend that consideration be given to establishing a web-based database of petitions and responses. We recognise that our conclusions on e-petitions will have direct consequences for this proposal and we recommend that it be taken forward in parallel with that work. (Paragraph 38)

7. We do not believe that select committees should be compelled to pursue petitions sent to them, but we do recommend that they keep records of those they receive and that they formally place them on their agendas. Committees should also consider whether the issues raised by particular petitions might be pursued by correspondence rather than by formal inquiry. (Paragraph 41)

8. We recommend that the Government should be required to respond to all public petitions within two months of their presentation. On occasion that response might be limited to explaining that the Government has no responsibility for the matter raised in the petition. The option of making no response to a particular petition should be discontinued. (Paragraph 47)

9. There should be a regular opportunity for Members to initiate a debate on a specific petition. If a Member has not received a timely and/or adequate response to a petition, this would be an opportunity to raise the matter with the Minister concerned. We recommend that such debates should be held in Westminster Hall at

the end of the Thursday sitting. If that sitting began at 2 pm, rather than 2.30 pm as at present, debates on petitions could be held between 5 pm and 5.30 pm. (Paragraph 48)

10. More work needs to be done on the detailed arrangements for an e-petitions system for the House of Commons. We do, however, express our support in principle for an e-petitions system and we set out now what we believe should be some of its principal characteristics. These should reflect the procedures for written petitions:

- e-petitions should be sponsored by Members;
- they should be open for the addition of e-signatures for a certain period before formal presentation;
- once presented they should have the same status as written petitions.

Over the coming months we will examine both the practical and procedural implications of introducing e-petitioning with a view to proposing a worked-up and practicable system to the House in due course. (Paragraph 58)

Early Day Motions

11. In our view rationing the number of EDMs which a Member could table would be an unacceptable restriction on the actions of individual Members. (Paragraph 67)

12. We conclude that attempts to restrict the total number of EDMs by restricting their subject matter would be misguided. Any acceptable definition of trivial would exclude too few to make a significant difference. Excluding EDMs which do not engage ministerial responsibility or relate to public policy might reduce the numbers considerably, but would also prevent EDMs from being used for a number of purposes, which are in our view both valid and valued. (Paragraph 73)

13. We recommend that in the case of any EDMs tabled after the moment of interruption, the Table Office should have discretion to publish only the top six names and the total number of names in the following day's papers. The remaining names would then be published the next day. (Paragraph 75)

14. The Select Committee on Modernisation of the House of Commons is currently inquiring into the role of the backbencher and into the use of non-legislative time. We are aware that the issue of private Members' motions has arisen in the context of those inquiries. We urge the Committee to give serious consideration to the reintroduction of an opportunity for Private Members to have substantive motions debated and, if necessary, voted on. (Paragraph 82)

15. We recommend that Members initiating an adjournment debate, whether in the House or in Westminster Hall, should be able to draw attention to a relevant EDM on the Order Paper by means of a tag. We suggest that the tag could read: 'An Early Day Motion (No. XX, [title]) has been tabled on this subject.' Only the Member initiating the debate should be permitted to authorise a tag. (Paragraph 85)

16. We conclude that the present printing arrangements for EDMs should remain. As long as the House takes the view that all formal notices must appear in print in the House's official papers, added names to existing EDMs will need to be printed. They need not be printed the day they are received. A delay of a week seems to us to be entirely reasonable. But extending that period risks delaying publication to a point where the printed notice ceases to have a practical purpose and the argument that it is the formal official recording of the act of tabling becomes harder to sustain. If added names are to be printed, it should be in a way which is of use to Members and others who rely on the House's papers. For this reason we do not support the proposal that the text of an EDM need not be reprinted. (Paragraph 90)

17. We believe that the EDM database is a powerful tool for accessing information about EDMs and can play an important role in overcoming the difficulty with finding an individual EDM among the hundreds which have been tabled. As we noted above, Members argued that this difficulty was the principal factor behind their desire to reduce the total number of EDMs. (Paragraph 91)

18. Unless significantly stronger authentication than is currently required for parliamentary questions can be guaranteed, we cannot yet recommend the introduction of e-tabling for EDMs. We will be considering issues of authentication in our inquiry into Written Parliamentary Questions and will return to this matter in the light of what we learn in that inquiry. (Paragraph 96)

Annex 1: Petitions presented to the House of Commons in Sessions 1994-95 to 2005-06

Session	Total Petitions Presented	Formal presentation (floor of House)	Informal presentation (via bag)	Petitions receiving observations	Petitions on which no observations made	% on which no observations made
1994-95	119	57	62	73	46	38.7
1995-96	77	49	26	39	38	49.4
1996-97[a]	55	40	15	24	31	56.4
1997-98[b]	99	73	26	55	44	44.4
1998-99	99	56	43	37	62	62.6
1999-2000	87	68	19	55	32	36.8
2000-01[a]	36	28	8	26	9	25.7
2001-02[b]	129	109	20	97	32	24.8
2002-03	220	194	26	178	42	19.1
2003-04	128	112	16	82	16	16.3
2004-05[a]	51	44	7	43	10	18.9
2005-06[b]	294	258	36	201	50[c]	n/a

(a) Short session; (b) Long session; (c) awaiting observations from 43 petitions.

Source: House of Commons Library Factsheet No. 7 – Public Petitions and Journal Office records

Annex 2: Early Day Motions–Analysis of questionnaire sent to all Members

Number of responses: 264[92]

The average number of EDMs tabled each sitting week has nearly doubled since 2000-01. Should the House take steps to limit the total number of EDMs?

YES	NO	NO REPLY
102 (39%)	151 (57%)	4%

There are currently very few restrictions on the subject matter of EDMs. Some have argued that this has led to a proliferation of EDMs on inappropriate subjects. Should there be additional restrictions on the content of EDMs (one possibility might be that, like an adjournment debate, the subject of an EDM would have to engage ministerial responsibility)?

YES	NO	NO REPLY
122 (46%)	128 (48%)	6%

EDMs must be drafted as a single sentence of not more than 250 words. They must call upon the House to do something (e.g. note an event; congratulate a team; deplore a failing). Should these requirements of form be retained?

YES	NO	NO REPLY
107 (42%)	42 (16%)	42%

It has been suggested that opportunities should be created for some EDMs, which have demonstrated a certain level of support (possibly measured by number of signatures), to be debated. Do you believe that it should be possible for some EDMs to be debated?

YES	NO	NO REPLY
116 (44%)	37 (14%)	42%

Members can table parliamentary questions electronically. Should it also be possible to table and/or add names to EDMs electronically?

YES	NO	NO REPLY
200 (76%)	50 (19%)	5%

92 The percentage figures are based on the total number of responses

Formal minutes

Tuesday 8 May 2007

Members present:

Mr Greg Knight, in the Chair

Ms Celia Barlow
Mr John Hemming
Rosemary McKenna
Sir Robert Smith
Mr Rob Wilson

Public Petitions and Early Day Motions

The Committee considered this matter.

Draft Report (Public Petitions and Early Day Motions), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time paragraph by paragraph.

Paragraphs 1 to 96 read and agreed to.

Summary read and agreed to.

Annexes read and agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 23 May at 2.30 pm.

Public Petitions

Witnesses

Wednesday 17 January 2007

List of written evidence

Early Day Motions

Witnesses

Tuesday 28 March 2006

Wednesday 6 December 2006

List of written evidence

Reports from the Procedure Committee since 2005

The following reports have been published during this Parliament:

Session 2005–06

Second Report	Application of the *sub judice* rule to proceedings in coroners' courts	HC 714
First Report	Legislative and Regulatory Reform Bill	HC 894

Oral evidence

Public Petitions

Taken before the Procedure Committee

on Wednesday 17 January 2007

Members present:

Mr Greg Knight, in the Chair

Ms Celia Barlow
Mr Christopher Chope
Ms Katy Clark
Rosemary McKenna
Mrs Linda Riordan
Sir Robert Smith
Mr Rob Wilson

Witnesses: **Michael Jabez Foster,** a Member of the House, **Mr David Heath,** a Member of the House, and **Bob Spink,** a Member of the House, gave evidence.

QP1 Chairman: Welcome. We are, as you know, looking at the question of public petitions. At the moment we have not made any conclusions about what we may or may not recommend to the House in the future, but we do feel that this is an area where improvements could be made to our established practice and we are, therefore, most grateful to the three of you for agreeing to share with us your views, experiences and concerns of the public petition procedure which has been with us, I think, since the days of Richard II. Could I start perhaps from the Chair by asking each of you in turn if you could give to the Committee an idea of the use that you as a Member make of the petitioning system?

Michael Jabez Foster: I think the petition procedure is a very useful one in engaging with one's electors. I suppose there are two ways in which it can arise. Either you have got an idea and you float it and someone comes up with a petition, or, indeed, it is really grass roots, somebody is really upset, and you may be the subject of the concern, it may be your party, or whatever. So, I think it arises in two ways; either way, it is a useful engagement with the public. It is probably the lowest level of engagement, and I think that that has to be recognised. Most people will sign a petition, so it is a bit meaningless in itself simply asking someone to sign. They will, in the main, unless they are opposed to the idea, and maybe even then they will. In fact, I have seen petitions where people have signed both sides of the argument, so I think it does devalue it a little bit. What I certainly found helpful is if they are big. They have to be big to be of any great relevance. Everybody can get a petition of nine to go to the Planning Committee and make a representation, to get 40,000; to complain about the local hospital, of course, is something different; and so I think that size does count when it comes to petitions, but I am sure you are going to explore it later. What I think some of us who use the petition process quite often find is that people are not always impressed by the outcomes in that they are not certain as to whether either any effect arose from the petition or, if it did, was it as a result of the petition or was it going to happen anyway. I think they are the sort of areas that I would be interested in perhaps coming back to, if you wish, later on.

Mr Heath: I also occasionally use petitions. I do not think I have quite the fluency of either of my colleagues in that respect, but certainly occasionally we have petitions in my constituency and I am always very happy to present them to the House when that happens. It seems to me, first of all, that the right of petition is an important constitutional facet which enables direct engagement of the aggrieved citizen—aggrieved in whatever sense—with Parliament, and I think it has importance in that respect. In terms of the utility of petitions, I think that falls into three categories. The first is in terms of publicity. It is undoubtedly the case that it can engender particularly local publicity for a cause or a grievance. I think a lot of our colleagues in the House find that to their advantage and also to the mutual advantage of those who sign petitions, who presumably are wedded to the cause. The second is giving an opportunity for engagement, a sense of satisfaction that at least you have had your say as a citizen. Even if you have not changed the result, you have had the opportunity to put your point directly, as it were, although through one removed, to Parliament. I think that that is limited, very often, for exactly the point that Michael has said, because the third element is the remedy. If you expect a remedy from a petition, either in terms of change of legislation or a remedy of grievance, then I think you will very often be disappointed, partly because of the procedure that the House adopts, partly because of the attitude that the Executive inevitably adopt; and so in terms of publicity, a good thing; in terms of satisfaction, a moderately good thing; in terms of remedy, really a rather impotent procedure at the moment.

Bob Spink: I am a great enthusiast of petitions; I think they are excellent instruments which are used in Parliament at the moment. They are not a sentimental throwback to a yesteryear, they have a real purpose, they can deliver the goods for people, and they do this on a number of fronts. First, I do

agree with what my colleagues have said. Although Michael said the size is all important, I think if you get lots of small petitions, if 350 MPs petition the House over a period of time on a specific issue, the House starts to listen and change its policy and address its policy in that particular area; but size is not all important, and it would depend on the particular issue being petitioned. The closure of an hospital affects everybody in the community, so you would expect a big petition. On a very, very important petitioning of, say, a mobile telephone mast outside half a dozen houses, you could only expect half a dozen people to petition, but they would still have their constitutional right to petition and should use that and should be encouraged to use that. That constitutional right was established by Edward I in 1275 and further codified in the William and Mary Act of 1689, the *Bill of Rights*, and has been much used. Edward saw it as a way of engaging the public with Parliament, and that is the first time the public were engaged with Parliament, through petitioning. I think it is a very useful instrument. It tackles, and helps us to repair, this terrible malaise of the disconnect and disenchantment with politics and politicians that the public have because it engages them in politics, particularly if they get a response, and I think that is where the system falls down. Only half the departments respond at the moment in some years, and that is not good enough, even if the response is to take note because it is not something a department can respond on, and there are many petitions like that.

QP2 Chairman: In your personal experience, have the departments, even if it has been later rather than sooner, always responded?

Bob Spink: No, they have not, and that has been a problem for me, and I hope we will get down how we can improve the petitioning procedure: because we may well set down a procedure that forces departments to make some form of response that is appropriate and, if they do not respond, then a Member would have the right to raise it on a point of order with the Speaker, as one does with a written question, and that would give us more power in enforcing responses from departments; but they are an extremely good instrument; I use them often. When people come to me with an issue that affects a wider community, I often say, "This is not just you, it is other people. Why do you not do a petition? Here is a fax sheet from the House of Commons Library on how to do it. If you want me to present it in Parliament, I would be happy to do so", and the petition then becomes a legal document and part of our history.

QP3 Sir Robert Smith: Michael made the point about nine signatures to a Planning Committee not counting for very much, whereas lots of signatures—. As Bob is saying, if people raise an issue, why not do a petition? My perception, from dim and distant memory of planning, is that the petition sat there as one submission, no matter how many signatures were on it, but letters that showed that someone had actually got a particular personal view counted a lot more. I just wonder, from what you have both said, whether it is important to remind people that actually putting an argument together can quite often be a very powerful way of getting your case across rather than the petitioning process.

Michael Jabez Foster: I do not disagree with Bob when he says that lots of small petitions on the same issue add up to the same effect. We can take, for example, the health supplements issues where, night after night, Members stood and presented three or four hundred petitions, or even more, from their constituents, did have an effect on the Minister. The Minister, certainly, before any formal response, was making statements about what she was going to do. So I think that maybe petitions have much greater effect than the formal response that you get, but, on the specific point that you raise, I think you are right, as MPs, I suspect, if we get heaps of individual letters about an issue, all separately considered, that is much more important. It is much more relevant than simply either a petition or, indeed, what is often now used, a standard letter from somebody who is really interested in rights for everybody else, so I think that that has a lesser value. I think the point I was making about planning committees was that it is the hurdle over which people get in many local authorities to have the opportunity of making personal representations. So, in that sense, I think nine, but I obviously do agree with you. I think lots of letters are important, but many people have not the facility or the ability to put together those sorts of arguments.

QP4 Chairman: You touched on one of the weaknesses of our system, which is the lack of duty on a minister to respond. Could you share with the Committee your views on what are the strengths and weaknesses of our present system? Michael, you said you felt in most cases the outcome was rather disappointing, but Bob gave a more upbeat picture, so perhaps this question is directed at Bob. Could he give us an example of where he feels a petition has achieved something as a consequence of it being presented?

Bob Spink: Petitions serve a number of purposes. An MP who does not use petitions is missing an opportunity to engage people in his constituency and to contact them. He can then, within certain limitations, write to those people and can make them aware that he is listening to them. Often people know that they are not going to get everything that they ask for, but they just want to be listened to, and the MP can let them know that he is there to listen to them, to pass their message on to the Government, so they become part of the process rather than just outside kicking the process, as it were. Petitions can be valuable. I presented a petition in the House last year calling for the funding gap in children's hospices to be repaired. I presented that petition in the House and to 10 Downing Street and, within a month, the Prime Minister had allocated £27 million for children's hospices to repair the funding gap caused by that fall-off in the National Lottery money, and he did so in the teeth

of opposition from his Secretary of State for Health, and I think the petition of 250,000 signatures—Michael, it makes your point for you—organised by *The Sun* newspaper was instrumental in focusing the Prime Minister's attention on that. I know of many petitions which have had a positive result and I know many that have not, but people at least deserve to be listened to, and the petition is a process by which they can be listened to.

QP5 Chairman: Michael and David, do you want to add or subtract anything from that—I am particularly thinking in terms of what you see as maybe a strength in our system—or are there any other weaknesses that you see in it apart from the one we have touched on, which is the lack of ministerial responses in cases?

Mr Heath: Bob mentioned a constitutional right to petition, but actually that is mediated at the moment by the Member of Parliament, and I understand, and I may be incorrect in this, that there is a precedent suggesting that the Member of Parliament can refuse to present a petition. Rarely does that, in my experience, happen. People have the opportunity of presenting it either formally or informally, and it really seems a very small duty to perform to present informally a petition on behalf of your constituents. Nevertheless, I think some means of direct access to the petition might be appropriate. If we believe that there should be a constitutional right to petition, then, although the Member of Parliament acts as the filter for that which is clearly out of order, or, frankly, practically mad, in the same way that the Member of Parliament does for the ombudsman case, nevertheless, I think there is an argument that there should be some avenue by which you can avoid a recalcitrant Member refusing to pass it on. In terms of the wider feelings for the system, I am very attracted, I have to say—and I believe the Committee have been looking at this—to the process in the Scottish Parliament and their attitude to the right to petition and the Standing Committee which they have set up for that purpose, which, as I understand it—and this is purely from the contact with Scottish colleagues and others—seems to be deliberately setting out to engage with the public and actually encouraging them to use it as a process of contact with Parliament. I do not think we have anything other than the endeavours of individual Members of Parliament that relates to the UK Parliament in that way, so something along those lines. The last point I would make—I am sure, again, you will be coming back to this—is to revisit the recommendation of the Power Commission in terms of a citizen's initiative, and that is also tied up with the power of petition. It is something the Government appear to be nibbling at in terms of local government, but I have seen nothing in real terms for a national equivalent and it would be interesting to see what the Committee's view might be on that.

Michael Jabez Foster: All I would add is that I think the business of an obligation on the part of an MP to offer a petition is a difficult one. I presented a petition of several odd thousand names anti-National Front a few years ago. If the BNP asked me to present a petition on their behalf, I should find it difficult to do. They maybe ought to have an opportunity to put that in some way, but not through me, thank you. I think there is an issue there about access to Parliament beyond the Member. The other issue raised—the suggestion that I did not think they were effective—I think they may be effective, but I do not know how you measure the effectiveness in all ways. I am sure in Bob's case it was because of his petition that the Prime Minister took the view he did, but, of course, the secret of politics always is to do something you know is going to happen anyway and campaign for it vigorously. I am sure that is not the case in Bob's case, but there is always that issue. The other thing about size: I think that if there is to be a procedure whereby there has got to be a proper consideration, the right to recall, I think I used to discuss when I was a young socialist: there had to be so many members of the nation who signed the petition to recall the government. In a sense, I think that there may be a case, if enough people sign a petition, that there is a higher level of response required than if a few sign. That is an issue you may want to explore as well.

QP6 Mr Chope: I was interested to hear that your petition, Bob, actually went both to Parliament and to Number 10?

Bob Spink: Yes.

QP7 Mr Chope: Why were you not content with just presenting it to Parliament, and then allowing the consequence to flow through from that? Surely by presenting it also to Number 10 you were undermining the Parliamentary process?

Bob Spink: I think not. I was using all facilities available to me to draw national attention, and it did receive national attention. It was covered in *The Sun* newspaper and was on TV, and so I was helping to create a swell of public opinion that, in fact, did change the Prime Minister's mind. It was not going to happen anyway. The Prime Minister took a very courageous and very right decision and did what was right, and I congratulate him for that. Could I comment on one other thing, Chairman? About three months ago I was asked to present a petition because another Member had refused to present it on behalf of his constituents. It was a petition drawing attention to bad behaviour on London transport because of certain changes that had taken place in giving cheap or free tickets to young people. I presented that. It was an electronic petition of 6,000 names. I presented it in Parliament by way of the device of a front sheet, and there was no acrimony between me and the other Member of Parliament, although I will not name them. So, petitioners have got options, and I think that you cannot remove from a Member of Parliament the right that they have to decline to present if for any reason they wish to decline to present.

QP8 Rosemary McKenna: I think you have answered the first question I was going to ask. Does it matter whether it is the constituency Member who presents it or another Member on his or her behalf?
Mr Heath: I think it does actually matter. I am going to disagree slightly with Bob there because I think the constituency link with the Member of Parliament is important. What I was suggesting is that when a Member of Parliament did not feel it appropriate to present a petition, either informally or formally, there ought to be at least some way that those constituents have an avenue to present that petition to Parliament, but what would worry me was if all our constituents just hawked around their petitions until they found some gullible Member, or perhaps some Member who took a contrary view in order to raise it, or, worse, just looked for someone of a similar political persuasion to the petitioners in order to do so. I think that would be entirely inappropriate.

QP9 Rosemary McKenna: I can see that. It is interesting, because the role of the Member in this place is very important in terms of petitioning. In the Scottish Parliament, the German Bundestag and in the EU Parliament, a citizen, can present a petition. That requires a Petitions Committee to sift and do a lot of things. Do you think that would be a good thing for this Parliament to consider or would you see problems in terms of exactly the point you were making about opposition, different political persuasions?
Mr Heath: Having looked at the Scottish Parliamentary system—and I am conscious I am speaking to Scots MPs—it does seem to me that there are a lot of advantages in the way the Scottish Parliament has chosen to arrange it. I think that there is virtually a guarantee that a petition will be properly considered by Members of Parliament, who will then dispose of it on its merits either by moving it, as I understand it, to a select committee or directly to the Executive for consideration and can, indeed, bring it to the floor of the Chamber for discussion. I think that is a much better disposal of a petition than we have currently in our situation. What I said earlier about the relationship between the Member of Parliament and the petitioner clearly was in the context of our present system. If we move to a select committee system, it would be a different way of doing it. I think the danger, first of all, again, is raising levels of anticipation of remedy. I know that there has been some concern about that in Scotland, and there have been a couple of cases where legislation or policy has changed directly as a result of the Petitions Committee. I think the other serious issue which this Committee will have to look at, if it wishes to go down that route, is the problems of scale: the fact that when you scale up from a population of five million to a population of 10 times that, are we going to see a major industry dealing with petitions and a large department and a select committee in permanent session in order to deal with it? I think that is a real problem, and I cannot offer you a solution to that, were you minded to take that route.
Michael Jabez Foster: I do not have a lot to add. I do not think it matters so much what procedure is pursued, but I do think it would be helpful if there was a more structured responding than the way that happens now. As I say, it is unclear as to whether or not any outcomes are the result of petitions or not. Simplistically, I would think that, again, it does not matter on numbers—I do not think you can clutter Parliament with hundreds and hundreds of small petitions—but if there was a limit, if there was a sort of hurdle in terms of numbers, I think it would be possible for select committees, without a separate Petitions Committee, to directly have assigned to them the opportunity of looking at petitions on particular subjects in which they had an interest and to make a recommendation to government on such petitions. I think that would be a very simple way of dealing with it, again, if one had a relatively high level of numbers before one were burdened with that.
Bob Spink: I feel that establishing a specific Petitions Select Committee might give a problem. The petitions are many and varied; they can be very small or they can be massive petitions. I think that it is really the issue that the petition is about that gives it validity, not necessarily the size of the petition. Fixing a size will be very difficult. It would have to be fixed on the proportion of the population that was affected, or something. You may have a small village with only a few people in it who feel sincerely about a most important issue, like, for example the LNG plant for Canvey Island which affects only a few people but has the potential of affecting the whole nation in the future, so you would have to be very careful about how you did that. At any time an MP can send a copy of a petition to a committee chairman and ask them if they are interested in looking at it and taking up the issues. We have that ability, and select committee chairmen can do that if they wish. We used to have, of course, a Petitions Committee, but that Committee just sorted the petitions, it did not actually make any judgment about the issues raised by the petition. I think the main problem is not getting petitions presented, the problem is getting departments to respond appropriately to petitions, which may be to not make comment on them but to have a reasoned argument for doing that, and to enable Members to communicate back to the petitioners that they have been listened to and that this is or is not going to take place. I think that is what people really want, and I think that is a trick that Parliament is missing at the moment.

QP10 Rosemary McKenna: Basically, rather than a whole new system, improve the current system?
Bob Spink: Exactly.

QP11 Rosemary McKenna: Particularly the response end!
Bob Spink: Yes, and to free up the system to enable ways for electronic petitions to be brought forward. I have presented several electronic petitions on the

floor of the House by way of a device that I have developed myself, as it were, and so far I have got away with it.

QP12 Chairman: If our Parliament was to allow direct petitioning without the need for a Member, whether or not we had a Petitions Committee, do you have any concerns that this may, in marginal seats, result in candidates opposing the sitting Member by deliberately organising petitions, giving the impression locally that they were involved in some Parliamentary activity and, therefore, that they ought to be the next Member?
Mr Heath: Yes, that is clearly a concern. Whether it is a concern that outweighs the access that they would provide, the engagement it would provide for the public, I think is a matter of judgment.
Michael Jabez Foster: I do not think it is so much a concern, it is a certainty. I think that it would simply be another part of hustings, and I think one has to be very careful before one opens it up to that extent. I think that what has been said already today, of which I was unaware. I know a Member can present the petition, but I think that may be subject always, I suspect, to the constituency Member having the opportunity to present the petition perhaps, and if he or she refuses, then, of course, that may be the option.

QP13 Chairman: It is also the case under our system that the Member presenting the petition does not thereby necessarily have to agree with it. You can present a petition without agreeing with the content of it?
Michael Jabez Foster: Yes.

QP14 Chairman: To clarify, Michael, are you saying that, in your view, you would not want to see direct petitioning?
Michael Jabez Foster: I would not want to see direct petitioning. What I do think could be helpful would be the procedure I suggested earlier, large petitions. I do understand Bob's point about small petitions also being important, but I think there has to be some limit. The scale does matter in terms of what you do. I think that if select committees were to take on the role of considering petitions, then, of course, they would have the opportunity to call witnesses, which could include petitioners, or anybody else for that matter, and that would go beyond the parliamentarians.

QP15 Chairman: On this point, David, are you saying you take the other view or that your jury is out?
Mr Heath: As I said earlier, Chairman, I am attracted to the Scottish Parliament model simply because I think it does provide a dimension which our present system does not and a greater level of engagement. I have my concerns about whether it can be easily translated into the scale of the UK Parliament, but I think there is a wider context to this that individual concerns, whether they be reflected by Members of Parliament from the back benches or members of the electorate, members of our community, are translated into Parliamentary activity. I know this Committee has looked before at the subject of Early Day Motions, for instance, and whether an Early Day Motion that is actually signed by more than half the Members of the House can reasonably be ignored by the Government—which it can be, and has been recently—in terms of debate, whether that is a realistic way of organising our business. I feel the same about petitions. I think, if there is an issue which is of concern to a significant part of our community which is not being given Parliamentary time or consideration, or a matter of huge importance to a smaller part of the community, and I take absolutely Bob's point—I can think of many communities in my constituency which would amount to very few people in terms of population but who might have a significant grievance that they would like to put—then I think there should be some mechanism for taking that beyond a simple statement and, with all due respect to Bob, a photo call at Number 10. That is one way of doing it, but what I want is the opportunity to debate that in the House or in a committee of the House and the opportunity to get a proper answer from ministers, either in a written form or in the form of a direct answer in the Chamber, and that is the missing element at the moment.

QP16 Chairman: Before we move on, Bob, on this point about perhaps destroying the link with the Member, do you want to say anything?
Bob Spink: Yes. First of all, I do not think that direct petitioning is a runner for us. I do not think there is a need for it, I think it would be extremely dangerous, as you have explained, and I agree with my colleagues, and particularly Michael, on that. When I was asked to present a petition because a Member had refused, it was a petition that affected all of London, 30 or 40 constituencies. I would always apply normal parliamentary courtesies and discuss it with a Member. If it was controversial or in any way compromised that Member, I would not become involved in that. The other Member was perfectly happy for me to present that petition; they just did not do petitions. I found that a bit sad, but it was not a controversial matter. I just make that quite clear. I think that you would need to have the normal Parliamentary courtesies apply where you discuss things with other Members before raising them in Parliament.

QP17 Ms Clark: Currently petitions are presented to the House just before the end of the day on Mondays and Thursdays and before public business on Fridays. Do you consider that to be the right timescale in terms of the presentation of formal petitions?
Bob Spink: Perhaps I will kick that one off as the one who does it mostly. Yes, I think it is perfectly fair. I think it does not intrude on the House's other business or take time away from anyone. The one point I would like to make there is that the convention has normally been—and it is set out in the House of Commons Library Note on Petitions—that in presenting a petition you can speak for

normally not longer than two minutes. The Deputy Speakers sometimes jump on you when you are on your third or fourth sentence after only 30 or 40 seconds, and I think that that is an area that needs to be clarified perhaps, but, apart from that, I think the procedure for presenting it is absolutely right.

Mr Heath: I think the timing of presentation of petitions is there for a very good purpose: to prevent abuse of process by preventing people deliberately obstructing government business, and I think that is a perfectly proper procedure. I have no problems with it.

Michael Jabez Foster: I cannot see a problem, especially now that we have early finishes. I think it was a problem when it was always 10.30, because sometimes people want to come along and watch the presentation of their petition, and to expect people, especially from out of London, to be around at 10.30 at night is a difficulty, but Members can choose the day that they seek to present the petition, and it can be an early one, and, therefore, I think that is sufficient.

QP18 Chairman: There are those of us in this room who remember petitions being presented at dawn in the days before regular timetables.

Mr Heath: I did one at about three o'clock in the morning in my time.

QP19 Ms Clark: At the moment the rules in relation to what a petition can cover seem to be quite generous. Do you think they are too generous? Do you think there should be any restrictions or more strict rules in terms of what petitions can be about?

Bob Spink: No, I think the rules are right. I do not think you should restrict petitions at all. I think they are a constitutional right established time immemorial and I think we dabble with that at our peril. I think we want to increase public engagement with politics. I think any MP worth his salt will look carefully at his petition and will try to guide petitioners to make sure that they are rational and reasonable and to avoid bad petitions, but in presenting a petition a Member can make comments anyway and disassociate or associate himself with it.

Michael Jabez Foster: I agree.

Mr Heath: I think within the present system there is not a great deal of need for change. If we were to move to a Petitions Committee, which would allow for a closer examination of the merits of petitions, I think that there are areas which are not within the powers of this House, including those things which are probably the province of local authorities and which actually ought not to be given further consideration by the House and possibly should be immediately committed to the appropriate authority for the task. I am particularly thinking about issues of planning. I think it would be quite wrong for the House to consider matters of local planning when there is a local planning authority.

QP20 Ms Clark: Apart from the subject matter of a petition, is there anything else relating to the rules that you think should be tightened up in any way?

Michael Jabez Foster: The idea that it has to be witnessed, for example. The procedure is that another Member has to witness the Member's signature. Matters of that nature are very minimal, but perhaps unnecessary: the fact that one has to go to the Petition Office and then to the Table Office. There are no major issues, but I am sure we can sharpen up on those processes just to save wasting people's time more than anything else. The other thing is I wonder whether one could book the petition slot further ahead. That sometimes would ensure more public engagement, because I think that petitioning—I think Bob has made the point strongly several times—is about public engagement. People feel, and I hope with justification—that is the issue—and perceive that they have made a direct approach to Parliament about an issue that concerns them; so the more we can do to enhance that the better.

Mr Heath: I shall be interested to see whether the Committee has any recommendations to make about the particular rights of the Corporation of the City of London and the Corporation of Dublin to present petitions at the Bar.

QP21 Ms Barlow: You mentioned sending petitions to select committee chairmen. The petitions are actually sent to the select committees but they usually do very little with them. Do you think there should be more involvement and consideration by select committees of petitions, and, if so, how would you like to see that involvement achieved?

Michael Jabez Foster: First of all, I can see that that was the very point that I was making. I think that select committees would be the ideal, not perhaps arbiters, but certainly, because of their expertise in an area of interest. I think that it would be a major improvement if select committees took them on board, and they could, of course, decide in each case. At the moment, as you say, they are being made aware of it, but I think there would be a presumption that they would give it proper consideration, and it must be for them to decide, I suspect, how much consideration—whether they wanted to pursue it to an inquiry and calling witnesses or, indeed, to make a recommendation to the Government—and I think it would be helpful if it were more than simply a melting pot.

Bob Spink: A Member can always drop a note about his petition to a committee chairman if he feels there is an issue that is strong enough for a committee chairman to be involved, but committees are extremely busy, they are not sat around looking for work. As you very well know, there is not enough time to do the committee work that is demanded of committee members, so I would not want to increase that unnecessarily. You have got to leave it up to committee chairmen to filter what is important.

Mr Heath: If we had a Petitions Committee it would act as that filter on the merits of the case and as to whether it was appropriate for a petition to be committed to a select committee or, indeed, any other method of disposal; so I think it would add to that cause.

QP22 Ms Barlow: Petitions are also sent, of course, to government departments—as you have all mentioned several times where it is appropriate that it should go to a government department—and it is then up to them to make a response. If they do make a response, it is published in the Votes and Proceedings on Thursday, but it is not mandatory that they should have to make a response. This is the only feedback that a petitioner gets from presenting a petition to Parliament. Do you think a timed comprehensive response should be mandatory for government departments?

Bob Spink: Yes, this is the key area that I would like to see addressed so that we can give reasonable feedback and secure that public engagement in the political process and structure. I think there should be time limits and I think that a department should always make a response even if the response is, in effect, a nil response, but that response should be arguably stated why. If it is a matter for planning, they can see they have passed this to the local council planning department for them to take notice of it, but there should be a response within a time limit so that a Member can then raise it as a point of order if a government department or the minister is delinquent in that.

QP23 Chairman: You want the response to the Member, not to the petitioner?

Bob Spink: The response to the Member, yes. It is then up to the Member to decide what he or she does with that. You will know from the statistics on stationery use that I do not abuse that at all. I am right in the middle of use of envelopes. I am not in the upper quartile; even though I am in the upper quartile for petitions, so I do not abuse that but occasionally I do want to write to petitioners to let them know what is happening, especially if there is good news, or even bad news.

Mr Heath: In my experience, the response from departments is often absent, is usually inadequate and is almost always too late, and therefore anything that improved on that performance, I think, would be to our advantage. When the Chairman said that the response should be to the Member of Parliament, yes, if that is the system, then it should certainly go to the Member of Parliament, but I hope we will not lose it being published as part of the official record. It is also important to enable people to cross-reference it.

QP24 Chairman: At the moment it is published in the Votes and Proceedings. What you are implying is that you would like to see it in *Hansard*?

Mr Heath: I think that would be appropriate. I think it should be the equivalent of a written ministerial statement.

Bob Spink: When the petition is presented, if it is formally presented—as 80% of them are—then that appears in *Hansard*, so it is appropriate that the response should follow.

QP25 Ms Barlow: Can I go back to something that you said Bob. For example, if it is a local planning issue, which is not directly the responsibility of a government department, it seemed to me that you were suggesting that a government department should kick-start a local council and draw its attention to that. Was that your idea and what do you think?

Bob Spink: Yes, the Government cannot deal with it—there is a Planning Committee established for that—but it can pass it on. You might say, why does the petitioner not send it straight to the planning department? The petitioners often feel so concerned about a planning matter, for instance the LNG plant on Canvey Island was a planning matter dealt with by the local planning department, not by the Government, but they felt it was a really serious issue. They have the constitutional right to petition Parliament; we should not remove that. It is very easy, and not costly, for a department to pass on to another body a petition and say, "Would you address the issues raised in this and let us know what your response is in due course", and to then let Parliament know that it has done that. This gives publicity, it gets public engagement and I think it satisfies what is a long-standing constitutional right.

Mr Heath: I agree.

Michael Jabez Foster: I am not sure I do agree on this. I am just imagining the number of petitions on planning that every local authority in the land is presented with. If people thought that there was some additional process that you gave to Parliament as well, Parliament could receive thousands of petitions of that nature simply to attract the publicity of a referral. You can see the local newspaper. Every week it would be: "Parliament refers planning petition to the council", and maybe it would not be front page stuff every week after the first few, but I can see volume problems here if you had a process of referring those sorts of petitions in particular. At the moment I do not think there are that many petitions of that nature, but if there was a process whereby Parliament referred it to the council, then I think that would grow. I can imagine many of my constituents who would want to do that if they thought that was the process.

Bob Spink: Could I comment on that, please. There is a phenomenon in the south east of England of flat-land development—knocking down one, two or three houses and putting up 20 or 30 flats—and that is causing great public concern and there are a number of petitions starting to come before this House about that matter which would fall into that category. I think that this House needs to keep in touch with what people are feeling out there on the streets in the constituencies, and, even if this Parliament does not deal with them directly, petitions and receiving petitions is one way of starting to flag that up, for instance, as I said, the flat-land development. I do not see it as necessarily a negative, and that procedure whereby Parliament passes it on to a local council is there now, it exists. I am not asking for something that has not existed for years and is not used all the time, and it is not being abused. If it was being abused, then maybe we would need to re-look at this.

QP26 Sir Robert Smith: Bob, you mentioned that the select committees are snowed under anyway and set their agendas quite far ahead, and, therefore, a

petition arriving out of the blue quite often does not have much hope of being focused on. How then do we make departments more responsive? You have talked about the fact that there should be a better response. Where is the feedback loop going to come from, because a department's response is partly dictated by what happens if they do not respond?

Bob Spink: The feedback loop, raising our point of order with the Speaker that you have not had a response. The Speaker will not get involved in the quality of the response usually. Nevertheless, it is a matter of attitude and culture. Since the nineteenth century the value of petitions has fallen in Parliament, and I think that is part of the general malaise of public disengagement with politics and political structures. I think it is incumbent on us to try to find a way to stop that diminution in the importance of petitions, and there is real value if we can do that, as I said earlier, I believe. Finally, Robert, I did want to come back to you on your comment on individual letters. I always ask people to write individual letters—because what you said right at the beginning is absolutely right—in addition to a petition.

QP27 Sir Robert Smith: Talking about individual letters, we have been looking at what happens in other Parliaments and legislatures and they have a greater number of petitions. In the Bundestag, when you actually ask them: "How many of your petitions are from one person with one signature about an issue that affects them?", more than half or more of the petitions to that Parliament are, in effect, what we would see as casework, and they do not have an ombudsman scheme. Do you see the role of the ombudsman as complementary to the petition system?

Mr Heath: As far as I am concerned, yes. I think the fact that we do have an operational ombudsman does enable most personal grievances, as opposed to community grievances, to be dealt with with a degree of expertise and expedition, which means that the petition process is far less important in those cases. We still have a provision for a personal grievance to be raised, Standing Order 134. I hope we will not lose that, because that is a very long-stop provision. Although it has not been used for a great many years, I think it is useful to have within our Standing Orders. Nevertheless, if there was a huge gap in our present arrangements, then I think it would be used more often. In fact, the ombudsman is filling a lot of that gap by dealing with a very large number of personal grievance cases.

Michael Jabez Foster: Again, I think the ombudsman's role and the petition's role are quite distinct, and although some may be common issues, generally speaking, sometimes people who have a personal grievance move on to a petition for a resolution if they have not managed to resolve it for their own personal benefit, so I do see they are two distinct things. I was surprised at what you told us about the German system, and I quite understand it. If there is no ombudsman, then clearly petitions would be over-used.

Bob Spink: On your point, Sir Robert, I agree with David. Can I make it clear as well that I have never in my time as a Member of Parliament been presented with a frivolous or an inappropriate petition. If I was I would think very carefully about what I did with it and how I presented it and I would try and negotiate with whoever was presenting it a better way of doing what they were trying to do.

QP28 Sir Robert Smith: To get the scale of the resources and the response that a petition committee might be faced with here, obviously the German system has, I think, about 80 staff supporting their committee, because they are dealing, in effect, with what MPs are likely to be dealing with casework in this country. So, in our system, with the ombudsman scheme there, I wonder whether there would be less of a burden on a petition committee if there was such a vehicle?

Mr Heath: I think we have the experience of Scotland, do we not? Scotland is more likely to be, for obvious reasons, a similar experience to our own. As I said earlier, I think there is an issue about scaling up the Scottish experience, with a low population to the United Kingdom population, and thinking if it was a direct ratio. Then you would have a very busy committee and a very significant number of staff engaged. I think the Committee has been to see the Scottish Parliament and the three or four staff that they have employed on their Petitions Committee. If pro rata that would indicate a staff of about 40 in the United Kingdom, I do not think that would actually be the case because I think you would not get that direct pro rata relationship, but I think it is a proper consideration for this Committee, if it wishes to go down that road, as to what sort of resource would be applied.

QP29 Chairman: We were told when we visited the Scottish Parliament that they had three officials who serve the committee.

Mr Heath: Yes.

QP30 Mrs Riordan: Following on from Sir Robert's questions and taking on board some of the comments you have made, do you think this House should have a system for passing on some petitions to the Parliamentary Ombudsman in some circumstances?

Michael Jabez Foster: I am not sure. In my experience of petitions, I am trying to remember how many of them would really relate to the terms of reference of the Parliamentary Ombudsman, which is about maladministration of government departments. In fact, most petitions, certainly all that I presented and probably most that I can think of, relate to policy issues and perverse decisions on the part of a government department or a refusal to make a decision, but they do not tend to be maladministration, and, for that reason, I do not think that there are very many circumstances in which there would be an overlap, but maybe Bob has got examples because, from what I understand, he has presented many more.

Bob Spink: Actually I do not have any examples. I do not think there is an overlap. I think the ombudsman is very effective, and I want to make petitions more effective. I see no overlap.
Mr Heath: I think it only comes into play if you have a direct petition. If it comes via a Member of Parliament, the Member of Parliament will direct the constituent to the view that the ombudsman is a better way of getting the satisfaction that they are looking for.

QP31 Rosemary McKenna: Just a comment before going to the question. We discovered that in Scotland there are very mixed views about the petition system. We all expected them to be very much in favour of it, but there were views expressed which were of concern about frivolous petitions and about the general way that individuals could present them, that they did not have to have the sponsorship of a Member, that they did not have to be presented. That is just a comment. I have to say, for me—I was involved in the creation of the Scottish Parliament—that was something of a surprise. However, they have done something, I think, very, very useful, and that is successfully introduced e-petitioning. Bob, you said that you had found a way to deal with e-petitioning and still be able to present it. We would all like to hear that. They have set up an e-petitioning system. It is hosted on the Scottish Parliament site and it is looked after and it stays on the site for four to six weeks depending on the people. Do you think that we could allow a system like that? What would happen at the end of the process when the petition had been signed by everyone?
Bob Spink: I am not attracted by that actually, Rosemary. I think there are better ways to deal with it. I think that there are dangers in Parliament becoming involved itself in setting up systems whereby people can do e-petitions, and I am not sure about the abuse of e-petitions and whether people could actually compile petitions that were not genuine, and how you could check those petitions also gives me concerns. For instance, *The Sun* newspaper does e-petitions, and when I presented the 250,000 e-petition for *The Sun* newspaper, the device I used was simply to do a petition front sheet in the normal style that one does and get one of the petition organisers to sign that, and within that petition—you will see them, they are on the order paper—I make reference to the fact that this is a simple petition backed by or fronting an e-petition of 250,000 signatures. Therefore, there is great and widespread concern on a particular issue, as witnessed by these e-petitions, but without getting involved in providing a completely new system. So there is a way for Members, I hope, without not cheating too much, to be creative and to make sure that the voice of the public is heard in this House, which is the end objective, of course.
Michael Jabez Foster: I think that that is the way we are moving on. Luddite folk like I acknowledge that people will want to express a view rather than simply signing a piece of paper. However, I suspect that in most communities, as in mine, people will want the option, and so I am not entirely certain about exclusive e-petitions being the way forward. A very Luddite procedure we used on my hospital petition of 40,000 names, about 30,000 are signatures and the rest are a print-out of the e-mail list of people that sign on the web page of the hospital. I think that those sorts of combinations, giving people every access to express their views, is what counts and I would not want to see an exclusive e-mail or procedure. I think signatures still have their place.
Bob Spink: Could I say as well, Rosemary, there is value in people confronting people face to face and discussing, and that interaction, I think, is important within a community.

QP32 Ms Clark: You will be aware that 10 Downing Street has set up its own online service for the public to send petitions to the Prime Minister. If e-petitioning was to be introduced in the House of Commons, do you think a Member should be required to sponsor a petition or do you think it should be a less restrictive way that petitions arrive in this place?
Bob Spink: I think all petitions should come through Members, and I have seen no problem with that at all over the years.
Mr Heath: I think the same rules ought to apply to an e-petition as to a paper petition. So, if we have the current system of petitions coming through an elected Member, then that is what should apply. If we have a direct access system via a petitions committee, then it should be open to everyone. I think Number 10 may be bitterly regretting their e-petition system at the moment but, never mind, they are stuck with it now.
Michael Jabez Foster: I think the link with the Member is absolutely key, because it is not just a matter of presenting a view to Parliament, which, of course, is very important, but the ability of a Member also, I think, to understand what his or her constituents are trying to explain. I am not sure if this is true or untrue, but I get the impression that e-mails do not have the same value as letters. That may be because of my age, but I certainly do not feel that way. When I see an e-mail, they all look the same anyway. When I get a letter, they are personal, I read them, and I think almost the same with petitions. When someone is prepared to write their name, as opposed to tapping something out, there is more effort involved in it. As Bob said, there has to be a link with the individual: you spoke to them, there was real connection, rather than simply an anonymous view in front of a machine. As I say, that will no doubt express my Luddite views on all sorts of things, but I do think that it is important that we do not go down a wholly technological means of producing a view from people with e-petitions.
Mr Heath: I do not think Michael's view on this could quite stand. The idea of an e-mail is at face value a letter. I am of a similar generation to him and I have the same age issue that I cannot take in information from the screen, I have to print it out first and then read it and then I understand it, but there are a lot of people who do not have that impediment and who are perfectly able to use electronic media, and I do not think they should be

excluded from any sort of political discourse. I think we have also got to be very careful not to say all this electronic stuff is open to abuse: so, frankly, are signatures. The number of petitions around the place with Mickey Mouse as one of their principal signatories is substantial, I would suggest.

Michael Jabez Foster: We have been honoured that Queen Victoria has signed my last one!

QP33 Ms Clark: At the moment when petitions come in usually the MP's first involvement is when they are presented with the petition at the end, once the signatures have already been selected, but the way that the Scottish Parliament does it is that someone can register a petition on the website and then any individual can come in and sign it. To go back to my question about whether an MP should be required to sponsor the petition, do you think that really at a very early stage the MP needs to associate themselves with that? What do you think the practicalities are of that form of system for the House of Commons?

Mr Heath: I think the reality is that many MPs are secretly the promoters. An awful lot of them are used as a mechanism for garnering support for the position that the Member of Parliament wishes to raise in the House.

Bob Spink: I agree that often Members of Parliament promote the petition in the first place—I do that often—but not to promote myself. You will see from my letters usage that that is not the case, but I believe that if a constituent writes to me with something that affects the wider community, then I have every right to write back to them and say, "This is very important. I agree with you totally. Why do you not do a petition? Here is the form telling you how do it. Get your community involved. Get out and do something about it yourself." That is not a bad thing—I think that is a very good thing—and I think public engagement in politics is missing in society now.

Michael Jabez Foster: Can I say this final point. The connection with the MP really is important for another reason. I believe that if you start having non-involved MP petitions, there is a real risk that even the commercial market will move in. If you can organise a national petition simply by e-mail, or whatever, and it can be considered by Parliament, that is what some people will do. I am not blaming McDonalds, but it is that sort of company that will want to do those sorts of things, and pharmaceuticals.

Mr Heath: Pharmaceuticals are using this technique very widely at the moment whenever NICE does not agree with them.

QP34 Mr Chope: Is that not exactly what is already happening? Parliament has been upstaged by a Number 10 e-mail petition operation, and that operation is demonstrating that a lot of people see it being relevant to sign an e-petition direct to the Prime Minister, thereby by-passing the democratic institution of Parliament. If that is the reality, does not Parliament have to try and reassert its authority by setting up a similar facility and perhaps putting pressure on Number 10 to use Parliament rather than having this direct link? Bob has talked about the concerns about public disengagement with Parliament and the political process. Can he reassure us that, as a result of his active use of petitions, there is less disillusionment and disengagement in his own constituency? Finally, what do all three Members think are going to be the consequences for public engagement with the political process when the Government turns down the representations made by so many tens of thousands of people against road pricing?

Bob Spink: As you address this to me directly, the only measure that I have got on public engagement in politics in my constituency is that I got the second biggest swing for any sitting Tory at the last election. My majority increased by over 8,000 votes—just the increase in my majority—and, therefore, something is happening in Castle Point. As far as the process of petitioners is concerned, the way to tackle this problem is to improve the value of petitions through this House, improve the process, and that means essentially getting departments to respond and increasing the perceived value of petitions that come through this House. That is the way to tackle that, not to set up a direct e-petitioning system, in my view.

Mr Heath: I think it is the evidence that the petitioner has that something has happened as a result of the petition, even if it is only proper consideration, that is the key issue. I think I am agreeing with Bob here. The reason people go to the Prime Minister rather than Parliament is because there is a natural wish on the part of the petitioner to want to go to whoever is at the top. We all know the people who go to their local councillor, then they go to the local MP and then they go to the minister and then they go to the Prime Minister, then they go to the Queen, then they go to the supreme-being. This group will always take their grievance one stage higher. But if we can demonstrate that the petition process has an effectiveness in Parliament, in that it means that their grievance will be properly debated and considered at any level, then we will have done our job properly.

Michael Jabez Foster: I think that is why we always copy to the Prime Minister—and that is Bob and I—any petitions that we present.

QP35 Chairman: Are there any issues not covered by our questions which you would wish to place on record?

Mr Heath: Could I just refer again to the Power Commission. The Committee might like to look at the proposals on the Citizen's Initiative.

Chairman: We have also had the benefit of a memorandum by the Clerk of the House on the subject of public petitions. I am going to ask the clerk of this Committee to send a copy to you and if when you get it this triggers any further views, please

do not hesitate to write to us. I would like to thank you very much on behalf of the Committee for your time and for the benefit of your collective wisdom which will ensure that, whatever conclusions we reach, at least we will be better informed. Thank you.

Written evidence

Memorandum from Rt Hon Theresa May MP, Shadow Leader of the House of Commons (P 62 (Session 2005–06))

ON-LINE PETITIONS

I am writing to ask if it would be possible for the Procedure Committee to reconsider the position taken by the House with regard to the acceptability of On-Line Petitions.

I have recently had the experience of putting together a petition for a "Save Our Trains" campaign which was a mixture of hard copy signatures and on-line signatures. When I presented the petition to the House I was told by the Table Office that it was not possible to present the on-line signatures as part of the petition. This was despite the fact that when I presented the petition to the House I had over 780 signatures in hard copy and over 960 signatures on-line. I think this shows the growing propensity of people to want to sign up to such petitions on-line rather than having to sign a physical copy of the petition.

Having discussed this with a number of other Members, I am aware that others share my concern that the current procedures of the House do not accommodate the growing use of this on-line technology.

March 2006

Memorandum from the Hansard Society (P 87 (Session 2005–06))

1. INTRODUCTION

The Hansard Society, an independent, non-partisan organisation, works to promote effective parliamentary democracy and provides a forum for views and discussion on parliamentary reform. We welcome the Procedure Committee's decision to conduct an inquiry into the arrangements concerning Public Petitions to the House of Commons. The Hansard Society has long identified the need for a greater role of the use of petitions and we are very pleased to be able to contribute to the inquiry.

2. THE CURRENT SYSTEM OF PETITIONS; THE CASE FOR CHANGE

Public petitions are one method by which the House of Commons can engage more systematically with the public. However, at present the methods for presenting petitions to Parliament, and their subsequent consideration by Parliament, are not satisfactory. The subject of public petitions was considered by the Hansard Society Commission on Parliamentary Scrutiny, chaired by Lord Newton of Braintree (2001) which noted that petitions should be a more significant feature of the work of Parliament, but argued that "At present they are governed by strict rules about wording and there is little sense that petitions to Parliament result in any concrete action on the part of MPs." The Commission recommended that a Petitions Committee should be established in the House of Commons to assess issues of public concern and, if appropriate, to make referrals for debate or committee inquiry.[1]

A Hansard Society survey carried out in 2003 found that a mere 3% of MPs believed that Petitions were currently a "very effective" way of influencing the government. The absence of any real mechanism by which the House of Commons considers and acts upon Petitions has a number of consequences. As the Committee Chairman, Rt Hon Greg Knight MP accurately pointed out in his comments launching this inquiry:

> "People often take a great deal of time and trouble preparing their petition to the House of Commons. It is unacceptable that at Westminster, unlike other Parliaments, this does not even guarantee them a response to their concerns, let alone any action. . . . This means that many petitioners are left with a profound feeling of disappointment regarding the outcome of their efforts."

Any parliamentary practice that has the usual effect of disappointing or confusing the public should be changed. Such action becomes even more imperative at a time when the level of public disconnection and alienation from Parliament is widely acknowledged. On a more practical level, the public should know that there is an established and effective mechanism to allow them to make a case for their concerns to influence the parliamentary agenda.

3. THE PETITIONS SYSTEM IN SCOTLAND

The situation at Westminster where Petitions have very little impact stands in marked contrast to the Scottish Parliament. At Holyrood the Public Petitions Committee plays a pivotal role in connecting the public and the Executive. All Petitions go to the Committee which then assesses the merits of each submission by consulting with the Executive, MPs and, if necessary, taking evidence from the petitioners,

[1] *The Challenge for Parliament: Making Government Accountable*, Report of the Hansard Society Commission on Parliamentary Scrutiny, chaired by Lord Newton of Braintree, (2001), (Para 7.45).

other individuals and organisations. (Petitions are able to be received electronically as well as through more traditional methods—see paragraph 6.) The Commission filters out petitions where action is already being taken or where the case is weak.

Following this stage, there are multiple options including:

— The committee can agree that a more detailed investigation is required and the Petition can be referred to the relevant Subject Committee;

— If there is a particular point within a Petition that's noteworthy, the Petitions Committee may set up an inquiry. Its findings can be reported in the Parliament, and followed by a debate or Executive response;

— Points within the Petition can be included into the scrutiny of relevant legislation;

— Petitions can be sent directly to the Executive for consultation but the Public Petitions Committee retains ownership.

Even where the Petitions Committee, or the relevant subject committee, or the Executive decides no action should be taken, the fact that it was discussed in Parliament is significant. Parliament has at least addressed the issue and this action can provide an avenue for publicity and media coverage or may represent one part of a continuing campaign. The system also offers a valuable means for MSPs to remain in touch with issues of public concern.

4. The Operation of a Petitions Committee

The Hansard Society has argued that a Petitions Committee for Westminster, along the lines of the Scottish model, represents the most straightforward and effective way of dealing with Petitions. Such a Committee if established in the Commons would assess the merits of the petitions and the issues arising and if appropriate to make referrals for the further consideration. This might happen in a number of ways:

— through a short debate (in the main Chamber or Westminster Hall);

— by referral to a select committee for an inquiry or evidence session;

— by enabling individual Members to speak on behalf of the Petition in the Chamber;

— through a referral to a Government department for a formal response.

It is vital that expectations of petitioners are managed realistically and that Parliament has sufficient capacity and mechanisms to deal with petitions. It is also important to avoid overburdening select committees by binding them to certain work as well as avoiding taking up too much parliamentary time.

To address these concerns there may be scope for some consequential changes to parliamentary procedures to allow more scope for MPs to raise public concerns. For example, if an MP, or groups of MPs, were prepared to respond to a petition there should be more opportunities for short debates. We would argue that, in general, MPs should have more opportunities for short debates on substantive issues. A common feature of many European legislatures (for example, Germany, Sweden) is the "interpellation" or "short debate" where an opposition party (or an equivalent number of MPs) can call a debate on a topical issue or a matter of public concern. The system obliges a government minister to attend and provide an official statement. This model might be appropriate to argue the case on behalf of a petition.

In Australia certain sitting days are reserved for non-governmental Private Members' Business. This includes Private Members' Motions, which are vehicles for debating issues of concern, which do not result in a vote and Members Statements where backbenchers can make a short statement of up to 90 seconds (or three minutes on certain other days).

Mechanisms such as these are well suited to raising the concerns of the public in an accessible manner and are able to highlight topical matters in a way that will attract media attention. Crucially, short debates or time for short statements would not take up too much parliamentary time. Such innovations could be made part of procedures in both the main Chamber and Westminster Hall.

5. Creating the Appropriate Culture

Procedural changes and new mechanisms will not be sufficient on their own to create a successful Petitions system. The introduction of a successful Petitions system would require some cultural change.

It is vital that Parliament should raise awareness that the Petitions system has been changed and that Petitions are positively welcomed. Efforts should be made to make the public realise that their concerns will be taken seriously even if it cannot be promised that Parliament will necessarily agree or take action. As a first step, advertising in various forms of media, and most obviously on Parliament's own website, should be used. Once a Petition has been received by Parliament, petitioners should be able to receive feedback on its progress and find out about the action being taken.

It has been put to us by officials at the Scottish Parliament that the culture underpinning the system is a key factor in determining its success. They pointed to the importance of a culture that is seen to be open, welcoming and accessible and believe that the founding principles of the Scottish Parliament—openness, accountability, the sharing of power and equal opportunities—have made a positive contribution to creating that culture.

However, even though openness and a welcoming approach are important, any Petitions Committee should still have discretion over how or whether it considers Petitions. In short, the Committee should have a clear filtering role and have the discretion to throw out malicious, nonsensical or offensive petitions or the system would quickly fall into disrepute.

6. E-Petitioning

The Hansard Society has run a successful programme of research and development into e-democracy over many years and we have demonstrated the potential of new technologies to enhance the work of Parliament and make innovative connections with the public. If the House were to decide not to make use of electronic petitioning, this would in itself send a signal that it was rejecting the advantages that new technologies can bring. On-line technologies are increasingly the favoured methods of communication of many members of the public, in particular young people (by which we mean those in the 18–34 age groups), among whom disconnection from politics and Parliament is well documented.

We refer the Committee to a 2002 study, *Digital Democracy through Electronic Petitioning,* by Ann Macintosh and Anna Malina, International Teldemocrcy Centre, Napier University and Steve Farrell, Scottish Parliament, which looked at the use of electronic petitioning in Scotland. Their findings included these concluding points:

> "Findings from this indicate considerable support for the e-petitioning system, with signatories applauding various advantages, in particular the opportunity to be included in what was viewed as more democratic interaction. There was, however, some marked concern that security and confidentiality may yet be problematic ... E-petition sponsors indicated that they viewed e-petitioner as a useful tool in influencing politicians about issues they considered important. They generally felt e-petitioner was a useful tool complimenting more traditional methods of petitioning. Indeed the ability to access at a convenient time and reach wider sections of society alongside the slower more deliberative processes made possible by e-petitioner were considered inherently more democratic."[2]

Given the positive aspects of e-petitioning that the study has identified (although recognising concerns about confidentiality, security and verification need to be addressed), we endorse its introduction at Westminster and we are happy to help in any way with practical plans and assessments. Any system adopted should be piloted and monitored to evaluate its effectiveness as well as its compatibility with other parliamentary mechanisms and procedures.

Indeed, there is a case for considering the establishment of a Public Engagement Committee, to undertake consultations and debates, surveying and opinion polling (including on-line versions of these examples). These specific models are outside the direct remit of the Committee's current inquiry but it could be argued that Petitions are simply one of a number of ways of connecting with the public and providing an opportunity to influence the agenda. Broader methods could be introduced. A Public Engagement Committee would liaise closely with other committees and with support bodies such as the Scrutiny Unit.

7. Conclusion

The Hansard Society very much welcomes the Procedure Committee's inquiry into the Petitions system. We have recommended on a number of occasions that Parliament should reform the system of Petitions, most notably by establishing a Petitions Committee of the House of Commons. Such a Committee would provide a clear mechanism by which the public would be able to make a case to influence the Parliamentary agenda as well as a means of mediating connection between the public and government. The Committee itself would play a mediating role between issues of concern raised by the public and other parts of the parliamentary process, such as select committees. The most obvious model, and parallel, is the Public Petitions Committee in the Scottish Parliament.

One of the themes of our recent work is that Parliament should make greater use of pilots in order to monitor and evaluate the effectiveness of innovations. The establishment of a Petitions Committee would be an ideal candidate for such an approach and the Hansard Society would be happy to assist with this work.

October 2006

---

[2] *Digital Democracy through Electronic Petitioning,* Macintosh, A and Malina A , International Teldemocrcy Centre, Napier University and Steve Farrell, The Scottish Parliament, (2002).

Memorandum from Derek Wyatt MP (P 79 (Session 2005–06))

Certainly e-Petitions

What analysis have you done or will you do on whether a single petition has changed a Minister's view? Could we adopt some of the US State provisions and that is 100,000 signatures will give citizens the right to present their Bill personally to the House and or have it debated?

June 2006

Memorandum from the Clerk of the House of Commons (P 1)

Introduction

1. This memorandum is my response to the Procedure Committee's request for evidence on the arrangements for Public Petitions to the House of Commons.[3] In it I cover both the historical development of petitioning the House, as well as setting out modern procedures and considering examples of how petitioning is dealt with in some other Parliaments.

Historical Background

2. The right of the subject to petition the Monarch for redress of personal grievances has a long history, having been recognised in *Magna Carta* and restated in the Bill of Rights 1689. The first known petitions to the Lords and to both Houses of Parliament date from the reign of Richard II, but seem to have become widespread from the reign of Henry IV onwards. In 1571 a Committee for Motions of Griefs and Petitions was first appointed. With the increase in the influence and importance of Parliament during the reign of Charles I, petitioning became one of the main methods of airing grievances by sections of society not represented in Parliament and the House of Commons began to appoint committees specifically to examine petitions.

The rights of petitioners

3. The rights of petitioners and the power of the House to deal with petitions were expressed in two resolutions of the Commons in 1669:

> "That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same";
>
> "That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received".[4]

The Resolutions together make it clear that whilst the right to petition is recognized, the House remains master of the nature and manner of presentations of any petitions.

4. In the 16th and early 17th centuries, petitions generally dealt with personal or local grievances, but as the Commons' judicial functions ceased, complaints about matters of public policy became more frequent. Petitions were traditionally read before the start of debates, and by the 1830s the petitions system was being used as a way of obtaining unscheduled debates or of obstructing government. This took up a considerable amount of time in the Chamber: in the years 1837–41 the average number of petitions presented annually to the Commons was almost 17,600. The record for numbers of petitions presented in any one session was set in 1843, when 33,898 were presented.

5. In 1832 a select committee was established to investigate the presentation of petitions. It recommended that a committee should examine petitions. From 1835, the Speaker regularly acted to prevent debate arising out of petitions, although this was not a formal provision of the standing orders. After a debate on 14 April 1842, the House agreed by 268 votes to 46 to a Government motion to introduce new standing orders relating to petitions. These precluded any debate on the merits of a petition following its presentation, and formed the basis of current practice.

6. The number of petitions being presented did not decline as a result of the 1842 changes. However, the House's involvement in the petitioning process was significantly reduced as the task of dealing with petitions was delegated to a dedicated committee. Over 10,000 petitions were regularly presented in a typical session of the 19th century, but the 20th century saw a marked drop in petitioning activity.

---

[3] Public petitions contrast with petitions in connection with private business.

[4] See *Erskine May*, 23rd Edition p 932.

7. The Select Committee on Public Petitions continued until 1974. The Committee sorted out and classified petitions, and could report on whether they were in order under the rules of the House, but had no power to look into the merits of any Petition, nor could it recommend remedies. It was abolished on 4 April 1974, by which time the number of petitions being presented to the House had sharply dropped. In a typical session of the 1970s only about 35 petitions were presented.

8. Before 1974, the signatures on each petition were counted rather than estimated as is the current practice.[5]

Current Procedure

Format

9. The presentation of Public Petitions to the House of Commons is governed by Standing Orders Nos 153 and 154. There are a number of rules relating to the presentation of petitions and their wording. Prospective petitioners are encouraged to consult the Parliamentary website and seek advice from the Journal Office.

10. The wording of petitions is subject to a number of requirements, as follows:[6]

- A petition should be specifically and respectfully addressed to the House of Commons and should indicate clearly the origin of the Petition and its author(s).
- A petition should contain one or more paragraphs setting out the reasons why the Petitioner(s) is/are petitioning the House.
- A petition should contain a clear request, or "prayer" to the House for a remedy which is within its competence to grant.
- A petition should conclude with a short phrase indicating the end of the effective part of the petition.

Content

11. In addition to these requirements, every Petition must be "respectful and temperate" in its language and free from any disrespectful reference to the Sovereign, offensive imputations upon the character or conduct of Parliament or the courts. The content of petitions is also subject to certain requirements:

- No reference may be made to any debate in Parliament, nor to any intended motion unless notice of that motion stands upon the Notice Paper.
- No application may be made for any grant of public money which requires a recommendation of the Crown (Standing Order No 48).
- No letter, affidavit or other document may be attached to any petition.
- There must be no erasures, deletions or interlineations in the text of a petition.
- Every petition must be written in the English language, or be accompanied by a translation certified by the Member presenting it.

Signatures

12. There are also rules regarding signatures:

- Every petition must bear the signature of at least one person on the sheet containing the petition itself.
- The first signature should be written immediately below the Petition and if there are signatures on more than one sheet, the full text of the request or "prayer" to the House must be repeated at the head of one side of each sheet.
- Every signature must be written upon a sheet upon which the Petition or "prayer" appears, not pasted or otherwise transferred to it.
- Every person signing a Petition must place his or her address after his or her signature.
- Every name appended to a Petition must be accompanied by that person's signature or mark.
- The Petition of a corporation aggregate should be under its common seal, if it has one.

13. In practice, a number of these requirements are interpreted with a degree of flexibility. Petitions frequently ask for action which is not directly within the power of the House by the device of requesting the House to urge the Government to introduce legislation or change policy. Petitions have also been accepted

[5] Clerical officers in the Journal Office at that time were paid $12\frac{1}{2}$ p per thousand names for doing the job. Information on the history of petitions can be found in Library Factsheet P7 on Public Petitions.

[6] These requirements resulted from the Fourth Report of the Procedure Committee, HC 286 (1991–92) approved by the House, CJ (1992–93) 547, and replaced the previous insistence on a prescribed formula. Also see *Erskine May* 23rd Ed pp 932–41.

relating to local issues, such as the erection of mobile telephone masts, evidence that many Members use petitions for constituency issues. The House will not entertain petitions for any specific grant or charge (such as increasing an individual's benefit payments); however, petitions seeking a change of policy which might incidentally involve public expenditure are generally acceptable.

14. In order to help petitioners meet the requirements of the House, two drafting templates are available on the Parliamentary website. These comprise "modern" and "traditional" variants. It is not uncommon for petitioners to request that a Member present a petition which does not conform to these requirements. In these cases, the petition is normally redrafted in consultation with the Journal Office. For the petition to be in order, at least one petitioner must have signed the amended petition.

15. There is currently no facility for petitions to the House of Commons to be accepted electronically. Members of Parliament presenting petitions which have attracted online signatures have sometimes referred in their remarks to the number of signatures to an electronic petition in similar terms to the one being presented to the House.

Presentation

16. Public Petitions must be presented to the House by a Member of Parliament, although this need not necessarily be the petitioners' constituency MP. By convention, Ministers do not normally present Petitions. Petitions may be presented formally, on the floor of the House at specified times of the day;[7] otherwise the petition may be "bagged" (ie placed in the bag behind the Speaker's Chair) at any time when the House is sitting. Formal presentation is by far the more popular route and over the 2005–06 session only 13% of petitions were bagged.[8] No Member can be obliged to present a petition and the presentation of a petition does not necessarily imply agreement with its contents. Members may not present a petition on their own behalf, but another Member may present the petition in such cases.

17. To present a petition on the floor of the House, a Member must first have it checked for orderliness in the Journal Office. He or she should then inform the Table Office of the desired date of presentation.

18. At the time of presentation, the presenting Member rises and may make a brief statement as to whom the Petition is from, what it concerns (defined in SO No 153 as the "material allegations"), and the number of signatures attached, and then reads out the "prayer". The Chair has interrupted Members attempting to make a speech rather than a short statement and has directed them to present the Petition forthwith and resume their seat.[9] No other Member may speak on the presentation of a Petition, except to raise a point of order.

19. Alternatively, the presenting Member may ask the Clerk at the Table to read the Petition. If this is done, the Member does not speak to the Petition as well.[10] After the Petition has been read, the Member brings it directly from his or her place and drops it in the bag hanging behind the Speaker's Chair.

20. From time to time, a number of identical petitions have been presented either on the same day or consecutively as part of a campaign. This form of mass petitioning has, in the past, been used to delay business on a Friday (when petitions are presented at the start of business) and led to the current half-hour time limit being placed on Friday morning petitions.[11] Any petitions remaining after the half-hour limit has expired are held over until the end of business.

After Presentation

21. After presentation, petitions are processed in the Journal Office and printed in the Votes and Proceedings in a supplement which appears every Friday. Petitions are sent to the relevant Government department, which may choose to make observations, but is not required to do so. Any observations received are printed in the Votes and Proceedings and sent to the Member who presented the petition. Members are also notified if the department states that it will not be making observations. Over the past two Parliamentary sessions, Government departments have provided observations on approximately two thirds of petitions.

Debates on Petitions

22. Although debate on the merits of an individual petition is ruled out of order, it is still possible to seek to have petitions of exceptional urgency debated on the floor of the House. Standing Order No 155, introduced in 1842, provides that Petitions "complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy" may be discussed, though opposed.

[7] Currently, immediately prior to the half-hour adjournment on Mondays to Thursdays and immediately after prayers on sitting Fridays.

[8] As at 10/10/06.

[9] HC Deb 2 November 1988 cols 1156–7.

[10] HC Deb 23 January 1974 cols 1621–2, 22 January 1982 cols 526–8.

[11] HC Deb (1984–85) 80, cc 591–606.

The provisions of this Standing Order have been applied rarely, the last occasion being on 29 November 1960, concerning Mr A N Wedgwood Benn and the Viscountcy of Stansgate. This matter was immediately referred to the Committee of Privileges.[12]

Presentation of Petitions by the City Corporation

23. The Sheriffs of London are entitled, by ancient usage, to present any Petition which the Corporation of the City of London wishes to make to the House in person at the Bar of the House. They are conducted to the Bar by the Serjeant at Arms with the Mace. The Speaker says "Mr Sheriff, what have you got there?" and a Sheriff, or the City Remembrancer who accompanies them, answers by reciting the substance of the petition. The most recent occasion upon which this ceremony was enacted was on 16 February 1948. The privilege of presenting a Petition at the Bar was also accorded to the Corporation of Dublin after 1813, but it is doubtful whether such a presentation would nowadays be claimed or permitted.

Recent Changes to Procedure

24. In November 2004, the Procedure Committee published a report endorsing two of the recommendations made by the Select Committee on Modernisation of the House of Commons in its Report *Connecting Parliament with the Public*. The first was that a copy of each petition presented should be forwarded to the relevant departmental select committee at the same time as it is sent to the Government department. The second was that the top sheet of the petition should no longer be required to be handwritten. The report was debated and agreed by the House in a resolution of 19 January 2005.

25. In its report, the Procedure Committee considered whether petitions should be formally referred to Select Committees, requiring a response from the Committee to each petition, or simply forwarded to the relevant Committee. After consultation with the Liaison Committee, the report recommended that Committees should be free to choose whether or not to take action, dependent on each individual petition. It also recommended that Government observations, or notifications received by the Journal Office that no observations are to be made, should be passed on to the relevant committee, commenting that "On occasions, committees may wish to press for observations to be made when they have not been forthcoming."[13]

26. Informal surveys have shown that Committees have rarely taken any specific action prompted by the receipt of a petition, although petitions may play a role informing long-running inquiries on an issue, and have been cited in a Committee's report on a few occasions.[14]

Number of Petitions Presented

27. In the 19th century, the number of petitions rarely fell below 10,000 per session. From this height, petitioning declined sharply from the First World War onwards. By the 1970s the number had fallen to an average of 35 a session. A definite rise in the numbers of petitions occurred in the early 1980s. Subjects such as proportional representation, contraception, abortion, embryo research and capital punishment led to a large number of petitions. For example, the number presented in 1983–84 was 764. By the end of the 1990s around 100 petitions were being presented each session. In the 2005–06 session so far, 292 petitions have been presented.[15]

Petitions in other Parliaments

28. Parliaments and legislatures around the world deal with petitions in different ways. The main variations concern the existence of a petitions committee, which deals directly with petitioners and the requirement for direct Member involvement in the presentation of a petition.

29. A number of Parliaments on the Westminster model, as well as the US Congress, deal with petitions in a broadly similar manner to the House of Commons. In these cases, petitions are presented to the House or deposited with the Clerk by a Member, recorded in the Journal and may or may not be the subject of a Government response.

---

[12] CJ (1960–61) 37, HC Deb (1960–61) 631, c 171.

[13] Fifth Report (2003–04) HC 1248, paragraph 5.

[14] For example, Defence Committee and petition from residents of Bridgwater and others against the closure of the Royal Ordnance factory at Puriton, Somerset. Seventh Report (2005–06), *The Defence Industrial Strategy*, HC 824, paragraph 102.

[15] As at 1/11/06. 2005–06 is a long session.

Australia

30. The Australian Parliament is amongst those that deal with petitions in a similar manner to Westminster. The Australian House of Representatives Procedures Committee has recently launched an inquiry into petition procedures. The terms of reference for the inquiry are broadly similar to those of the present House of Commons Procedure Committee's inquiry:

- "Are the current rules about what is a petition too restrictive?
- Should the rules governing form and content of petitions be changed?
- How should petitions be able to be presented to the Parliament?
- Should petitions be examined by the Parliament rather than simply referred to the relevant minister?
- How effective are petitions?
- Should there be a formal response required from the Government to petitions and what form should that take?"[16]

Scottish Parliament

31. The Scottish Parliament's Petitions Committee has attracted a good deal of attention in recent years. It has the power to take evidence from witnesses on petitions and to refer petitions to other Select Committees. When a petition is referred to a subject committee, that committee is required to consider the petition and to inform the petitioner of its decision. If the decision is to take no action, then a reason must also be provided. It can also recommend that a petition be debated in the Chamber. This has occurred on one occasion when a petition concerning abuse in children's homes was debated. The Scottish Parliament has also established a popular e-petitioner system, which allows members of the public to post and discuss petitions online.

32. Many legislatures in Europe have established petitions committees, including the European Parliament. These operate in different ways. Some, like the Scottish Parliament, replace Member involvement in the petitioning process with direct communication between the petitioner and the Committee. Others combine the two, limiting the task of the Committee to the scrutiny of petitions for orderliness.

Bundestag

33. In the case of the European Parliament and the German Parliament, the Petitions Committee also fulfils an ombudsman role. The German Petitions Committee has the power to call for witnesses and papers and submits a monthly report to the Bundestag comprising a list of the petitions it has dealt with and its recommendations. In recent years, between four and six debates on individual petitions have taken place annually. All petitioners are entitled to a written reply stating how their complaints or requests have been dealt with. The Petitions Committee has a staff of around eighty to cope with the heavy workload involved in processing the large number of petitions it receives (more than 20,000 a year on average). It refers approximately 25% of the petitions it receives to state parliaments.[17]

Conclusion

34. Proposals for change to House procedure for handling petitions would have to consider how individual Members should be involved. At present, all petitions must be sponsored by a Member of Parliament. If a petitions committee were to be established, the House would need to decide whether individual Members would continue to be involved or a Committee of the House would deal directly with petitioners. A combination of the two might involve reference to the Committee once the individual Member had made the presentation.

35. A similar decision would have to be made regarding any proposed internet petitioning facility. The House might decide to require that all petitions posted on the website be sponsored by a Member, as is the present situation with hard copy petitions. In this case, again, increased demands might be made on Members' time. A suitable mechanism by which Members could participate in creating and monitoring e-petitions would also need to be established. Alternatively, the House might decide to adopt an e-petitioner system on the model of the Scottish Parliament, where members of the public are free to post petitions and comments on the website. In this case, House staff would be given a monitoring role.

36. The House would also need to decide on the appropriate role and remit of any proposed Petitions Committee. One suggestion has been that the Committee should discharge a filtering role, applying the rules on the content of petitions more strictly than has recently been the case. At present, the flexibility with which the requirements of orderliness are interpreted means that petitions can be presented on almost any subject.

[16] The inquiry's progress can be tracked at www.aph.gov.au/house/committee/proc/petitioning/index.htm
[17] *Source:* http://www.bundestag.de/htdocs—e/orga/03organs/04commit/02commper/comm02

If the rule that a petition must request a remedy which is within the House's competence to grant were applied more strictly, a number of petitions, including those on local matters such as road safety or telecommunications masts, might no longer be acceptable. This might not be a popular move among those Members who view the presentation of petitions as part of their constituency duties.

37. Tighter rules for the form and content of petitions might also be appropriate if it is desired that petitions should form the basis for debates, either in Westminster Hall or on the floor of the House. In these cases petitions might be required, for example, to be on a subject that engages Ministerial responsibility.

38. Alternatively, a Petitions Committee might take a more active approach to its consideration of petitions, including perhaps in some cases taking evidence and publishing reports. The resource implications of any such proposal would need to be considered carefully.

Malcolm Jack

November 2006

Memorandum from mySociety (P 13)

ONLINE PETITIONS AT No 10: A SUBMISSION TO THE PROCEDURES COMMITTEE

Important note: mySociety is a strictly non-partisan non-profit organisation based on a registered charity. This submission is our own experience and opinions, and in no way reflects the view of 10 Downing Street. For more information on mySociety see the last page.

BACKGROUND

In the summer of 2006 mySociety was approached by the web team at 10 Downing Street and asked if we would consider building an online petitioning system for their website. No 10's stated aims in putting the petition system were twofold:

1. Meeting user expectations by bringing the pre-existing paper petitioning process into the 21st century.

2. Making it economically feasible to reply to the citizens who were signing petitions.

After some discussions, mySociety developed an open source petitioning platform which was designed to excel in four areas:

— Load capacity
— Usability
— Transparency
— Ease of administration

On the 14 November 2006 we launched the system, along with the source code for unlimited re-use. At the time of writing, almost exactly two months later, the site has received 741,000 signatures from 640,000 signers, over 1% of the population of the UK. Over 1,800 petitions are currently live, although one petition on congestion charging dominates the site, with 450,000 signers.[18]

mySociety maintains a clear division of labour with No 10: we look after the technology, and deal with user e-mail about problems using the site. No 10 makes all decisions around which petitions are accepted or rejected, which new features are added, and deals with questions like "When will my petition be published?"

RESPONDING TO PETITIONERS

Previously No 10 almost never responded directly to petitioners because the cost of doing mailshots was simply too high. Now it is possible for No 10 to send up to a maximum of two e-mails to all the signers of any one petition.

mySociety believes that this e-mail reply facility is the most underrated reason for public bodies to make use of online petitions. It enables direct communication between government and governed on specific topics that we know to be of concern to the petitioners. The replies might not always be what the public wants to hear, but at least the communication is direct and not intermediated.

mySociety also believes that if Parliament was to adopt an online petitioning system it could significantly increase the number of citizens who hear about the relevant activities and decisions of committees, the content of bills, and the effects of legislation pertinent to their lives and their expressed concerns.

[18] http://petitions.pm.gov.uk/traveltax/

Transparency

mySociety made one demand from No 10 before accepting the project. We said that all rejections for whatever reason would have to appear on a rejections page, to give users confidence that politically awkward petitions wouldn't simply vanish into a black hole. No 10 agreed, and the page of petitions that have had to be rejected for reasons can be seen at:

http://petitions.pm.gov.uk/list/rejected

We strongly counsel Parliament to consider doing the same, should it adopt an online petition system. Public trust in governing institutions is at an all time low, and taking measures to raise it seems only sensible.

It also helps to have an extremely structured rejection process, so that everything rejected is tied to one or more specific categories. This makes for better accountability and easier administration.

Questions Asked of Us by Other People

It was interesting to see that the sort of requests made by thousands of users were usually quite different from the more constitutional issues raised by the academic community. User requests predominantly focussed on:

— Making it easier to find petitions
— Making it easier to sign petitions
— Preventing duplicate petitions from watering down the intensity of one campaign
— Requests to be able to "vote" against petitions

The academic community has focussed their responses on three different areas, all of which we feel ought to be considered by the Procedures Committee.

1. *Why should our executive branch of government have such a petitioning system, but not the Parliament where the direct representatives in our democracy reside?*

This is a question directly for the Committee, and one doubtless under consideration already. The simple historical answer "No 10 decided to obtain such a system, whilst Parliament hasn't yet" is an account, not a justification. mySociety believes that it should be possible to petition different parts of the UK government system, Parliament included.

2. *Shouldn't citizens be allowed to discuss the petitions, not simply sign them?*

Other online petition systems, for example the Scottish Parliament, provide a facility for discussion of petitions. We did not build one for No 10 on both cost grounds and on grounds of uncertain public value. It is a tough question for the Committee whether Parliament ought to be a location where the public can have debates, or just politicians. We believe a liberal attitude to experimentation, and liberal use of disclaimers is the right approach to this question in the near future.

3. *Is there any point in introducing online petitions if you aren't going to change the processes by which they are considered and given weight?*

This question, and various variants was asked several times. This is fundamentally a constitutional question for No 10 and for Parliament.

Nevertheless, it is mySociety's view that the more transparent and clear the system for handling petitions, the better. However, the need for clear and transparent processes shouldn't be used as an excuse to introduce inflexible processes which become rapidly archaic, or never quite work properly from the start. Launching the No 10 petitions system as a beta, changing rapidly in response to user requests and in response to the needs of the administration team was emphatically the right way to launch the service. The processes for handling petitions both on and offline should evolve in the same pattern: starting with an initial specification, followed by rapid iteration soon after launch, later slowing to a continuous process of revision and by improvement.

About mySociety

mySociety builds websites which give people simple, tangible benefits in the civic and community aspects of their lives. We run TheyWorkForYou.com, WriteToThem.com, HearFromYourMP.com and other democratic websites in the UK. mySociety is a project of registered charity UK Citizens Online Democracy, and the No 10 petitions site was built by wholly charity owned company mySociety Ltd.

Tom Steinberg
Director

January 2007

Oral evidence

Early Day Motions

Taken before the Procedure Committee

on Tuesday 28 March 2006

Members present:

Mr Greg Knight, in the Chair

Mr David Anderson	Mr Eric Illsley
Mr Christopher Chope	Rosemary McKenna
Mr David Gauke	Sir Robert Smith

Letter from Mr David Kidney MP (P 49 (Session 2005–06))

EDMs offer a useful means of communicating the views of MPs to Government, constituents, officials, media and House authorities. There has been an undoubted proliferation which tends to devalue their use.

However, it is not easy to determine which EDMs currently allowed should in future be stopped. I would not want to stop MPs from being able to articulate constituency matters via EDMs, for instance.

An interesting development would be for there to be a possibility of an EDM securing a debate. A sensible first step would be for some of the Thursday afternoon debates in Westminster Hall to feature subjects raised by EDMs. I think the debate should continue to be on the adjournment (so there would be no vote for or against the EDM's text).

I would wish judgment to be exercised in the selection of the subject, not some crude rule about the number of signatories. Inevitably, this will mean the "usual channels" will make the selection. Personally, I am a supporter of the creation of a Business Committee to enable a wider group of MPs to make at least some decisions about allocation of Parliamentary time—perhaps the allocation of all the Thursday Westminster Hall debates might be a useful starting point for such a development?

February 2006

Witnesses: **Norman Baker,** a Member of the House, **Rt Hon Douglas Hogg,** a Member of the House, and **Mr David Kidney,** a Member of the House, gave evidence.

QE1 Chairman: Gentlemen, thank you for coming. We realise your time is at a premium and we appreciate you volunteering to give evidence to us. Unfortunately, I am going to have to leave in about one minute's time. Mr Kidney will know the reason why. I happen to be in the middle of a speech in Standing Committee A, which is adjourned until 4.30, so I am going to ask Rosemary McKenna to chair the meeting in my absence, but I do hope to return whilst you are still with us and giving evidence. We are dealing with this in a fairly relaxed way so we are quite happy either for you just to answer our questions or, if you wish, to make a short statement, either before or after your evidence session, really setting out your views, and so I invite you to do so and I invite Rosemary to take over the Chair.

In the absence of the Chairman, Rosemary McKenna was called to the Chair

Mr Kidney: We are all agreed that we do not need to make any opening statements, so on with the questions.

QE2 Rosemary McKenna: Can I begin then, gentlemen, by welcoming you and asking you what uses you make personally of EDMs, both in respect of tabling your own and adding your names to those tabled by others? Would you normally sign an EDM if asked to by a colleague, your Whips or a constituent? Many EDMs are promoted by organisations outside Parliament, some explicitly, some not; does this concern you and what should be done about it? It is a pretty wide, opening question. ***Mr Hogg:*** I never sign Early Day Motions which I am asked to sign by anybody, neither by constituents nor by lobby groups nor by colleagues. My general practice, when I am asked, is to say I do not sign them because I think they are devalued currency. Over the last 12 months, I will not be exact about this, I think I have drafted two EDMs and signed one, but that is the order of it, I might be slightly wrong but that is the order of it. Occasionally I do draft Early Day Motions. The two I drafted is one suggesting that the Prime Minister should be impeached over his dishonesty over Iraq, that was one EDM; the other EDM is I suggested, with regard to the Chinook helicopter crash, that a senior

judicial figure should be appointed to review the evidence, to advise the Secretary of State as to whether or not his Department was negligent. I do not recall what the third one was but I sign only things which I think are of major importance and I never do it when I am nagged.

QE3 Rosemary McKenna: What about outside organisations; what would be your view?

Mr Hogg: I think they are greatly devalued but I do not think that the mischief is so great that I would try to prevent them occurring. There is a case, I think, for some restrictions on the number of EDMs that Members of Parliament sign in any session; that might protect them against their constituents, I speak in respect of those MPs that need protection from their constituents, and it might, in fact, serve as a curb on the numbers of them. My overall opinion is that whilst they are devalued the mischief that they create is not so great that I would wish to interfere with Members of Parliament having the right to sign them, if that is what they choose.

Norman Baker: I agree with the definition of "devalued currency" although I think I would put it more colloquially by saying they are the toilet paper of Parliament these days. They are devalued in the sense that we have got now, I think, looking at the Order Paper today, 1,908 so far this session and they are so common now that any influence they may have had, in terms of changing government policy or beginning campaigns out there in the big wide world, has become less than otherwise it would have been. It is also the case that every single NGO and pressure group, and indeed others beyond that, has identified EDMs as what they regard as a meaningful way of influencing Parliament, and the consequence is that any researcher for an NGO, as part of their parliamentary research, will suggest firstly an EDM as a way of raising the matter, and therefore EDMs come to us. Particularly when I was environment spokesman for my Party, obviously the environment NGOs would come forward and say, "Would you table this EDM?" There is significant pressure on you to do so because, first of all, you may agree with the terms of the EDM, and the contents of it often are quite sensible, and secondly you do not wish to be unhelpful to people with whom you deal on a regular basis and with whom you have a lot in common. Thirdly, of course, I suppose if you do not table it then someone else will, which is one argument about how actually they operate. We have got constituents writing to us now, as I am sure you know, on a regular basis, saying, "Will you sign this EDM?" as if it is the most important thing which is going, and if you agree with it and do not sign it then you can be seen as being somewhat perverse. I have tried the argument Douglas puts forward, about it being devalued currency, but my constituents do not really like that very much, they take a dim view and think you are trying to shuffle off responsibility for it; they want you actually to sign these EDMs and so most of the time you end up doing so. I think it is very important that, the good part of the EDM, which is the opportunity to raise issues which otherwise may not have a vehicle, say, something like "primates as pets", which otherwise would not naturally occur but nevertheless it is an important issue for a large number of people, you have to be able to find a way of using a vehicle to raise that and the EDM is one. Also you have to find a way of eliminating those EDMs, in my view, either directly or on a two-tier system somehow, which otherwise devalue the whole process. I do not think a serious issue such as the one raised by Douglas, about whether the Prime Minister should be impeached, should be regarded as being on the same level playing-field as whether or not a particular football team should be congratulated on winning a particular football match.

Mr Kidney: I do promote Early Day Motions and I do sign them. I have been a PPS for a while now, so now I have to stop signing the ones that are critical of the Government or call on the Government to change its policy, so perhaps I sign fewer than I used to. I think it is a pretty healthy activity. It has long been called 'political graffiti', but out of the graffiti come some important messages to us sometimes which have not got an outlet somewhere else. I have had experience of campaigning organisations using an Early Day Motion which they get somebody to table and then they get all their supporters, in everybody's constituency, to write to the MPs to say, "You must sign this one." It quite impresses me how much faith the individual puts into urging me to sign this Early Day Motion, as though it is going to make some real great difference to their lives, and I do wonder sometimes if we are misleading the public slightly in those campaigns. What I would say about their influence is that I do know now, from being at the PPS end, that ministers do take an interest in what is going down as an Early Day Motion, how many people are signing, so there is an opportunity there in the background to influence ministers. My own answer to trying to stop the slightly more trivial ones is to make Early Day Motions potentially debatable, which would mean, first of all, they would have to follow the rules for adjournment debates. That would cut down a little bit, I think, on what would be permissible as an Early Day Motion and also might make MPs think a little bit more carefully about what they are putting their names to, if they think that this is something that is actually going to get a debate in Parliament.

QE4 Sir Robert Smith: We are going to come to questions on the subject matter later on but, thinking of other ways, you have all raised the issue of maybe too many Early Day Motions and I think are suggesting, in response to our survey, some kind of restriction on the number of Early Day Motions or we should reduce the number of Early Day Motions on the Order Paper. I suppose you have touched on it but what is the real problem with having too many Early Day Motions?

Mr Hogg: At the end of the day, I do not think there is a serious problem. We are all agreed, I think, that they are devalued, that many trivial ones are brought forward, and that is bad news in the sense that we are deceiving; the point that David made, about deceiving your constituents, I think is right about

this. It is one of the reasons I dislike signing them because I feel it is a form of humbuggery, that actually you are deceiving people into thinking you are doing something significant but you are not. If you ask yourself whether this is a serious question which really should trouble us, I do not think honestly there is a sufficiently serious mischief actually to try seriously to restrict the number or content.

Norman Baker: I will answer in a different way. I believe that the concept of having an opportunity for Members of Parliament to express their views in a slightly more free way is a good one. I think also it is useful that EDMs encourage cross-party discussions and initiatives, which I think we should do more of in this place rather than less. Therefore, the concept of an EDM, a bit like propaganda on a Chinese wall in Mao's time, seems to me to be a good one, where it can be possible for ministers to pick up on the feelings of Members which they may not be aware of, so the concept is one which I think is good. The answer, Bob, is that there are too many and therefore the good ones, and the use to which EDMs can be put, become diluted by the ones which are chaff. If we can find just some way of promoting those ones which genuinely raise important points, which genuinely are ones which Members feel strongly about, cross-party, then that will be doing a service to Parliament.

Mr Kidney: Yes, and to put that in just a slightly different way, if there is a problem it is "Can't see the trees for the woods" problem; there are so many that we cannot pick out which ones are the significant ones. There is a danger then that something which could be quite useful becomes useless because there are too many others that are masking the one that is important.

QE5 Sir Robert Smith: Taking up your issue, when a constituent writes in saying, "I'm asking you to sign this EDM" quite often I do. Is there any point and what does it achieve, and I think that maybe there is a point there that you raised about constituents being misled by organisations. There are several suggestions of trying to reduce the number maybe by a ration, so many a year per Member, or requiring a certain number of signatures before it can actually be tabled, or dropping the EDM if it did not get any more support after so long?

Mr Hogg: Of course, that does happen; it comes off the Order Paper on a Thursday if you have not increased the number of signatures.

QE6 Sir Robert Smith: It is still available though?

Mr Hogg: It is still available but it will not come back onto the Order Paper unless you can increase the number of signatures; at least, I think that is correct.

QE7 Sir Robert Smith: Does anybody have any views on a quota per year per Member, or a threshold?

Mr Hogg: I would recommend against a threshold, for this reason, that if it were an unpopular cause you can be quite sure that the 'usual channels', by which I mean the Whips' Office, would come and bear down on the party to try to restrict the numbers and anything that increases the power of a party or the Whips' Office is deeply to be deplored, so we must do nothing to increase the power of the Whips' Offices or the "usual channels".

Mr Kidney: Just to add to that point, the fact that only a small number of people hold a particular point of view does not make it a point of view that should not be listened to. It might be actually a very significant point that is being made but only a very small number of people, so definitely I agree that you should not have a limit depending on how many people you can get to sign and, personally, it does not appeal to me to put a quota on each MP. I would much prefer to try to put a greater sense of responsibility on individual MPs not to table or to have rules which stop them tabling EDMs on subjects that are not particularly interesting to Parliament.

QE8 Mr Illsley: I think we are going to come on to this when we talk about debating EDMs, but here we seem to be advocating a categorisation system whereby you could have the toilet paper, graffiti element at one end and perhaps the more serious EDM towards the other end. I wonder how we could differentiate between the two?

Mr Hogg: I do not see how, definitively, you would distinguish between the two, unless you were to give to an individual the right to filter those going down, and I would be very reluctant to see that. Your diagnosis is right, what you have described is wholly correct, but I do not think I have the solution to the problem.

Norman Baker: Can I try to find one maybe, which is that we all agree there are too many and we are looking for a way of limiting it without having unforeseen and unwelcome consequences. Certainly I would not wish to increase the powers of the "usual channels". I am not in favour of the "usual channels" at the best of times. Nor am I in favour of somebody acting as God and saying you can have something and you cannot have something else. I think that is very difficult. I have suggested a relevant number of signatures but I accept there may be a potential danger or downside to that. I think it might be worth looking at a two-tier system whereby you have, effectively, perhaps a required number of signatures for certain motions. Perhaps those can be framed in such a way as can be open for debate as adjournment debates and they are ones, if you like, which Members will seriously want to take further, perhaps Douglas' one about impeachment, for example, and you could have those in a particular category. You may want to have a qualification number for that or cross-party for three parties, a certain number for each party, a bit like all-party groups, for example, where that principle already applies; alternatively, a significant percentage of one particular party, if one party wanted to say something. On the other hand, you could have a second tier, whereby you could have people who want to say things about football teams, but that would not detract necessarily from the upper tier. I

do not know whether that would work or not, maybe it is slightly bureaucratic, but it seems to me one way of getting round the problem.

QE9 Rosemary McKenna: There could be a third regulatory element in that system where the Members themselves would say that there was a different level?
Norman Baker: You could do, yes.

QE10 Mr Illsley: How would you react to a category of debatable and non-debatable EDMs, whereby the Member himself, or herself, when tabling EDMs, said to the Table Office, "This is a non-debatable EDM; this one is a debatable EDM," and the wording then would have to be more strict, in line with the pre-1995 debatable backbench motions that we used to have?
Mr Hogg: I would be very much in favour of having debatable EDMs but I am not sure I would use it as the filter for distinguishing between EDMs, but the concept of debating EDMs I think is a very good one and I do remember Private Members' Motions. The only thing I would say is I would not allow the selection of the EDM to be anywhere near the "usual channels", it ought to be determined by the Speaker, or, if we are going to have a Business Committee, by a Business Committee, but not by the Whips' Offices.

QE11 Mr Chope: Everybody is saying they want to have some sort of restriction on the subject matter. One idea would be limiting the subject matter, for example, as with adjournment debates, where there is a requirement to engage ministerial responsibility. Do any of you buy into that, as an idea?
Mr Kidney: I do, because my proposal that we should have debatable Early Day Motions brings with it, I think, the corollary that therefore the Early Day Motions must follow the same requirements of adjournment debates, and you can find the current requirements in *Erskine May*, 23rd Edition, pages 379 and 380. Basically, as you say, first of all they have to engage ministerial responsibility, and secondly they must not call for legislation, and there are some usual rules about not being *sub judice* and not having a slogan for a title. I would say that all Early Day Motions should be like that and that would get out of the way all the ones "Well done to my local football team," because clearly they would not qualify.
Norman Baker: It would prevent also, for example, the outpouring of genuine support for, say, Nelson Mandela, when South Africa changed its status, and, more seriously, or even more pertinently to now, it would prevent people bringing forward sensible suggestions for legislation which currently can be put down in EDMs. For example, I put down an EDM suggesting that county councils or highway authorities ought to have the power to set 20-mile-per-hour limits, as opposed to having to ask the Department for Transport for permission every time; now that is a call for legislation. It so happened, three months later on, the Government did it, not that they gave me any credit for it, but I assume it is to do with my EDM perhaps. Nevertheless, it is an opportunity to raise an issue which is legislation, so I would not want those sorts of things to be outlawed, particularly when you seem to be getting cross-party support.
Mr Kidney: I think we are an inventive group of people, Members of Parliament. If we cannot find a way to air our point of view and attract a little bit of publicity for it in the meantime then we are not doing our jobs properly.
Mr Hogg: Can I answer Mr Chope's comments with two observations. What I think we should not exclude is the important issue, even if it is not one for immediate ministerial operation. I can think of, for example, things connected with the United Nations which one might very well want to talk about, which is not immediately a departmental matter; or take my own question about the impeachment of the Prime Minister, that is not ministerial, that is calling the House of Commons to do something and that is different. In any event, this is against David, if I may, I agree that the football ones are nonsense but you could always bring them before the House on an EDM simply by asking the Culture Secretary to make an award to X Football Club as a recognition that then they will get into the language of that sort of EDM. I think that, by going down the road that you have indicated, Mr Chope, probably you would not achieve the desired effect, if you were successful, and you might be doing positive damage too.
Norman Baker: One way to deal with the problem of the football EDM, if we are calling it that, is to allow that to continue but to elevate some others to a different level whereby clearly they are distinguishable from such EDMs and to make them debatable. I think it is impossible to decide that by content, actually, for the reasons we have heard, but it would be possible to decide it on a factual basis by the number of signatures or the number of parties involved or some other mechanism which triggered that. That then would make debates for those matters more pressing and more likely to occur.
Mr Kidney: I do not want to continue the debate between the two of us, but, first of all, there is a ministerial responsibility to the United Nations because we have votes on things like the World Bank and the IMF that we are responsible for in Government. Secondly, if people thought that they could get round the rules simply by calling on the Minister to congratulate the local football team, the discipline that I think would stop that is the very fact that an Early Day Motion could be selected for a debate. Who would like to stand up in front of Westminster Hall, or whatever, to lead a debate calling on the Minister to congratulate a local football team?
Norman Baker: Quite a lot of people.

QE12 Mr Chope: One of the EDMs which was very well supported was the Jimmy Johnstone one, and if we introduced a system limited by numbers then probably that would have got through, and perhaps nobody would be ashamed of standing up and expressing condolences for the departing of Jimmy Johnstone?

Mr Kidney: You will know that I do not support selecting an Early Day Motion for debate by the number of people who sign it, precisely because you would have some just ridiculous campaign for a large number of people to sign something which is totally not worth voting in Parliament. I do think judgment is required.
Mr Hogg: I think David is absolutely right about this. I really do hope that we would never use the number of signatures on an Early Day Motion as a way of promoting a debate.

QE13 Rosemary McKenna: Could we just make it clear, would the others agree with Mr Hogg that it should be the Speaker, or a Business Committee, if there was a Business Committee, which we do not have at the moment, who would select the EDM for debate?
Norman Baker: I am not sure I would, because I think that the alternatives for deciding which EDM should be either allowed or not allowed at all, or regarded as serious or not serious, the alternatives, which is either someone assessing content or someone constructing a mechanism to deal with ministerial accountability, or whatever, are all unsatisfactory and can be got round. I think at least an issue, whatever formulation it is, with signatures, cross-party or otherwise, is factually there and no-one can dispute whether or not a test has been met; so I am not sure I do agree with that.

QE14 Mr Gauke: I was going to ask the question, and I think all of you have touched on this to some extent, on what basis should individual EDMs be chosen for debate, and we seem to have a range of views but I do not know whether you want just to carry this further?
Mr Hogg: I have a suggestion, yes. I think that there should be a condition precedent, to start with. To start off with, I think it should be selected by the Speaker or a Business Committee. I think that there has to be an application to, let us say, the Speaker by the lead signature. I think, before the thing could be entertained for a debate, there would have to be a minimum number of signatures, and that is a matter for negotiation what the minimum number is. I think you would also have to define the criteria which the Speaker would have to apply and there are lots of precedents for that. If you go back to what it used to be, I think, when I first came here, Standing Order 20, was it, "some urgent and weighty matter", you would not be using that phraseology. You will be using some phraseology "matter of substantial importance not otherwise likely to be debated in the near future"; that will be the sort of concept and it will be for the Speaker, receiving an application, looking at the numbers, determining whether it fell within the criteria and then exercising his, or her, judgment, is the way I would sort of do it.
Norman Baker: I think there is a danger there. Although I am attracted to the idea of the Speaker avoiding, or circumventing, the "usual channels", which is doubtless what part of the argument there is, I am certainly concerned that would bring the Speaker into sharp political focus as to what he, or she, was selecting. At the moment, the Speaker receives applications, for example, for urgent questions; we do not know what those requests are, we just know the ones which are granted. If an EDM were on the Order Paper with a certain number of signatures and a debate were granted for one with fewer signatures, for example, then that could lead the Speaker into the question of why he had taken that particular decision. I think we have to be careful to protect the impartiality of the Speaker.

QE15 Mr Gauke: Would there be an argument in the way, as I understand it, Westminster Hall debates are done, that perhaps if you had a number of conditions precedent then all those EDMs which satisfied those conditions could go into a ballot, say; would that be satisfactory?
Norman Baker: Yes.
Mr Hogg: The numbers would be huge though, I think; at least, they would be very considerable. That may not be an obstacle but they would be large numbers.
Mr Kidney: In my letter, I suggested that maybe those Thursday three-hour debates in Westminster Hall would be the right location for these kinds of debates. I would be looking to you then to recommend that there must be a minimum of, I do not know, one a month, or whatever the quota would be, of those Thursdays; it would definitely be a time for debating one or more Early Day Motions. Then we come to the selection. How do we select at the moment what gets debated there on a Thursday? The Liaison Committee chooses which select committee reports it thinks are worthy of debate and puts them forward to the Leader of the House and the usual channels decide them. I was saying, why do we not accept what happens and let the usual channels make the decisions about which ones of these are debated? Personally, I would love to see a Business Committee allocating the time in this House rather than the usual channels, but until we get there, it just seems to me, why try to invent all sorts of other rules when one exists already?

QE16 Rosemary McKenna: Would you agree with the suggestion that if EDMs were debated there should be no vote, they should be treated like an adjournment debate?
Mr Kidney: That is my proposal in my letter, that they should be just on the adjournments, yes.
Mr Hogg: I think it depends also where they were held; if they were held in Westminster Hall you would have to be correct about that. My recollection, I will be corrected by your Clerk on this, is that the old Private Members' Motions were votable and I can see that there might well be circumstances, to go back to my impeachment motion, I would like to see the Prime Minister impeached, I make no bones about it, and I would like to bring that before the House and I would like to bring it before the House on a vote. The question is whether I should be able to do that, and I think that it is desirable in a democracy that Members of Parliament should be able to bring forward those kinds of applications and have them voted on.

QE17 Rosemary McKenna: Would it be possible then, if there was going to be a division, that it would be a deferred division; would that cover it?
Mr Hogg: No; no. I have in mind a full-dress debate and the parties can jolly well whip it, if they want. I am against whipping, as you probably know, Ms McKenna, but they can jolly well whip it and see where the cards fall.
Norman Baker: The deferred Division will be whipped as well but in a different way, of course. I would anticipate that there would be debates on EDMs; most of them would be on the adjournment. I think probably it is in the interests of the Member who introduces the debate to have it in that fashion, because he, or she, will have constructed a coalition of people from different parties and, particularly if they are not from the governing party, they will want to ensure that colleagues from the governing party can stand up and support what they are saying without being backed into a corner on a vote. I think, just from pure commonsense, you would want to have an adjournment debate, but there may be particular occasions when you do feel strongly enough that you want to force it to a vote, and if you do that then obviously maybe some of your support will disappear in the process, but that is the risk you take. You have to have the opportunity to do that, if you feel that strongly on something.

QE18 Sir Robert Smith: We have seen examples of that, where Early Day Motions have been tabled as the motions for the Opposition debate and suddenly all the support disappears?
Norman Baker: Yes, that is right.

QE19 Mr Chope: One suggestion is that we might have a new standing committee to debate EDMs and that standing committee then could have a vote and, if need be, it could be referred to a further debate on the floor of the House, akin to, for example, a European standing committee?
Mr Hogg: Do you mean appointing a standing committee for each EDM, or would it be a 'standing' standing committee?

QE20 Mr Chope: We are seeking a position; this proposal is at its very early stages of development, I think, Mr Hogg.
Mr Hogg: I do not think anybody would want to be on a standing committee to debate Early Day Motions. There would not be any volunteers; it would be a penance.
Norman Baker: I am not sure that would work, because you would have a collection of Members who had to have the range of views and knowledge which covered all the EDMs on the Order Paper. We could not possibly have that, nor would we have the interest, and actually the interest would be generated predominately by those who signed the EDM. It is slightly odd to have a group of people who have not signed the EDM debating the EDM.

QE21 Mr Gauke: I suppose the reason why there is this discussion about the possibility of debating EDMs is to enable backbenchers, in particular, to have an opportunity to raise a matter and debate a matter. Mr Hogg has mentioned a couple of times what we used to have here long before some of us arrived, Private Members' Motions, 14 such debates a year; actually would that be a better way of addressing this issue, rather than looking at EDMs?
Mr Hogg: Certainly, looking back, I regret the fact that we abolished them. I do not think you would do both, because then probably you would overload the Order Paper; so it is perhaps an either/or. I have not directed my mind to which is preferable but they are, if one comes to think about it, very much the same thing.
Mr Kidney: I am an MP, like yourself, who has come since they were stopped, but I tend to see my suggestion as—how can I put this—traditional values in a modern setting, though we can debate them in Westminster Hall on the adjournment. That we get back to the basic desire of MPs to debate subjects which they have chosen for debate but we do not have the instability, as far as the Government is concerned, that they are going to lose votes or have to whip people to vote against them.

QE22 Mr Illsley: I can actually recall being selected for a Private Member's Motion on a Friday and I think the procedure was that three were drawn from the ballot and debated in turn on a Friday morning. I think those unlucky enough to have been chosen for the second debate, the first debate took the whole of the time available on the Friday morning, rather like a private Member's bill. I cannot recall whether we had a vote at the end of the morning; they were voted.
Mr Kidney: As I understand it, they used to be votable, yes.
Mr Hogg: I do not think they were restricted to a Friday. You are absolutely right that they did sometimes take place on a Friday but there were other days as well.

QE23 Rosemary McKenna: I think, given the different ways in which MPs operate at the moment, Friday would be incredibly difficult to go back to?
Norman Baker: Yes.
Mr Hogg: Yes, one would think so.
Rosemary McKenna: It is different. I read some research last week which indicated the difference between how MPs operate now and what they did 30 years ago.

QE24 Mr Chope: Can I try out on our experts here whether they think that it might be an interim solution to say let us have a Private Member's Motion for debate, because at the moment we are one of the few democracies where you are not allowed to do that, as an ordinary backbencher, but then, recognising the difficulties that the Executive has got, coupling that with a deferred division, rather than having no division at all? Might that be a reasonable compromise?
Mr Hogg: *Faute de mieux*, yes.
Mr Kidney: Just to say, I have suggested that they are all on the adjournment for a specific reason, obviously, but personally I do not mind if we have

votable Early Day Motions, and, if we did have, a deferred division is probably the obvious way in which to get the votes cast.
Rosemary McKenna: Can we move on now to electronic tabling.

QE25 Mr Illsley: Mr Baker and Mr Hogg, you have both said you oppose electronic tabling of EDMs. Would you like to expand on why you oppose that?
Norman Baker: Certainly I said that, because I think that unless there are changes to the EDM arrangements, which you recommend and which are adopted, then that will make them even more worthless than they are at the present time, because even more people will sign them. At least, at the moment, you have to go to the Table Office and do something about it; if they were available electronically, you could sit in your office and sign them when a constituent's letter came in, so there would be even more EDMs and even more signatures. I think, until we sort out the system, we should not be overloading it even further than we are. I might say also, with electronic tabling of questions, if I can digress slightly, since that has come in what we are seeing in Oral Questions, and I have not done an analysis of this yet, is a larger number of Government backbenchers coming up on the Order Paper for Oral Questions. Therefore, I think that has been unhelpful to the operation of Parliament in the scrutiny of the Executive. I think you have to be very careful, when we do something which appears to be helpful to Members, actually to make sure that it is helpful.
Mr Hogg: I think probably that is right and I endorse what has been said.

QE26 Mr Illsley: Would you apply that to both tabling and getting signatures?
Norman Baker: Personally, I would, yes.

QE27 Mr Illsley: You oppose electronic tabling and electronic additions?
Norman Baker: Yes; until such a time, if we have a system which gives them more value then I will be prepared to look at it again.

The Chairman resumed the Chair

QE28 Mr Illsley: You made the point, David, that MPs are very effective when we find ways of getting an opinion or an expression on the Order Paper. If we were to restrict EDMs or make them debatable or in any way reduce the number, is it likely that MPs would find a different vehicle to use as a substitute EDM; Ten minute rule bills or private Members bills?
Mr Kidney: I am sure they would find lots of ways to have their opinion recorded and made available to the public outside. I do not have any problem with them trying; that is what we are like, as Members of Parliament, and why should we stop them. I am a bit disappointed though, Mr Chairman, that the last question was directed only to these two, because they are the dinosaurs who do not agree with using electronic means for communicating Members' views.
Mr Hogg: No. I just do not want it for this particular purpose. I do use e-mails and all the rest of it.
Mr Kidney: I just want to make it clear that if there is a problem with the system of Early Day Motions we should fix the system and not stop people from working in modern ways with modern technology.

QE29 Chairman: Even if it costs the House £40,000, or more?
Mr Kidney: Even if it costs the House £40,000, or more, it is saving Members of Parliament huge amounts of their time, which is very valuable too.

QE30 Sir Robert Smith: Can I just clarify this rationing by technology. Of course, you can add your name to an EDM just by sending in a letter, so you can still sit at your desk and sign it. Do you seriously think that the electronic procedure would increase even more the numbers?
Norman Baker: Yes, I do. It is not the executive powers but certainly it would increase the number of questions; you get a number of failed Oral Questions now, massively increasing what it was before, before electronic tabling of questions came in, so I do think it would. I am not against electronic tabling, *per se*, and certainly I am not against new technology, so I object to being called a dinosaur by my good friend at the end there, and certainly I use e-mail and everything else very readily. I think, just at the moment, the overload on EDMs is such that anything which makes it easier to add your name is not welcome, at the present time, until the system is fixed.

QE31 Rosemary McKenna: It was this Committee which recommended e-tabling for parliamentary questions and I supported that, and I use e-mail, but there are concerns about the authentication process. There are concerns that some Members are giving their researchers the right to use their electronic signature, and therefore the number of parliamentary questions tabled, in some areas, is absolutely huge, by individual MPs. Would that be concerning to you, if the same system were introduced for EDMS and is there a way in which we can make sure that does not happen, if the recommendation is to do that?
Mr Hogg: I do not think it can. This takes you to a slightly broader issue. There are two other factors that come into play, Ms McKenna, which are worth keeping in mind. I do not have a research assistant, but there are a lot of research assistants in a number of offices basically twiddling their thumbs and looking for things to do.
Norman Baker: In my office, there are not.
Mr Hogg: That may be so, but certainly it is true of a lot of offices. Also there is the fact that the various online networks which measure Members' of Parliament performance, look at eg questions, interventions, I do not know whether they look at Early Day Motions but they can very well do so, and I can see Members of Parliament using their research

assistants, who are twiddling their thumbs, in order to get to the top of the list. All of this would be aggravated by enabling them to use the electronic media to register that interest to the Table Office.

Mr Kidney: Clearly, I would want there to be as many restrictions as possible. I table lots of my questions now electronically, but only I have tabled questions for David Kidney, I do not allow anybody else to do that, in the slightest. It would be good practice for all MPs to follow that practice; but if there are people abusing it then we do need to try to devise systems to stop the abuse.

QE32 Sir Robert Smith: Reverting back though to that inquiry, in questioning there was a suggestion that even in the days of old technology it did not take much for a Member to sit down and sign a whole sheaf of question papers and leave them lying in their office.

Norman Baker: At least they really signed them.

QE33 Sir Robert Smith: You can sign them before they are filled in?

Norman Baker: I suppose so, but at least you knew you were signing something which might then be used. I grant you, the old system was not perfect, but if you sit down there and sign 25 blank pieces of paper then I think you are a fool, frankly, if you do that. At least you knew it was happening; whereas now you can have questions tabled, or potentially, under this system, with electronic communication, without even knowing about it.

QE34 Chairman: Gentlemen, can I thank you for coming. I can assure you, I will make it my business to get a full report and briefing on what you have had to say during my absence.

Mr Hogg: We will read your speech, in return.

Chairman: I think I got the better deal though. After today, if you have any further thoughts, this inquiry is likely to last for several weeks yet so please do write to us. Thank you.

Wednesday 6 December 2006

Members present:

Mr Greg Knight, in the Chair

Ms Celia Barlow	John Hemming
Mr David Gauke	Rosemary McKenna
Andrew Gwynne	Sir Robert Smith

Memorandum from the Clerk of the House of Commons (P 56 (Session 2005–06))

EARLY DAY MOTIONS

Introduction

1. This paper covers the origins of Early Day Motions (EDMs); the rules for content and format; the ways they are used by Members; how they appear in print, and the costs of printing; and the significant increase in volume. I then consider the advantages and disadvantages of the present system, and some options for change. In a separate memorandum, I also deal with the possibilities of e-tabling.

The Origins of EDMs

2. EDMs came about largely by chance. In the mid-19th century, backbench opportunities for debates on the Floor were much greater, and a Member would give written notice of a motion he proposed to move on a particular future day. Towards the end of the Session, when the programme was uncertain, it was more difficult to name a specific future day, and the practice of simply naming "an early day" began.

3. Motions "for an early day" were also used tactically; under the rule preventing anticipation of another proceeding, they could be used to block the tabling of motions on the same point for earlier consideration. This tactic was not finally ended until in 1914 a new Standing Order required the Speaker to have regard to the probability of the matter being brought before the House within a reasonable period of time.

4. The practice of seeking additional signatures to show support dates from the 1930s; by 1944 there were enough EDMs to need numbering. In Session 1950–51 the number of EDMs exceeded 100 for the first time. I return to the question of the increasing volume in paragraph 12 below.

Procedure

5. A Member may table an EDM, or an amendment to an EDM, or sign either, by taking the text to the Table Office (or to the Table in the Chamber); by sending in by post or by hand a signed text or a text authorised in a covering letter; or by having another Member do these things on his or her behalf. A Member may not sign both a motion and an amendment to it.

6. The adding of names to an EDM or an amendment must have the explicit consent of the Members concerned. EDMs may not be tabled by fax or e-mail; nor may they be authorised by telephone. The same rules apply to the withdrawing of names, amendments and motions (and the last two may be withdrawn only by, or with the authority of, the Member in charge (the first name to the motion)).

Content and Format

7. The rules derive from the practice of the House and from Speakers' Rulings. They are set out on pages 386 to 391 of *Erskine May's* Parliamentary Practice, 23rd Edition. The main elements are:

Content:

- matters *sub judice* may not be referred to;
- the conduct of members of the Royal Family, a Member of either House, a judge, or the Chair, must be the main purpose of an EDM, in a form which would allow a distinct decision of the House; criticism in passing, or by way of amendment, is not permitted;
- a proposition already decided by the House may not be repeated in the same session;
- an EDM may not be tabled if it contains offensive language, or "is obviously not a proper subject for debate, being tendered in a spirit of mockery or being designed merely to give annoyance";
- extensive quotation as a means of writing speeches into the record is not permitted;

— multiple EDMs with slight variations on the same point are inadmissible (on the same basis as the "campaign" rule for Questions); and

— a registered interest must be declared and is indicated by [R] alongside the printed name.

These rules also apply to amendments, with the additional point that an amendment must be within the scope of the motion to which it is tabled; tacking on extraneous material is not allowed.

Format

— an EDM must be no more than 250 words in length; an amendment must not be long enough to exceed this limit if it were made;

— even though it may consist of a large number of clauses and semi-colons, an EDM must overall be a single sentence (although the House occasionally considers motions (such as those amending Standing Orders) which are not a single sentence); and

— the title must be a neutral description of the subject matter, which would thus still be an accurate title even if the motion were to be amended in a sense opposite to that of the original text.

The Table Office helps Members to get EDMs into order, and under the Speaker's authority may sub-edit EDMs sent in, although any change of significance is first referred to the Member concerned. In common with most categories of business, EDMs lapse at the end of a session (and there is often stiff competition to table EDM *No 1* in the new session).

The Use of EDMs

8. This is limited only by the ingenuity of Members and the rules of order. Most EDMs fall into one or more of the following categories:

— expressing opinions on issues of general public interest, often to assess the degree of support amongst Members;

— continuing the political debate (for example, criticism of Government or Opposition policy);

— giving prominence to a campaign or the work of some pressure group outside the House; and

— highlighting local issues (such as the success of the local football team, the achievements of constituents, the need for a bypass, and so on).

9. EDMs are also used for narrower purposes:

— for "prayers" against statutory instruments, usually in the name of the Leader of the Opposition or the Leader of the Liberal Democrats, which act as a trigger for reference of an instrument for debate in a Standing Committee on Delegated Legislation. Such motions normally account for 2% or less of EDMs in a session (0.9% and 1.3% in the last two sessions);

— to criticise individuals (members of the Royal Family, Members of either House, a judge, or the Chair) where such criticism in debate would be disorderly; and

— to set out detailed allegations against a company, other body or individual under the protection of parliamentary privilege.

Of these categories, only prayers are routinely debated. On the rare occasions when motions critical of the Chair are tabled, time for debate is usually found quickly. The same is true of confidence motions, which may appear first as an EDM. Very occasionally the Official Opposition have used one of their days to debate an EDM.

"EDMs" on Remaining Orders

10. In the last few years, private Members have made more use of the long-standing opportunity to place motions on Remaining Orders (Future Business C on the Order Paper), and in the current session motions on the election of select committee members, the draft EU constitution, the selection of a Prime Minister, the power to commit UK forces to armed conflict, and recall of the House, have appeared. Taking this route for what otherwise might be an EDM has the advantage of a slightly higher profile (appearing in the Order Paper every day) but has two disadvantages: only the top six names are reprinted (any new names appear only once), with no indication of total numbers; and the motions must be "revived" each day by the Member

giving an instruction in the Table Office or they fall (as happened to the motions listed above on 20 March). A small number of such motions on Remaining Orders is sustainable; but if this method were to be used more extensively for what are in effect EDMs it would mean a significant change in the character of this section of the Order Paper, which primarily provides a list of pending Government business (and increased costs of daily publication).

Appearance of EDMs in Print

11. Up to the rising of the House, new EDMs and amendments, and all the names to them, appear on the blue Notice Paper the next morning[1], and then for the remainder of that week and the next if new names are added. Thereafter, EDMs are reprinted only in the Notice Paper published on Thursdays, and only if names have been added or amendments tabled since they were last printed.[2]

Numbers

12. The table below presents figures for the numbers of EDMs tabled in sessions of normal length, as close to five-yearly intervals as such sessions have occurred, and then for the last five sessions (with numbers of amendments and total added names):

1939–40	21
1944–45	64
1949–50	55
1954–55	52
1959–60	111
1964–65	356
1969–70	300
1974–75	759
1980–81	631
1984–85	979
1989–90	1,478
1994–95	1,575

Session	*Motions*	*Amendments*	*Total names*	
2000–01	659	103	34,124	*short session*
2001–02	1,864	299	97,487	*long session*
2002–03	1,939	285	99,053	
2003–04	1,941	214	103,707	
2004–05	1,033	73	53,711	*short session*

A better picture of the increasing use of EDMs (both tabling and signing) is given by financial year figures for EDMs and added names:

Financial year	*Average number of EDMs per sitting week*	*Average number of names per sitting week*
2000–01	37	1,896
2001–02	41	2,167
2002–03	52	2,673
2003–04	63	3,055
2004–05	60	3,090

The rate of tabling so far in the financial year 2005–06 has been 74 per sitting week (on the basis of 125 sitting days up to 20 March), a 23% increase on the previous financial year. In the present session 1,855 EDMs had been tabled up to 20 March. At this rate the total by the end of this (longer than usual) session could well approach 3,000.

The total of added names by 20 March was 102,790 (an average of 4,112 per sitting week, or an increase of 33% on the average for the previous financial year). At this rate the total by the end of the session would be approaching 200,000.

[1] Under SO No 22(2), notices of amendments to existing EDMs, or added names to such motions or amendments, if given more than half an hour after the moment of interruption, are treated as though they had been handed in after the adjournment, and so do not appear on the blue pages until the second morning after tabling.

[2] This more limited printing of EDMs was introduced following a recommendation of the Procedure Committee in 1987. Previously an EDM reappeared the following morning whenever a new name was added.

Distribution of Added Names

13. Some Members refuse to sign EDMs (or sign them only when the absence of their name might be taken to be significant). Others are active signers. The following table shows in an anonymised form the Members who signed the most EDMs over the last five years, and in the current session up to 20 March. In each case the number of motions signed is followed by the place in the top 10. A dash indicates that the Member was not in the top 10; an asterisk that he or she is no longer in the House. The table demonstrates a remarkable consistency amongst the most frequent signers.

Member	*2000–01*	*2001–02*	*2002–03*	*2003–04*	*2004–05*	*2005–06*
A	490 (1)	1,366 (1)	—	1,351 (3)	652 (6)	1,246 (4)
B	477 (2)	1,209 (3)	1,312 (2)	1,266 (4)	702 (3)	1,306 (3)
C	457 (3)	911 (9)	—	993 (9)	543 (8)	—
D	444 (4)	1,302 (2)	1,272 (4)	1,375 (2)	746 (2)	1,348 (1)
E	419 (5)	1,153 (5)	1,111 (5)	1,144 (6)	—	1,009 (9)
F	349 (10)	918 (8)	1,013 (6)	1,173 (5)	759 (1)	1,310 (2)
G	—	997 (7)	982 (7)	958 (10)	509 (9)	1,039 (8)
H	—	1,169 (4)	—	1,102 (7)	654 (5)	—
I	—	—	900 (10)	1,018 (8)	578 (7)	1,141 (6)
J	—	1,152 (6)	1,476 (1)	1,440 (1)	671 (4)	*

Costs

14. The costs below are based on the numbers of pages printed. Costs per page have been reduced and then contained through the House's use of new technology in the production of its working papers, which has offset the effects of the growth in volume (a rise of 73% since 2000–01):

Financial year	*Pages of EDMs*	*Cost to the House*	*Price per page*
2000–01	5,736	£442,654	£77.17
2001–02	5,194	£337,643	£65.01
2002–03	8,640	£515,580	£59.67
2003–04	9,428	£572,652	£60.74
2004–05	9,936	£613,667	£61.76

These costs do not include those of House staff receiving and processing motions, and identifying and adding names.

EDMs today: *advantages*

15. The features of the present system which may be seen as its strengths, and as most attractive to Members and others, include:

- the system is flexible, allowing a wide range of matters to be raised;
- the rules are not constraining, and indeed are an issue in only a small proportion of motions which Members seek to table;
- little preparation is required, and follow-up work is optional; some Members make an EDM the centre of a wider campaign, and put a lot of effort into collecting signatures and giving the subject a higher profile; others may jot down a text in the House, take it to the Table Office, and still be the only signatory at the end of a session;
- tabling an EDM, or simply adding a signature, is an immediate and evident response to approaches from campaign groups, constituents and others. An additional factor is that EDMs are seen by many outside the House as more significant and effective proceedings than they really are; and
- tabling an EDM often produces media coverage (sometimes simply signing an EDM can do so). This is especially the case with local media when constituency issues are raised.

EDMs today: *disadvantages*

16. Criticisms of the current EDM system include:

- overuse, on the grounds that it both devalues the process and means that important issues are lost in the sheer volume;
- the fact that many EDMs are seen by public and media as trivial and not the sort of thing that ought to occupy the attention of the House;

— the "signing industry" in which Members (some encouraged by lists of "approved EDMs" circulated by the Whips) are perceived to sign hundreds of motions as a matter of routine rather than commitment;

— the fact that it is easier for a Member simply to sign a motion than to explain to the requester why not;

— the degree of involvement of outside organisations in preparing and promoting EDMs;

— the significant costs; and

— the fact that only a tiny minority of EDMs will ever be debated.

The Committee may think that these criticisms are given added weight by the substantial increase in numbers of EDMs and added names in this Parliament. Almost two decades ago, when the Procedure Committee last examined the system, EDMs had just passed a thousand in a session for the second time. The Committee described the triggers for that inquiry as "the sheer proliferation of EDMs" and their wish to consider "whether EDMs were either fulfilling the purpose for which they were intended or were now a proper method of expressing parliamentary opinion".[3]

What Needs Fixing?

17. If the currency is being devalued, two ways of reversing this trend are worth considering: a reduction in numbers to make EDMs more "special" and, as recompense, the opportunity to make the proceeding more effective. I deal with each in turn.

Limiting Numbers

18. There are several ways in which one might in theory limit the numbers of EDMs. All have their practical difficulties, and the Committee will want to assess these against the possible gains.

19. *A limit on the number of EDMs a Member could table in a session* is superficially attractive, but:

— a limit of, say, five EDMs would be seen by many Members as unnecessarily restrictive, but even a limit of five, if widely taken up, might make little or no difference to the number of EDMs;

— should the limit be upon EDMs tabled, or current? In other words, could a Member stay within the limit by withdrawing one motion and tabling another? If this were not allowed, the restriction (and perhaps the objections) would be greater; and a Member who, without being improvident, used up the allocation in the first half of a session might be disadvantaged later if, for example, serious constituency issues arose;

— sessions are not of equal length, and the date of Prorogation is not known at the outset, so the application of such a rule would be approximate. By definition it is impossible to predict sessions which are shorter by virtue of ending in Dissolution. On the other hand, it is possible to predict that a session will be longer than usual, but not with any precision how long it will be;

— a limit by calendar year would mean that Prorogation—when all EDMs fall—is likely to occur during that year. The application of a limit in these circumstances, with the pressure to table EDMs early in a session so that they are in play for longer, might produce odd results;

— a limit by another calendar period (for example month or week) would have little practical effect, not least because the allowance would be refreshed at the end of the period; and

— Members could easily circumvent the rule by "trading" EDMs. Member A would prepare a motion but ask Member B to be the first name, and so technically to be the Member in charge. If Member A subsequently withdrew his or her name, then Member B would become the Member in charge, but could plausibly claim that he or she had not sought this position, and that the motion should not therefore be counted against the limit.

20. A *limit on the number of EDMs a Member could sign* is open to some of the same practical objections. In this case, though, the limit would have to be much higher, perhaps in the low hundreds. Even if a limit were acceptable, administering it would be bureaucratic. And in any event a Member could sign large numbers of EDMs in order to indicate support and perhaps oblige colleagues, pressure groups or constituents, but then withdraw his or her name, perhaps only days later, always keeping below the limit.

21. It is sometimes suggested that there should be a ballot for the opportunity to table an EDM. Unless the ballot produced a large number of winners such a change would be seen as a serious restriction. And once an element of chance is introduced, a Member might go for a whole session—or much longer—without having the chance of tabling an EDM. But this could perhaps be addressed by a Speaker's discretion—such as that which applies to half-hour adjournment subjects on Thursdays.

22. Any of these options risks the possibility that Members would turn to tabling motions on Remaining Orders (see paragraph 10 above).

[3] Third Report from the Procedure Committee, HC 254 of 1986–87, paragraph 1.

23. A solution sometimes canvassed is that EDMs should be subject to some sort of filter so that only "serious" motions appeared on the Notice Paper. I understand that the result might seem attractive, but I foresee practical difficulties in seeking to achieve it. The Table Office has no difficulty in applying the House's present rules on EDMs (see paragraph 7 above) but those are capable of an objective approach and in any event are usually readily accepted by Members.

24. However, a glance through any day's Notice Paper will demonstrate how difficult it would be to draw a line between "serious" motions and the rest. It might be difficult for the Table Office to exercise the political judgements required; and Members might challenge their view. The result might then be that a significant number of proposed motions would have to be submitted to Mr Speaker. It would also probably mean that the range of EDMs was considerably reduced, perhaps with the loss of—for example—the constituency-focused EDM which is extensively used at present.

25. In all these circumstances, the Committee might wish to consider a simple alternative. The volume of EDMs and added names may be a problem in itself, but it also gives rise to the criticism that EDMs are devalued to the extent that there is little personal involvement on the part of many Members.

26. However, a rule that every motion and every added name had to be given into the Table Office personally by the Member concerned, and that one Member could not act on behalf of another, would address several of the current problems:

- it would "reconnect" Members with the process by requiring a more personal action on their part, and would be a positive step towards revaluing EDMs;
- it would mean that the present "default setting"—that of routinely signing an EDM on request, or giving authority to another Member to add a name, was changed to require a positive action;
- although it would be less convenient than the present system, a visit to the Table Office would be little to ask of a Member who attached any importance to tabling or signing a particular EDM;
- it would be a more widely acceptable alternative to other courses involving rationing, or restricting the subject matter of EDMs; and
- it might well lead to a more discriminating approach by Members, and so a reduction in the number of added names.

I realise that going for this option would rule out e-tabling; but, as I discuss in a separate note for the Committee (P 57), e-tabling raises problems of its own.

Debating EDMs

27. As I noted in paragraph 9, only prayers and a tiny minority of other EDMs are debated. If an opportunity to debate "mainstream" EDMs were to be introduced, I suggest that there are four issues to be considered:

28. *What types of motion would be suitable for debate?* At the moment EDMs are not intended for debate, and indeed many would not be suitable for the purpose. It is difficult to imagine worthwhile debates taking place on motions congratulating sports teams or individuals, commemorating the achievements of individuals, or commenting on uncontentious constituency events.

29. However, I suspect that in practice there would be little difficulty. A realistic possibility of debate would concentrate minds, and a Member would not want to squander the opportunity on a trivial or inappropriate subject. There was relatively little difficulty in respect of the former system of Private Members' Motions, to which I return in paragraph 41.

30. It would be for consideration whether an EDM for debate were required to engage Ministerial responsibility, as in the case of an Adjournment subject. On balance, it might be best not: if a Member wished to engage with a Minister, this could be achieved by the nature of the motion; and a requirement for direct Ministerial responsibility would rule out such subjects as—for example—the operation of professional misconduct hearings, the ordination of women bishops, or the policies of the National Trust.

31. *How would a motion be selected for debate?* Several possibilities have been canvassed. To select a motion simply on the number of signatures it had acquired would have several disadvantages. A threshold would have to be set. 200 signatures? 300? Whatever the qualifying number, I think it is certain that such a requirement would send the "signing industry" into overdrive. Names would be sought and added not simply to indicate support, but to assist a motion's chances of debate. Outside organisations would be even more pressing in seeking support for EDMs that they had sponsored. The effect would surely be further to devalue the currency.

32. A perverse result might well be that the motions attracting the most names would be those with which it would be difficult to disagree, and so unlikely to provide lively or worthwhile debate.

33. These objections apply particularly to selection by numbers alone. If, say, the selection were by ballot, then using a number of signatures as a qualifying threshold might help to ensure that debates were better attended.

34. *Selection by the Speaker* could put the Chair in an invidious position. The Speaker already exercises powers of selection, but these are mainly in order to facilitate and structure debate (for example, in selection of amendments). In respect of some Adjournment opportunities, he selects a subject, not a proposition. Choosing between statements of great contention between the parties, which might well happen, would be much more difficult.

35. *Selection by ballot* is in my view the most attractive option, and is already part of the House's practice, in respect of Private Members' Bills, oral Questions and Adjournment subjects. A practical question then arises: should the ballot be of Members, or of EDMs? I think that the answer must be of Members.

36. If EDMs themselves are balloted, then "debatable" motions will have to be separated from "undebatable" motions. As I noted in paragraph 25, this will not be easy, and will involve subjective judgements. And this process, which Members may well find tiresome, and which may lead to friction, will have to be carried out in respect of EDMs simply to be entered into the ballot, when only a small proportion will be successful. I am aware that the Scottish Parliament has a system of designating EDM equivalents for entry into a ballot for debate, but we have many more Members, making heavy use of EDMs.

37. A second difficulty is that, if EDMs were to be put into a ballot, Members might want to table more "debatable" EDMs in order to increase their chances. Even limiting Members to one EDM could produce a fairly complex system; Members who had tabled 10 or 20 EDMs would have to be asked which one they nominated for the ballot; they might want to change their nominations from time to time; they might indeed want to table additional EDMs on the issues of the moment in the hope of getting a more topical debate.

38. Finally, a system of balloting texts rather than Members' names would almost certainly lead to an overall increase in EDMs, because Members keen to have a topic debated would encourage their colleagues to table motions on different aspects of the same subject in order to increase the chances of success.

39. A ballot of Members' names for a debating opportunity need not break the link with EDMs: successful Members could then table as an EDM the motion which they wished to see debated. They could of course also choose from the EDMs which they had already tabled, but it would be advisable not to limit choice to EDMs already tabled, as this would carry the risk of proliferation to ensure that a possibly topical motion was available.

40. *Debate, or debate and decision?* Until 1995, 10 Fridays and four other half days (usually Mondays) in the House were set aside for debate on Private Members' Motions. These were balloted for; Members signed a book in the "No" lobby and the names were then drawn in the House before the main business of the day. In November 1995, those days were replaced with adjournment debates on Wednesday mornings, which later moved to Westminster Hall.

41. The end of Private Members' Motions produced the slightly odd result that, in contrast to the practice in many other Parliaments, there is now no opportunity for a British Member of Parliament to put a proposition to the House and have it decided, on a division if necessary. The nearest equivalent is in the 10-minute rule procedure for leave to bring in a bill, but this is much more constraining than debate and decision upon a motion. The Committee will no doubt wish to consider whether, if certain EDMs are to be debated, there should also be an opportunity to come to a decision upon them.

42. Whether an EDM were only to be debated, or debated and decided, the Committee might like to consider how proposed amendments might be treated.

43. *Where should a motion be debated?* The most valued opportunities would no doubt be on the *Floor of the House.* If the Committee wished to pursue this option, it might wish to look at the implications; whether an overall increase in time on the Floor would be desirable; and, if not, whether other business could be taken off the Floor to make room.

44. An alternative would be *Westminster Hall,* with the same options: more time overall, or replacing some of the time at present allocated to subjects debated on the Adjournment.

45. However, if Westminster Hall as at present constituted were used, there could be no divisions. SO No 10(9) provides that, if the opinion of the Chair as to the decision of a question is challenged, the matter is reported to the House and decided there, with the question being put forthwith. If such a procedure were used for EDMs, the use of conventional or deferred divisions (both of which would occur some time after the matter had been debated) might be problematical.

46. It has been suggested that EDMs could be introduced into the current Westminster Hall procedure by being tagged; that is, noted on the Order Paper as relevant to a debate, as are some select committee reports. This might look rather strange in practice: the debate would be taking place on the adjournment, but set out on the Order of Business as "relevant" would be a (possibly contentious) motion which could not be voted upon. Members might find the process somewhat frustrating, and the rationale would certainly be difficult to explain to those outside the Palace of Westminster.

47. A theoretical option might be *a new forum, perhaps a Standing Committee on Private Members' Motions;* but, depending on its times of sitting, this could be open to the objections that it would be competing with the House and Westminster Hall, and that it would be yet another debating forum, which might be poorly attended, and so lose the point of debating EDMs.

PRINTING OF EDMS

48. In view of the high cost of printing EDMs, and the fact that they are available electronically, the Committee may wish to consider whether any further changes should be made. In paragraph 11 I described the present practice, which stems from a Procedure Committee recommendation in 1987.

49. As long as EDMs are a proceeding in Parliament, and all other proceedings exist in hard copy, I would not recommend that EDMs should have a purely electronic existence. But there are other options:

— to publish the text only once, in the blue pages the morning after it has been tabled. An amendment would be treated in the same way, and for comprehensibility the motion to which it was offered would have to be reprinted; and

— to reduce the frequency of the present Thursday reprint. At the moment EDMs are reprinted on that day if names have been added or amendments tabled since they were last printed. This reprint could be monthly, or perhaps after each recess.

50. With nearly 4,000 names being added each week, the Committee may think that the addition of a single name is a fairly low threshold for a reprint of the whole motion, whether in the remainder of the fortnight in which the original motion appeared, or on a Thursday thereafter.

LATE EDMS

51. The Committee might like to consider one handling problem which arises with an EDM tabled shortly before the rising of the House. If it carries a large number of signatures, identifying them accurately in the short amount of time available before the motion has to be sent for printing can be difficult, with an attendant risk of embarrassment to Members wrongly identified. Table Office staff are remarkably expert at recognising Members' signatures but, as the attached example shows (not printed), the process is not easy.

52. This could be avoided if, in the case of motions tabled, say, after the moment of interruption, the motion and the top six names appeared the next day, and the remainder the following day. Occasionally—for example when an EDM relates to proceedings or some other event taking place the following day—it might be important to have all the names appearing first time off. There should be the possibility of exercising discretion in such cases.

53. An alternative (or an additional step) would be to apply SO No 22(2) (which provides that added names and amendments given half an hour after the moment of interruption are treated as if they were handed in after the rise of the House) to new EDMs.

Mr Roger Sands

March 2006

Memorandum from the Clerk of the House of Commons (P 57 (Session 2005–06))

E-TABLING OF EDMS

1. The Committee has asked about the possibilities of e-tabling in relation to Early Day Motions (EDMs).

2. The tabling of EDMs and amendments to EDMs, and adding names, involve processes and formats different from those of Questions. The Question e-tabling software (which was itself bespoke) could not be used as it stands, although much of what has been developed can probably be adapted. The costs would depend on the capability and sophistication of the system, but something equivalent to the Question software might cost in the region of £40,000.

3. The effect on staff resources would depend on the take-up of e-tabling; it is likely that many Members would continue to find signing the blue pages, or jotting down a list of numbers, more convenient.

4. A new system would need development and testing time: based on our experience of Question e-tabling, probably six months or so from the House's decision to proceed.

5. Among issues which would need to be addressed are:

— should the system cover the tabling of motions and amendments, or only added names? There is of course some advantage to Members in discussing the text of an EDM with the Table Office, and being able to sort out any problems on the spot; and

— at present the Table Office will accept a Member's personal or written authority to add a name. Should a Member be permitted to e-table the names of other Members, or only his or her own name?

6. In view of the rising numbers of EDMs, and the scale on which names are added, the Committee will no doubt wish to consider the possible effects of e-tabling on the EDM system as a whole.

7. Authentication is an area of concern. In 2002 the Committee recommended the e-tabling of Questions.[4] The Committee favoured "weak" authentication: provided a Question was sent from a Member's PDVN address, it should be regarded as authorised. In its reply to that Report, the Government expressed concern about "weak" authentication: "It is important that we protect the fundamental principle that questions should be authorised and signed only by Members and cannot be initiated by staff".[5]

8. When e-tabling was authorised by the House in October 2002, the change was made "subject to safeguards to ensure the authenticity of questions and the power of the Speaker to modify or halt the system if it appears it is being abused".[6]

9. The difficulty with this proviso is that with a "weak" authentication system the safeguards are in fact minimal. If a Member's researcher knows the Member's log-in details he or she can table Questions without reference to the Member.

10. As the Committee will be aware, the numbers of Questions tabled have increased substantially. The current financial year so far shows an increase of nearly 20% over the previous financial year. In February 2006 the proportion of Questions e-tabled passed 40% for the first time.

11. Recent instances have demonstrated that it is not possible to be certain that all Questions are personally authorised by the Member in whose name they are tabled. On occasion Questions have been e-tabled while the Member concerned has been in the Chamber, or indeed actually speaking; and some Members invited to discuss problems of orderliness with the Table Office have evidently been unfamiliar with the Questions tabled in their name.

12. It is impossible to know the extent of the problem, by its very nature. But the Committee might like to bear it in mind when assessing the implications of whether a new category of parliamentary proceedings could be initiated electronically.

Mr Roger Sands

March 2006

Memorandum from the Principal Clerk, Table Office, House of Commons (P 3)

PRINTING AND ACCESSING EARLY DAY MOTIONS

A. Publishing Practice on Added Names

1. In 1976–77 the Services Committee recommended, and the then Speaker approved, an experimental scheme whereby the full text of an EDM was printed the day after notice was given, and not thereafter. The experiment was not taken forward because Members put down a large number of Amendments as a means of triggering reprinting.

2. In 1987 the then Principal Clerk, Table Office made a number of suggestions to the Procedure Committee on means of curtailing printing costs. The Committee recommended that the full text of EDMs should appear when triggered by an added name in the week of tabling and the subsequent week, and that thereafter only the title of the motion, its six principal sponsors [printed in horizontal lines] and added names would be published, at the end of each subsequent week. It noted that "*For such a system to work Members would need rapid access to the text of all motions and amendments*" .

3. At that time computerisation of House papers was in its relative infancy, and the full texts were far from readily accessible even within the House, let alone outside. So it was agreed to reprint the full text in the weekly reprint of "mature" motions. The texts of motions are now readily available on the internet and intranet, with a full list of added names updated daily, and capable of sorting by party or alphabetically. It may be hard to justify reprinting full texts of "mature" Motions every Thursday, especially where triggered by no more than one or two Members signing the Motion in the preceding week.

4. Based on a sample of last session's EDM pages, there are typically around 100 pages of names added to mature EDMs republished on a Thursday. On the basis of 35 sitting weeks in a typical session, and a printing and publishing page cost of £66 a page, the present cost of the Thursday reprint is around £230,000. Reducing this reprint to a single line of text for each Motion [Number, Title, Sponsor] and the added name or names would save around 90% of this cost each year, at an inevitably rough estimate.

5. It has also been suggested that added names to mature motions be published monthly rather than weekly, producing savings of very roughly £100,000. The monthly reprint would of course be a larger document than the current weekly reprint, and the Committee may consider that a delay of up to a month in the printed notification of a parliamentary notice is undesirable.

---

[4] Third Report, HC 622 of 2001–02, paragraphs 83 to 96.
[5] Cm 5628, October 2002.
[6] CJ, 2001–02, page 778.

6. One evident effect of the Thursday reprinting of the full text of mature motions signed in the previous week is that it gives Members a large bundle of such motions to read through and sign their names. A fair number of names added on a Thursday come as signatures on these pages. Overall the numbers of added names on Thursdays are broadly the same as on other sitting days.

B. Accessibility of EDM Texts and Signatories

7. Full texts of EDMs and full updated lists of signatories can readily be accessed on the intranet and internet by Members. There is a Quick Link on the House of Commons internet homepage. From the intranet home page Members can access EDMs via the Index, or via either the "Parliamentary Material" or the "PIMS" Quicklinks buttons.

8. The EDM homepage offers entry *either* into the TSO "EDM web pages", which are in effect an electronic copy of each day's Blue pages of EDMs over each of the past 10 days, *or* into the "EDM database". The web pages do not offer easy printing of a single EDM. Entry into the database is the best way if a Member wishes to print off an EDM and/or see if (s)he has signed it and/or to see which other Members have signed it.

9. Following an indication that the Committee would be that much readier to consider reduced reprinting if electronic access were made easier:

- it will be made clear on the EDM homepage that the database is the best route for those wishing to print off an individual EDM and its signatories: and the order in which the two options appear on the page will be reversed; and
- EDMs could be made more accessible by adding a Quick Link on the Commons intranet front page.

David Natzler

December 2006

Witnesses: **Dr Malcolm Jack,** Clerk of the House, **Mr David Natzler,** Principal Clerk, Table Office and **Mr Paul Simpkin,** Chief Office Clerk, Table Office, House of Commons, gave evidence.

QE35 Chairman: Gentlemen, thank you for coming. I hope we are going to have an interesting and lively session. The memorandum that Dr Jack has prepared has been circulated. Do you want to say anything in opening to your memorandum?
Dr Jack: Thank you very much and thank you for your welcome. I do not think so really, except to say perhaps that it is not my memorandum, it was my predecessor's memorandum, but that is not to say that I am not supporting it. I would make just one comment to set the scene. I have brought along with me today's blues with the early day motions up to number 413, and I think my general point really is simply the width of subject matter covered by early day motions. There are many purposes for Members putting down these motions and you only have to look at today's blues to see that. They range from what might be regarded as serious constitutional matters—the role of the House of Commons in going to war—to the Blue Badge Scheme for young children, problems for disabled young children, extremely serious but a completely different area—to very specific EDMs about individuals or organisations, and so on. So the first point I would make is width, the huge width.

QE36 Chairman: Even if you do not disagree with your predecessor's memorandum, are there any aspects of it where perhaps you would have had a different emphasis or would have stressed more strongly if it was your original paper?
Dr Jack: I will ask David Natzler of course to speak on behalf of the Table Office, but not actually being in the Table Office perhaps I do not quite feel the weight of these early day motions cascading on me, so I think I am perhaps a little bit more upbeat than the memorandum in thinking that they are a legitimate part of Members' activities. Obviously the caveats we make have to be made but I am certainly quite in favour of them, if I can put it that way.

QE37 Chairman: Thank you. David, do you want to add anything?
Mr Natzler: Only one gloss, perhaps, on the memorandum; that it sought, in response to what the Committee was interested in, to identify possible ways of constraining either the total number of early day motions that were tabled or the numbers of added names, which is a rather crude measure. Reading through most of the various prospects filled me with more gloom than the prospect of continuation of the current system.
Chairman: I think in some parts of the Committee that may be a view that we have formed further on down this road, but I do not want to prejudge where we will end up. Rosemary McKenna.

QE38 Rosemary McKenna: Thank you. You gave us an idea of the width, as you call it, of the questions that are asked. Have you formed an opinion yet as to what are the principal purposes for which Members use EDMs?
Dr Jack: I think the principal purpose, since it is understood widely in the House that these are not motions to be debated, must be for advertising, advocacy, if I can use that word in a restricted sense this time. That advocacy might be, as I say, for many, many things, from very local matters

which are extremely important to Members for constituency reasons, or to very wide policy matters. So I think it is basically the form of Members being able to advertise views and collect views of their colleagues, of course, about those matters in the widest possible way.

Q39 Rosemary McKenna: Are there other ways that the Member could raise those issues with other parliamentary proceedings?
Dr Jack: There are no proceedings which give the width that early day motions give, because one thing which is important to say fairly early on in this discussion is that of course they are not subject to rules of responsibility, if I can put it that way; they do not have to link to ministerial responsibility, and that is a great freedom. As you know, adjournment debates, for example, which you might compare them with, do have to comply with rules about ministerial responsibility. So I think this is one of the only places where Members really have a very free range indeed to raise matters.

QE40 Rosemary McKenna: I do not sign EDMs, although I notice that the example that is given of it has my signature on it! But there was another reason for that, that was simply expressing an opinion, it was not requiring a response. So I tend not to sign EDMs because sometimes I think that they can be misused. For example the EDMs that constituents write to me about, I would simply write back and say, "I do not sign EDMs; however, I will refer it to the relevant minister and get a reply for you," which I feel is a better way of having it brought to the attention of the minister and getting a proper response for the constituent.
Dr Jack: I do accept what you are saying. I think what you are getting at really is the charge that they are trivial, or some of them are trivial and I think some undoubtedly must qualify as being fairly trivial. But I did notice in the evidence given to you by Members of the House, that even the most sceptical Member who gave evidence to you, Douglas Hogg, said that he saw value in the importance of being able to raise matters which were not within ministerial responsibility by this method.

QE41 Sir Robert Smith: One thing that did come up in the evidence, and I do not know if it is a perception or is a way of getting into the statistics of it, is the growing number of EDMs—obviously they have to be tabled by a Member—on behalf of an external organisation and then use it more as a membership recruiting drive. It is probably just a qualitative assessment but as you seeing them being tabled is there more of an awareness of them being connected to supporting an outside organisation's campaign?
Dr Jack: Yes. I might bring David into this because he has more day to day familiarity over the early day motions coming in, but I obviously do accept that point. As you said yourself, Sir Robert, it is the qualitative decision as to which of these are or are not part of some campaign, and is a campaign such a bad thing?
Mr Natzler: It is difficult to quantify that. Looking at the motions day by day, yes, I see a few where origin is fairly obvious, but as Malcolm says you have to judge it as a means of connecting with the public. Looking at those that came in yesterday, which is a very random sample, we had an EDM called *Blue Peter Shoe Biz Appeal*. There is also one called *Trade Union Week* and I guess that is an "external organisation", concerned with the Scottish Parliament Trade Union Week, but presumably one which is also connected with this House in some way. There are perhaps a few that, if there was some sort of limitation on the ability of non Member driven organisations to sponsor an EDM, might be stopped, but to be candid very few; and many of them will reflect campaigns outside which have come to Members to get support and to get publicity and then, as you say, reflect back possibly into membership campaigns or a drive to say that a number of Members are worried about Polish furniture imports and we should do something.

QE42 Ms Barlow: Your predecessor's memorandum included the numbers of EDMs tabled from 1939–40 and selected years in the five sessions up to 2004–05, and you have provided the figures for the last year. If you compare 1984–85 with 2003–04, which were both normal length sessions and nearly 20 years apart, the number has more or less doubled. Was this a steady increase over the 20 years or has it increased at a greater rate in more recent years, and what trends can you identify since 2003–04?
Dr Jack: I think you are referring to the table in paragraph 12 of the memorandum, and I think you are absolutely right that the figures do show that there has been a doubling. It looks to me as if the recent figures have certainly jumped and then steadied slightly. What would you say to that, David?
Mr Natzler: I do not put a lot of weight on the figure, as so many things have changed from 20 years ago, which was when I was last a working clerk in the Table Office. For example, there are now very few prayers against statutory instruments and there could be up to maybe 200 in a session. So in that sense the increase is greater than is suggested here in substantive motions and non-prayers. There is no doubt that there has been a steady increase. I will happily provide some sort of chart, if that would help. The difficulty of doing it by sessions, as you will appreciate, is that they are always a slightly different length, or they are a short session or a long session. So we are beginning to do it by financial or calendar year, preferably by financial year; going backwards in time for that is quite difficult. I think you would be telling the truth if you said that there was a steady increase over the last 20 or 30 years, but that there may be signs that there is often a step up at the start

of a new Parliament, and we are now in the post-primary stage of this Parliament and it may be evening out a little bit.

QE43 Ms Barlow: It says that the average number of added names per sitting week has increased from 1,896 in 2001–02 to 4,112 by March 2006. Have the numbers gone up since then? Obviously they have gone up, but they have continued to increase?
Mr Natzler: Paul Simpkin is the Chief Office Clerk of the Table Office, whose job it is, with others, to do the job.
Mr Simpkin: The first 10 sitting days of this current session we were taking, on average, about 1,500 names a day, but I think that is probably partly because it is the start of the session, and so more early day motions are tabled. On the first day of the new session there are always a large number of early day motions tabled—117 this session. So I think it is always going to be busier at the start of the session.
Dr Jack: As you see from today's Order Paper we already have 413 in this session up to today, so a pretty rapid number to start off with.

QE44 Chairman: What percentage of those are re-tabled from the last session?
Mr Natzler: We could get you a figure on that. Quite a few are ones that are re-tabled in most sessions, but of the 117 we can find out and give you that information as to how many are the same as in the previous session.[1]

QE45 Ms Barlow: We will come to the added costs of EDMs later on, but first can you say how much additional work is created for you in the Table Office? Have you had to recruit extra staff?
Mr Natzler: The Table Office has to be thought of in three parts; two parts are represented here. There is the office downstairs who are the clerks who take questions and take motions and produce the Order Paper, and so on. The early day motions represent a pretty small part of their work. We are getting 15 or 20 a day, 60 or 70 a week, and I expect to see one or two because they cause a little problem, and maybe once a month a big problem. But for most of them the clerks have to read them, initial them and send them upstairs and it is not much more than that. So I cannot say that it is the larger part of their work, particularly compared with the increase in questions, which is what is dominating the life of the lower office. For the upper office, of which Paul is the Chief Office Clerk, EDMs represent a very substantial part of their work for a substantial part of the day. Our overall estimate is between 60 and 80% of the work of four people for a good part, probably between a half and two-thirds, of their working day. In the morning there is quite a lot of oral question work, if there is a shuffle, but from then on early day motions dominate the workload.
Mr Simpkin: Just to clarify, our duties in the upper Table Office include entering the Members' names for oral questions and we carry out a shuffle. We also have various administrative duties connected to written questions, but around 60% or 70% of our work at the moment is basically inputting added names to new motions and to old motions. I have been there for two years and I would say that there has been a fairly steady increase during that time. Obviously it varies a lot from day to day. For example, yesterday we had 137 added names to new motions, so those are the motions that were tabled yesterday, and about 1,750 added names to old motions. So at the moment it is fairly busy. Obviously if it were to increase substantially then probably we would need to have extra people in the office.

QE46 Ms Barlow: But not so far?
Mr Simpkin: Not in the time I have been there.
Mr Natzler: It is complicated because of the different trends of things happening. We have taken on more clerks in the lower office but that is overwhelmingly because of the volume of questions in the last four years, so we have moved up, in a relatively short space of time, from a standard number of four clerks up to six clerks, which is expensive. Because of technological changes, the third and less visible part of the office, the editorial supervisor's office, where the people actually set, input, format and do everything except press to paper, are doing some tasks which, 10 years ago, would have been done by the upper office. So the same number of people in the upper office have found their work changing from a paper-based question system; fortunately, or not, they are there to deal with the rising but not perhaps inexorable tide of early day motions and added names.

QE47 Ms Barlow: Do you think there is further scope for technological innovation to lessen the increase in workload?
Mr Natzler: On early day motions I am sure there is always scope. The system is pretty, I would not say "high tech electronic", but each added name is a separate data record input into a specially designed database, which is part of the Table Office PIMS system. It is significantly faster than it was 10 or 15 years ago. As I say, there is always no doubt room for further technical change but I would slightly doubt that it would save time.
Mr Simpkin: The database that we use currently came in about 18 months ago. Basically it is a good database and it works and is reliable. There are slight improvements that could be made, which would speed things up slightly, but it would not make a huge difference. The job involves, as I am sure you are all aware, the added names coming in in different formats at different times during the day, and also we are very much tied to what is going on in the Chamber. So if there are lots of Members around and lots of votes there is going to be more work coming in for us. As I say, I think the database that we use at the moment is very reliable and works well, so I do not think there is a lot of scope for technological changes.

[1] *Note by witness:* the best answer we can provide is 67, allowing for some with very slight amendments to the earlier text.

Dr Jack: Chairman, I wonder if I could add something because I know that the Table Office of course will never admit to any difficulties, as you know, about dealing with whatever is thrown at it, but one of the difficulties that the staff do have is early day motions arriving with masses of signatures very late in the day or even late at night, and we recently had a particularly bad case of this. It does involve staff sometimes staying literally for hours after the House has risen trying to decipher the signatures of Members to early day motions.

QE48 Chairman: If we were to recommend as a practice that any early day motions received at or after the moment of interruption should be printed only with the top six names, what sort of difference would that make to your late night workload?
Dr Jack: I imagine it would help greatly.
Mr Simpkin: It would make things easier for us because obviously we have two problems. For example, I work later on the Monday evening so if I am there at 11 o'clock or 11.30 at night I have been there for over 12 hours. Obviously we have our regular team but to cover the night duty periods we also have other staff coming in from the Committee Office, so we also have help from people who are not working in the Table Office during the day, so there are two problems that we have—people are obviously tired at that time of night and also we have to use other people who are not as familiar with the signatures as perhaps the day shift are.
Mr Natzler: Chairman, I think there were two options identified: either that we would only print the top six names that came in after an identified time, defined by the moment of interruption, or that the standard moment of interruption be used even if the House went on sitting later, which I think is the extension of Standing Order 22. I think it only fair to say that the Government, and indeed on occasions the Opposition, indeed even other parties, sometimes do, quite properly, use their right to table motions or amendments until quite shortly before the rising of the House, sometimes for good tactical reasons. To deny that to private Members just might seem heavy-handed. But it would be a help to give us some relief or some administrative freedom when there is a mass of signed motions coming in unduly late, and we would try, if we could not print the names of all those added to it, to give the numbers, because we appreciate that that is what Members tabling a motion, for which they have gathered lots of names, wish to be able to demonstrate—that so many people have signed it.
Dr Jack: So you could have the title of the motion, the first six names and then a number on the side indicating how many Members had signed it.

QE49 Chairman: That will not be denying any back bench rights because the main sponsors to a motion is published, and all it is doing is delaying until the next day the names of other supporters?
Dr Jack: Yes, that is absolutely right.

QE50 John Hemming: On this point, my understanding is, in terms of signatures for EDMs, that they come in two primary forms, either a piece of paper with lots of different signatures on it or a piece of paper from one Member for the number of EDMs on it, or groups on a piece of paper, and the challenge is where you cannot be clear as to who the Member is, and maybe if the procedure is that if you have lots of signatures on it you also have it written in a legible form as well it would actually overcome the difficulty of recognising the signatures.
Dr Jack: Just on the first point, if you look at the back of the memorandum you will see an example, a page of signatures to an early day motion.[2]
Mr Natzler: I think the problem is that you could ask people to do that but given the circumstances in which these signatures are collected, which tends to be, I believe, in division lobbies or around the House, often late at night, where people are being waylaid and asked, "Would you sign this motion?" it is enough to get a signature, but then to be asked to print underneath it I am a little doubtful as to whether that might be a bit of an imposition on your colleagues.

QE51 Andrew Gwynne: One of the things that has been suggested to us is that the big increases, especially in terms of the added names, are excessive and might be combated by limiting the number of EDMs that a Member can sign in a session. Would you see that as a workable option?
Dr Jack: I will just say something general and then I will call the Table Office again. I think it would be very difficult in practice, for a whole number of reasons, some of which are set out in the memorandum. Apart from anything else, causing a lot of extra work, curiously enough, for the Table Office in determining how many had been signed and how many signatures were being added to what. I think the practicalities of it would probably outweigh any benefit.
Mr Natzler: I think that would be our view. Obviously if the Committee said that this is what it wanted we would make it work. Immediately I think that Members will withdraw their signatures in order to permit the addition to a new motion. The withdrawal would have to be notified because these are all, however slight they may seem, parliamentary notices. I think the highest signers sign an awful lot of motions. I am not sure that they are, if I may say so, the main cause of expense. If expense is the issue—and I am not sure if it is the expense or the so-called devaluation of the currency which is the greater worry—the fact that people are signing a lot of motions is not the main administrative problem. The multiple signers are not a major problem to us, but they may be to you.

QE52 Andrew Gwynne: I note your hesitation. How practicable would it be to distinguish, if the Committee decided that that is what it wanted to do,

[2] Not printed.

between the number of EDMs a Member could sign as an added name and the number that he or she could table?
Dr Jack: I think a system could certainly be devised.
Mr Natzler: This is having a ration on being the first sponsor?

QE53 Andrew Gwynne: Yes.
Dr Jack: Or one of the first six names?

QE54 Andrew Gwynne: The number that you could table as a Member, the number of motions.
Mr Natzler: Limitation on the number of motions on which you could be the first sponsor would be easier to administer, I suspect, assuming that it was kept relatively low. If you were thinking of about 20 in a session? You are not thinking of 200?

QE55 Andrew Gwynne: No, a smaller number than 20, although I am sure for some people 200 would be a smaller number!
Mr Natzler: It would be open, I think, to a similar problem that then when a Member desperately wanted to table a motion there is no rule I know of that would prevent them or deter them from doing so by some means or other. They can ask someone else to take over one of their previous motions, or reorganise the list of sponsors so that they can table a new one. You would presumably not want to prevent a Member desperate to table a motion at some later point in a session from doing so because he or she had shot his bolt earlier on.

QE56 Andrew Gwynne: You have touched on the next question, which is that if we were to have a restriction on the numbers that Members could sign, what level of restriction would it be? Would it be one a week, one a month? What would be necessary in order to make such a big difference for the Table Office?
Dr Jack: I think that is a very difficult question to answer in any sensible quantitative way. Just going back to the previous part of the question, the other thing to bear in mind, of course, is that the Member whose name is on the top could simply withdraw that name and the motion would then become the motion of the remaining signatories.
Mr Natzler: If he withdrew the name and did not arrange for someone to take it over the motion would disappear, which would disappoint his colleagues and some of those outside. This is not an internal House of Commons exercise because we are aware that there are hundreds of people out there who may be, for whatever reason, interested in EDMs and have access to the database, who want to know who has signed it and how many have signed it; obviously you will know that because you receive requests from them to sign it. So the possibility of adding to the confusion, if you start having changes in early day motions used in order to get around rations, might really make things worse.
Dr Jack: Just to clarify, what I meant is that the first person could easily remove his or her name and then someone takes over that motion by simply re-tabling it, and just telling the Table Office.

QE57 Andrew Gwynne: So in terms of procedure what you are saying is that it would need a massive overhaul of the rules, not tinkering around with it in order to make a difference because there are so many loopholes for Members to get around it if they sought to?
Dr Jack: I think that is right.

QE58 Chairman: I think you have really indicated to us that a restriction would be unworkable because I think—and I am of the view that what Members would do is sign a motion when it was a young motion, share in the publicity of the idea, and when it had died down take their name off and put it on something else, which is not reducing your workload. My own view—and it will be a matter for us to reflect on it—is that this would not work.
Dr Jack: I think that is probably right. I think you will end up with the same number of motions that you have in the first place.
Mr Simpkin: Could I make a small point there? For us, Members withdrawing their names actually generates quite a bit of extra work. It is one of the small improvements that our database would need. I do not want to go into enormous detail about it, but it does generate extra work, so I would try to discourage you from that.
Chairman: You are adding to the case that has been made. David?

QE59 Mr Gauke: We touched earlier on perhaps the trivial nature of some EDMs. Are there any rules about triviality of EDMs and unimportance?
Dr Jack: Not as such, no, there are none. There are very few rules really about early day motions anyway, but I think that the few that there are are to do with not referring to *sub judice* matters. A Member must put down a substantive motion, if he or she is criticising individuals; extensive quotations are not permitted, and the length of course, the 250-word length, but there are no other binding rules.

QE60 Mr Gauke: So there is nothing specifically on triviality?
Dr Jack: No, nothing on triviality.
Mr Natzler: Nothing on triviality. *Erskine May* has a phrase that the Speaker, who ultimately controls what appears on the Paper, can direct that notice of motion cannot appear if it is not a "proper subject for debate", and that phrase we would prefer, and very rarely apply. There was some publicity given—and I think it was refused on slightly different grounds—to a recent rhyming early day motion which Members sought to table, which was not trivial—it was probably intended in the spirit of mockery, which is another rule which has to be gently interpreted because obviously politics is full of occasional mockery. If you look through the ones on the Paper even today you may see the occasional motion which may be a little tongue in cheek. I looked at the 16 tabled yesterday and of those I saw only one which may be would be below a bar, if you set it, saying that the Table Office should not accept motions which are not of significance or of national significance. But it would be very difficult for the

Office to apply such a rule without causing offence because even a motion tabled by a single Member on, let us say, a railway line closure is obviously not at all trivial for that Member, and I do not think the Office would want to be in the position of saying that.

QE61 Mr Gauke: You would not want to be in the position to be the judge of triviality?
Dr Jack: I do not think it would be possible, to be quite frank. David's reference to Mr Speaker's power of course exists for anything that goes on the Order Paper. There would be an attempt to stop some highly offensive motion that was tabled by a Member on the authority of Mr Speaker.

QE62 Mr Gauke: It would seem to me, from what you have said, that if you wanted to enforce the rule about triviality in a way the power is already there, if there was a desire to enforce it, as it were, because I would have thought that quite a few EDMs would not satisfy the requirement of being capable of debate.
Dr Jack: My personal view of that is that that phrasing is misleading in the modern context; I do not think it applies any longer because, in a sense, it contradicts the very notion that early day motions are now not to be debated. I think it is a protective phrase, if I can put it that way, of the Speaker's discretion over early day motions or any other motion or matters on the Order Paper.
Mr Natzler: I arrived in this office only three months ago, expecting to deal with and read a lot of trivial motions, partly because I sensed a lot of Members thought there were a lot of trivial motions on the Order Paper. I have difficulty in saying, in all candour, that I have seen one. Maybe I do not know one when I have seen one, but, yes, minor football clubs are congratulated on receiving promotion, which I suppose is the example that Members use most often. Is that trivial?
Rosemary McKenna: It is harmless.

QE63 Mr Gauke: I should declare that I have tabled such a motion which went down very well with the supporters of Watford. I just hope I do not have to table another one commiserating with them on relegation! Can I move on to another area that was touched upon earlier, the issue of ministerial responsibility, and whether an EDM should fall within that. You quoted Douglas Hogg earlier, who was sceptical about that point. In practice is it something that you could use as a bar to EDMs or do you think that we can find ways of getting around it?
Dr Jack: No, I do not think you would find ways of getting around it, any more than you would in tabling questions that did not relate to a ministerial responsibility because my colleagues in the Table Office would stop it. I think that realistically it would cut off a large number of early day motions on the Paper which do not relate to matters of ministerial responsibility. It would be quite draconian and I think quite unpopular with a large number of Members of the House.

QE64 Sir Robert Smith: Surely with 250 words to play with you can bring the Minister in?
Dr Jack: That is something that you would have to thrash out with the Table Office, Sir Robert.

QE65 Mr Gauke: The Secretary of State for Culture Media and Sport I am sure would come in for Watford!
Dr Jack: But if that were the case then there would be no use having the rule anyway. May I just add to that, that what I should have said is that because the notion of ministerial responsibility links to the minister coming and answering or being accountable for something, of course since these motions are not going to be debated it does not arise.

QE66 Sir Robert Smith: The other argument that EDMs provide is that they provide a safety valve, allowing issues to be ventilated away from the floor of the House, including allegations about other Members' conduct, which might otherwise disrupt proceedings on the floor, if that route was not available. Do you recognise the force of this argument?
Dr Jack: I think there are certainly early day motions, the subject matter of which would be unfortunate for debate in the House, and I am thinking of motions, for example, that might, under the protection of parliamentary privilege, name certain individuals in a negative sense, and I think that debates on those sorts of motions would probably be very unfortunate. So, I think that there must be a category of such motions.

QE67 Chairman: One area which I think is of concern to some of us is that currently in the House of Commons there is no opportunity for a private Member to initiate a debate on a substantive motion, and this is in contrast to most other democracies similar to our own. If the view was taken that we should look at some way of reintroducing motions tabled by a Member, which are then the subject of a debate and vote, obviously one option would be to seek to make some EDMs capable of being debated and then have a system of selection. What is your view on that and if that idea was to be mooted how might such EDMs be chosen?
Dr Jack: I think the first thing I would say is, yes, I do agree with the sentiment that it is rather odd that private Members do not have the opportunity that you have alluded to, but somehow I do not think that this route is the right route, for some of the reasons we have already discussed; that in a way a lot of the purpose of early day motions is to give publicity to something or other that links, for example, as David has said, to the outside world in the sense of a campaign. And it actually may not be something that the Member would want to be debated in the House. I think that the matter of private Members' motions really is a separate matter and I think needs a different set of considerations.

QE68 Chairman: I suppose as well that if it were the motion rather than the Member that was the key for the debate this could actually lead to Members putting in hundreds of motions to increase the odds that they are going to have the debate on the floor?
Dr Jack: Yes, I think that is absolutely right, Chairman.

QE69 John Hemming: Obviously looking at the implication of the EDMs, you have the website, you have the staffing costs of EDMs and then there are the printing costs of EDMs, which is where people highlight the biggest costs. Can you explain the procedural reasons for the reprinting of EDMs? Obviously the motions tabled by private Members at the end of Future Business C are only reprinted if they are re-tabled, but is there a procedural reason why they should not be treated in the same way, as long as they were all still accessible through the PIMS database?

Dr Jack: The procedural principle is simply that an added name is in fact a new motion; it is repeating before the House the motion that is already before it. But I think the actual reason for reprinting is simply a practical one of the age of paper, when that was the only way that anyone saw anything. But now, as you have just said, the electronic and other ways of looking at papers in the House it is probably quite different.

QE70 John Hemming: But obviously one suggestion has been that you only print the number, title and the sponsoring Member. I am quite a heavy signer and tabler of EDMs because I like to know what the words are, and knowing merely the title, number and sponsor Member is insufficient. Obviously another route would be to only print on a daily basis the new EDMs on the Thursday reprint and then print the ones which have added names for the week. What is the advantage, for instance, in only printing the number? What use is there to printing just the number, title and sponsoring Member and what would that achieve?
Mr Natzler: This comes back to what is it all for anyway. The assumption is that when a Member signs an early day motion, that is either new-ish or mature, that that is a notice given to the House, so it is of some significance and is to be treated as such. It is therefore not something which it is felt should never be published to the House at large, and that, I think, is reflected in the paper from Malcolm's predecessor; that it did not seem right that it should just be put by Paul and his team into a database and, as it were, left there. Therefore, if it has to pop out some time the question is: when and where and how often? The current system is perhaps an uneasy compromise between, as Malcolm called it, the days of paper and the new electronic age. My rough calculation is that if you table on a Monday and you get it signed through the next two weeks it will be printed about eight times, depending how many sitting days are on that fortnight; that is the most that you can get it reprinted day after day. But the least is probably five if you are unwise enough to table at the end of the week. That gives Members of the House, who pick up their blues and who have the odd moment of leisure, the time to sit down with them and write and sign the motions, seeing the text, and it gives them a reasonable window of opportunity to do that. After that they have to wait for what has become the Thursday reprint, which has only existed for 20 years. It is fortuitous as to what is reprinted from the point of view of a Member, because it is just what other colleagues would have signed. So it is not a complete set. The suggestion of just having the title is that it means at least the Member who has signed a mature motion, his name or her name has come before the House in some form, so that we have recorded and other people can see—and it is not just Members but others—that this Member has signed this motion, and if you want to see the full text of the motion it is, I hope, readily accessible on the internet and intranet.

QE71 John Hemming: This actually comes to the question of who uses the blues. Is it 99% Members and 1% outside Parliament—and this is the point of which I think the public are quite well aware, particularly those campaigning organisations, and that they get on the system on the net. To what extent do people actually use the blues outside Parliament?
Dr Jack: May I answer from another quotation from a Member in the debate on legislative process on 1 November, where Ann Coffey is saying that, "Thousands of early day motions are signed each year and few of them will have any influence at all. Nevertheless, the public understand what is meant by asking a Member to sign an early day motion." I think that there is quite a wide knowledge outside this place of what early day motions are.

QE72 John Hemming: If you look at the costings the blues are the most expensive bit of the process and obviously there are lots of ways that these can be changed—by printing them when they are two weeks' old or whatever, and each has an element of saving, and if, for instance, every day you only printed the new early day motions, and then on the Thursday reprinted all the other ones, that helps the Members, and that suits me because I am a weekly signer and I take the Thursday Paper and sign the Thursday Paper. Some people may prefer the daily sheets on that basis, but then they get the new early day motions and they do not get the ones that have been signed by somebody else. But if you would come to this question as to what extent people outside Parliament use the blues?
Dr Jack: To add to what I was saying, probably the outside people are not using the blues; you are right, the Members are using the blues.

QE73 Chairman: Is there not another point here, that in addition to Members, the Press Gallery use the blues and therefore any further cutback on the blue book could well lead to Members who sign a motion as an added name receiving less publicity?

Mr Natzler: You will obviously know better than us how far publicity comes from Members signing a mature motion as opposed to a motion which is relatively new and which can be drawn directly to the attention of the gallery or lobby, as opposed to one where two or three weeks later someone has signed it and it may be less of a story. Indeed the Press do use the blues and I think I am also right in saying that Whitehall do flick through the blues to keep an idea on numbers and also to prepare the briefing for the Leader of the House at business questions.
Chairman: It is certainly less of a story if you sign an older motion, but if in a region or locality the news is fairly thin—

QE74 John Hemming: If you are in the top six names you are quite likely to get more press on this and there is the question as to what extent the Press Gallery use them. If you only have the new EDMs and the names from the first day, until the reprint day, would that actually have any real substantial impact?
Dr Jack: It is difficult for us to answer for the press certainly, but I think within the House the blues are used.
Mr Natzler: Putting it crudely, the blues are for you, and a lot of Paul's and his staff's work arises from signatures on blue paper. So if there were no Members involved in this operation—which I know sounds absurd—then we would not print the blues. We could easily have an electronic petition system up on a database, but that is not presumably what it is for.

QE75 John Hemming: That in a sense allows you to be looking at the issues from the point of view of monitoring the PIMS system for what has changed since the previous one, what new EDMs there are. Would I be right in saying that you are pretty confident that PIMS is spot on accuracy wise, and in fact it is your primary source of records?
Mr Simpkin: I think the EDM database website is a very reliable website. It has a number of advantages over the blues. It is updated every day so it is more up to date than the blues. It is easier for Members, the Press or for the public to actually search through and find EDMs on a particular subject, or to find out whether their Member has signed a particular EDM. So the website is not just more accessible but more useful than the blues.
Mr Natzler: I can find out very quickly exactly which EDMs, Mr Hemming, you signed last session, and I have—and indeed every Member—and it took me about a minute and a half on 11 Members, finding out which they have signed, which they have co-sponsored and which they had actually tabled. 20 years ago that would have been completely impossible.

QE76 John Hemming: I presume I have signed more than anybody else on this Committee!
Dr Jack: We ought perhaps to throw into this discussion also some figures, which is £66 per page of printing blues. That is the money we are talking about.

QE77 John Hemming: So your biggest area of potential saving is looking for pages that the blues are not printed because they are not needed?
Dr Jack: That is right.

QE78 John Hemming: And that is not necessarily linked to the numbers of EDMs, it is how many times an EDM has been printed?
Dr Jack: That is right.

QE79 Sir Robert Smith: Talking about electronic databases and the system, the question leads on to the question of whether therefore people could actually table electronically and add names electronically. In your view, are the arguments over whether to introduce e-tabling of EDMs essentially the same as those over e-tabling of parliamentary questions; or do you think there are other factors that need to be considered?
Dr Jack: Again, I think it was Robert Rogers, who was head of the Table Office at that time, who has given the Committee a short note on this subject.[3] I think the main worry really is the possibility of growth of the numbers. That is what is expressed in this paper.
Mr Natzler: I have been thinking about that obviously. About 35 to 40% of questions are now tabled electronically. I think I am right in saying that we have no doubt about the verification—in other words, we are confident that 100% of them come from the e-mail account of the Member concerned. I would be dishonest if I said that we have no doubts about the authentication because that is the difference in electronic commerce terms; in other words, that the person who was purporting to send them has actually sent them. I know that Members share the view that some Members may have given their passwords to the assistants who are given *carte blanche* to send in questions. That is not what we are discussing at the moment. But the question then arises: would there be consequences of extending that or an equivalent system to two things? One, tabling motions, I would be nervous about. I think tabling a motion before the House is arguably of greater significance than a question, which admittedly goes to a Minister who answers to the House as well as to the Member, but it is quite a significant proceeding to table a motion, and I am very nervous of the current deliberately weak authentication in accepting EDMs electronically. The second thing is the consequences of accepting added names electronically. I think there is a problem of the very ease of it and the very perception by some Members—and I have no doubt their staff—at that time that it is not a very big deal; that you get a letter from someone saying, "Could your Member please sign EDM 1234?" and they say, "Sure." It is so easy. I think the question does require an extra leap forward and the certainty that that is what their Member intends them to do, and is given more or less explicit instructions. So I think that the slight anxieties about authentication are magnified when you are talking about added names. Finally, I

[3] Not printed.

would say that we get quite a lot of names added to early day motions from Members who have already signed that motion, which is an administrative burden because the database blocks their entry, which then Paul has to go back on.
Mr Simpkin: Obviously if Members are signing, if they are signing on the blues or in the various different methods, as you said Members tend to use for adding their names, yes, obviously it does create extra work for us if they are signing something that they have already signed.
Mr Natzler: The chances of that happening will I think increase substantially if there were to be electronic tabling.

QE80 Sir Robert Smith: Presumably any electronic tabling system would flash back to the Member, "You have signed this already"?
Mr Natzler: That depends on the electronic tabling system. If you ask us to look into a system we would, but I do not think we would envisage direct tabling. Electronic tabling of questions, let us be clear, is simply sending an e-mail which is printed out and then it joins the general bundle of questions to be processed. I assume that, if there were to be added names, that would be the same. I am sure we would not want to give, for reasons of electronic security, access to the database because it would also enable people to remove names, either in error or destroy the whole thing.

QE81 Sir Robert Smith: For the Committee's benefit, those of us who e-table, when we registered we had to put in our own personal parliamentary e-mail address and the system works out that the person logged on has come in as that e-mail address?
Dr Jack: Yes, Sir Robert.

QE82 Sir Robert Smith: But you accept that there is a concern that some people may have allowed their e-mail address to be used by other people on their behalf?
Mr Natzler: Yes.

QE83 Sir Robert Smith: Has anything been done to prevent that?
Mr Natzler: I believe that it is a matter of internet security over the House as a whole rather than anything to do with the Table Office alone, and I believe that Members are advised not to give their passwords to anybody else. But the issue arises if you wish to, of course; then there is nothing much that can be done.
Dr Jack: There are parallels of course in paper, difficulties of course of authentication, which I need hardly tell the Committee about, sheets of paper with signatures on—it is not that different really.

QE84 Sir Robert Smith: One of the questions that you have almost answered really, is the fact that a system can be abused for questioning and does that preclude it from motions, and your argument seemed to be that motions are of a greater importance than questioning?
Dr Jack: Yes.

QE85 Chairman: Would there be any difference, in your view, if you said that you could table added names to EDMs electronically but not table the motion?
Mr Natzler: As I indicated, Chairman, I think that that would lead to an increase in the number of names added, and if that is what Members want then that is not a problem. But I cannot believe that Members are currently restricted from adding their names to early day motions because of an inability to table electronically. In other words, there is no hurry, unlike questions where there is often an urgency to get the question in, particularly an oral one for a shuffle. There is no urgency to add your name to an early day motion and the act of scribbling your signature on a blue or writing down some numbers on a piece of paper and signing at the bottom, which is another popular means of adding, is so easy, but also gives good authentication to the Table Office for that Member being associated with a sometimes politically controversial expression of an opinion. That is why I think they are of a higher level than questions, which in theory is simply seeking information in a wholly neutral way.

QE86 Sir Robert Smith: Can one Member go in and authenticate that a whole list of Members have agreed to support their EDM?
Dr Jack: Certainly, yes; that has always been the case.

QE87 Sir Robert Smith: So in that procedure, if someone is not in the House they just have to find a colleague?
Dr Jack: Yes, absolutely.

QE88 Sir Robert Smith: If there is an urgency because of the Press, or the issue is happening the next day.
Mr Natzler: And that Member takes full responsibility for the fact that the Members have agreed to do so.
Dr Jack: I ought to emphasise that really we can only take Members' word for authentication; we cannot possibly question them on that matter.

QE89 Chairman: Any other questions on this point? No. Can I just backtrack to what you were saying earlier, Dr Jack? You were very forthright in saying that you do not think EDMs should be the vehicle for private Members' debates, but if there is to be a system of debating and voting on private Members' motions, whether it is early day motions or some other system, in your view would these have to be on the floor of the House or could you hold them in Westminster Hall with the vote being subject to the deferred division process, and that being carried out the following day in the normal way?
Dr Jack: You would have to alter the rules about Westminster Hall, would you not, because you cannot have them in Westminster Hall at the moment?

QE90 Chairman: But can you see any other practical difficulties of doing that?

Dr Jack: Of having the debate in Westminster Hall?

QE91 Chairman: And the deferred division process at the end of it in Westminster Hall?
Dr Jack: That is allowed for, Chairman; that would be a possibility. I think the only footnote to add to that of course is that we then come back to the business which we have been discussing all along: whether there are serious early day motions and not serious ones, and you would be in the territory obviously of ministerial responsibility and so on, once you had a motion susceptible of the decision in the House. In other words, there would have to be rules applied to these motions of a much tighter nature than are applied to early day motions at present.

QE92 Chairman: Is there anything that you would like to add or anything that we have not touched upon which you were expecting us to do, and which you would like to place on the record?
Dr Jack: No, I do not think so, Chairman, unless my colleagues have anything further to say. We have had a good canter round.

Mr Natzler: Two things. One was the suggestion in the paper[4] that maybe Members should be asked to table in person the motions and added names and everything, which was put forward as one proposition to make it more difficult. I think that the Office would regret that move, although it might not have that effect, but I think that would simply be seen as a nuisance to Members, particularly those who can readily use the post or sign something and send it in in an envelope. The second thing is electronic access, that whatever you may suggest about reprinting and printing less obviously does depend on ready access by Members to EDMs on the intranet and internet—the same site—and any suggestions that you had to make that genuinely easier, because we tend to say it is easy once you have done it, but we are all a bit nervous when going into websites and so on. So anything would be very welcome so that we can genuinely say, "This is so easy to get to on the internet with a couple of quick clicks." That would be very helpful.
Chairman: Thank you. You have given us much food for thought. Your evidence has been not only interesting, but I think will be very helpful to us. Thank you for your time and thank you for coming.

[4] P 56 (Session 2005–06) paragraph 26.

Written evidence

Memorandum from Dr Sarah Childs, Senior Lecturer in Politics, University of Bristol (P 51 (Session 2005–06))[1]

Despite their reputation as "parliamentary graffiti", EDMs continue to represent a means by which MPs can voice, and garner support for, their concerns/interests. This is an important interest articulation role, not least in that tabling and signing EDMs are less constrained by party loyalty than other parliamentary activity. EDMs also offer an opportunity to transform the political agenda by raising concerns that otherwise might not be raised in the House. For example, the series of EDMs addressing Mike Tyson boxing in Scotland. Furthermore, an MP who garners a large number of signatures can be confident that the issue has wider support. This can be important psychologically for the MP who tabled the issue and symbolically and substantively in arguing for the point within parliament, government and in the public domain. Chris McCafferty was able, for example, when making the case for the reduction of VAT on sanitary products, to state that the EDMs were widely supported on the backbenches. She was also able to use the EDMs when she raised the issue in the media. Indeed, although it is hard to demonstrate systematically that particular EDMs directly influence policy, it is the case that some do, not least by placing an issue onto the mainstream agenda or signalling backbench dissent. EDMs can also raise public awareness of particular issues through press releases and subsequent media coverage.

There are however a number of issues of concern as EDMs currently stand. First, there is a tendency for some EDMs to be light-hearted, "state the obvious" or congratulate one particular football team over another. Perhaps there could be stricter guidelines. Second, is the formal requirement over how EDMs must be constructed. This, at times, can place form over clarity. Third, is the issue of who actually signs the EDMs. It is often suggested that eager interns sign the EDMs that they think their MP would wish to sign. Electronic signing might improve this.

The proposal to allow electronic signing might also have the effect of increasing the number of signatures per EDM. It is not clear whether this would equalize signatures between EDMs nor whether it would still be possible to distinguish between popular and less popular motions—although whether this is a valid concern would be contested. A trial period of electronic signing might be advisable in this respect. Electronic signing would also maximise MPs opportunities to sign EDMs and enable EDMs to be continuously "printed" on a website which would no longer cause some MPs to hold back their signing to ensure that the EDM is reprinted.

The suggestion that EDMs, or at least some of them—perhaps the most popular or those that are selected by lot, but not those congratulating Arsenal or Man Utd—should be debated is a good one. However, it would be important to ensure that EDM debates were not at the expense of other means by which backbench MPs can raise issues—Westminster Hall, Private Members' Bills. MPs complain about an overburdened parliamentary timetable, as it is.

February 2006

Memorandum from Association of Professional Political Consultants (P 66 (Session 2005–06))

1. The Management Committee of the Association of Professional Political Consultants (APPC) is pleased to be able to contribute to the inquiry by the Procedure Committee into Early Day Motions (EDMs). The campaigns and activities of many of our clients are the subject of EDMs, and we welcome the opportunity to put on record our comments about their current and future use.

2. As with any membership organisation, it is difficult to encapsulate in a single document the diverse views of all members. Thus we would stress that this paper has been prepared on behalf of the Management Committee of the APPC, and does not necessarily represent the views of all APPC members.

Introduction to the APPC

3. The APPC is the representative and regulatory body for UK political consultants and public affairs professionals. The APPC aims to:

- ensure transparency and openness through a register of political consultants;
- enforce high standards by requiring members to adhere to a code of conduct; and
- promote understanding amongst politicians, the media and others about political consultants and the public affairs sector, and the contribution made by political consultants to a properly functioning democracy.

---

[1] Childs, Sarah and Withey, Julie (2006) "The Substantive Representation of Women: Reducing the VAT on Sanitary Products in the UK", *Parliamentary Affairs*, 2006, 59, 1. Childs, Sarah and Withey, Julie (2004) "Women Representatives Acting for Women: Sex and the Signing of Early Day Motions in the 1997 British Parliament", *Political Studies*, 2004, 52, 3: 552–564.

4. The APPC has 32 member companies, representing around 80% of the UK political consultancy sector (by turnover). It is worth saying that the APPC does not regulate in-house communications teams who also engage in lobbying and other public affairs activity.

5. Clients of APPC member companies range widely, from private companies, to trade and professional bodies, trades unions, public sector organisations, and charities and campaigning groups. It is particularly the case that the latter group may be the inspiration for EDMs, and for that reason the APPC is well-placed to comment on the Procedure Committee's inquiry.

The Role of EDMs

6. Early Day Motions are often described as "Parliamentary graffiti", and their value questioned. It is our belief that this severely underplays the utility of EDMs in the wider Parliamentary and political process.

7. EDMs allow MPs to express their opinion about a subject in a straightforward and accessible way. It allows them to communicate their view to other MPs, Ministers and others. It helps MPs to identify other Members with the same view, and so allows coalitions of support for an issue to be built.

8. Similarly, for those outside Parliament EDMs are a reference point, identifying MPs who support (or oppose) a particular policy objective. EDMs can be cited in correspondence, for example with Ministers, as demonstrating a level of support for an issue in Parliament. EDMs also provide an "outcome"—at the end of a meeting to brief an MP about a particular issue it may be useful to suggest that they show their support by signing an existing EDM.

9. Thus the APPC believes that any restriction on current arrangements for tabling EDMs would limit the ability of organisations (perhaps primarily charities, NGOs and other "non-commercial" groups) to make use of this valuable campaigning tool. Moreover, there is no obvious other mechanism which might be used by such groups to draw the attention of Parliament and Government to an issue.

Debating EDMs

10. Other than Prayers against delegated legislation, very few EDMs are ever debated. The principal (though infrequently used) mechanism for allowing debate is if a Motion is taken up by the Opposition for an Opposition Day debate. Our view is that there is a case for a separate procedure for ensuring that a proportion (however small) of EDMs should be debated by the House, or perhaps more likely in Westminster Hall.

11. Deciding which of the many EDMs would be debated would not be straightforward. However, we note that choices are made by the Liaison Committee between the reports of Select Committees in deciding on the subjects of certain debates, and accordingly we propose that the Liaison Committee—or its Chairman—or a similar body take on a similar role in the case of EDMs.

Printing EDMs

12. We recognise that underpinning the Committee's inquiry may be a concern about the number of EDMs now being tabled in a Session. It is a glib point, but the number reflects the success and attractiveness of the procedure. We repeat our view that the correct response to this success should not be somehow to constrain the numbers tabled.

13. We do, though, recognise that the costs of printing and re-printing every EDM are substantial, and should be reduced. For most users of Parliamentary papers *outside* Parliament, electronic versions of the papers are entirely acceptable. The EDM database is a well-developed, and very useful resource.

14. However, for users *within* Parliament the printed Order Paper still appears to be a much-referred to document. In relation to EDMs we are aware that many MPs (or their offices) check the new EDMs on a daily basis. On behalf of our clients we would obviously not favour changes which would mean that Motions did not gain the attention of MPs in the way that they do at Present.

15. Therefore we propose that:

- All *new* EDMs are printed on the day after they are tabled (as at present).
- New amendments to EDMs are printed (together with the text of the EDM).
- EDMs are no longer re-printed:
  - When additional names are added to Motions or amendments.
  - Once a week (as at present).

16. We believe that this would substantially reduce the amount of printing associated with EDMs, and thus significantly lower costs to the taxpayer. Provided that the electronic publication of EDMs is continued we do not believe that this change would undermine the usefulness of the EDM procedure as a whole.

TABLING EDMS ELECTRONICALLY

17. The APPC is not best placed to judge whether or not it would be appropriate, useful or technically possible for Members to table EDMs electronically. Our only observation is that given the changes made to tabling questions, and given trends in the use of technology, it may well be that electronic tabling is inevitable.

CONCLUSION

18. We hope that this evidence is of interest and use to the Committee in its inquiry. If the APPC can provide any further evidence or information we would be very happy to do so.

Gavin Devine
Management Committee

April 2006

Letter to the Leader of the House of Commons from Colin Challen MP (P 6)

I would like to suggest that there should be a mechanism for debating EDMs. This would provide for EDMs with a certain level of support—eg 200 signatories—being entered into a ballot for time, perhaps a session once a month of two or three hours, if necessary in Westminster Hall.

November 2006

Letter from Mr Roger Gale MP (P 92 (Session 2005–06))

I have received a copy of the notice sent to Members in relation to the inquiry into the future of Early Day Motions. I have already submitted comments by e-mail but would like to reiterate those comments individually to Members of the Committee.

I believe that the Early Day Motion has become the most devalued and overrated form of Parliamentary currency and is now of small if any value at all.

Early Day Motions appear to be used chiefly by lazy PR companies seeking to endeavour to persuade their clients that "something is being done" and by backbench Members of Parliament to secure a couple of column inches in the local press on the basis of "MP backs motion on . . . " The latter leads the public to believe that some Parliamentary action is being taken when this patently is not the case.

The motion on remaining orders device does at least allow for a Parliamentary approach to an issue to be taken and it seems to me that the Early Day Motion should be completely replaced by multiple signature applications to the Speaker's Office for Adjournment Debates on a specific public—which might or might not be successful but would at least be targeted directly at Parliamentary activity.

In short I would hope that the Procedure Committee will be bold enough to consider the total abolition of the Early Day Motion procedure.

February 2006

Letter from Derek Conway TD MP (P 93 (Session 2005–06))

The Committee may wish to consider how those outside Parliament view EDMS.

Increasingly charities and lobby groups use them as activity tools, misleading their supporters into thinking the EDMs have great impact on parliamentary opinion and in turn justifying their own existence.

In 2004 the London *Evening Standard* carried its analysis of what it judged to be a hard-working MP. Part of the marking-chart was signing EDMS. This was in contrast to ignoring service on House Committees, Standing or Select, neither of which was considered, journalistically, a valid indication of an MP's work in Parliament.

The Committee will no doubt have its own views on whether an MP contributes more to the scrutiny of legislation or the Executive by working on Committees or by signing EDMs on the latest episode of Coronation Street. The London *Evening Standard* clearly has.

It would seem that any form of self-regulation has gone and that the House must set and enforce its own rules to ensure its reputation is not tarnished by a minority who use the Order Paper as a press release.

I would not wish to see too firm a control on the subject matter but the issues should have some relationship to public policy which commentary on sporting successes and or television drama programmes cannot.

February 2006

Letter from Hon Gwyneth Dunwoody MP (P 94 (Session 2005–06))

Early Day Motions

I should like to say that, although it can be irritating when Members write rubbish, if they did not have this opportunity, the ability of backbenchers to raise their concerns against a powerful executive would lessen.

Sometimes the subjects are banal and would not be raised on the floor of the House, but they are nevertheless often important to constituents.

February 2006

Printed in the United Kingdom by The Stationery Office Limited
5/2007 350548 19585