

# GOVERNANCE PROJECT





### 7

#### House of Commons and the Executive

- R.7.1. The degree of Government control of the House of Commons' time and agenda impairs Parliament's ability to perform its basic legislative and democratic functions.
- R.7.2. As a matter of constitutional principle, the House of Commons should be under the control of a Parliamentary majority, not of the Government that it is supposed to scrutinise. However, the practice is that all parliamentary time belongs to the Government. MPs routinely complain that they have insufficient say over the running of their own institution and significant tensions can occur between Ministers and Parliament. The ability of the House of Commons to pass a vote of no confidence in the Government is not an appropriate control or support for Parliamentary processes; a more productive and sensitive relationship, that offers better accountability and better legislation, is needed. Select Committees are widely considered to have been a valuable development improving the quality of Government but their powers are limited in some respects, restricting their impact.
- R.7.3. This Recommendation seeks to adjust the balance between the House of Commons and the Executive, allowing the former better control of its own time and affairs. This is consistent with a healthy democracy and greater accountability.

#### **We recommend that:**

#### **Parliamentary time should be under the control of the majority of MPs**

- R.7.4. Standing Order No. 14 should be amended to include a mechanism recognising the inherent right of the House of Commons to control and order its own business.
- R.7.5. The weekly agenda of the House should be decided via a substantive motion moved by the Leader of the House. This should take place at the end of a 'Business Statement' delivered at a 'prime-time' (i.e., not a Thursday), when most MPs are in Westminster.
- R.7.6. The Leader of the House must consult with the Opposition and minor Parties to determine how the following categories are allocated time:
- Protected Government business, the content of which is to be decided by Ministers.
  - Protected House business (such as debates on Select Committee reports, general debates etc.). On these days, the Government should be entitled to go beyond the usual sitting times to secure its business that day if necessary.
  - Protected time for Opposition Days, Private Member Bills, and Backbench Business Days (which must each take place within a six-week cycle).

#### **There should be greater alignment between Select Committees and business on the floor of the House**

- R.7.7. The power and influence of Emergency Debates under Standing Order No. 24 should be strengthened by formally recognizing the ability of the House to engage in Emergency Debates on substantive motions.
- R.7.8. Each departmental Select Committee should be entitled to two 90-minute debates per Session to move a substantive motion based on the recommendations of a Select Committee Report. This would allow the House as a whole to consider the details of specific Government policy or conduct and express a collective view on it.

### **Select Committees' scrutiny functions should be enhanced**

- R.7.9. To facilitate the work of Select Committees and to enhance their ability to discharge their duty to scrutinise:
- a. the House should update its Standing Orders:
    - i. to allow Ministers and (notwithstanding any conventions recorded in the Osmotherly Rules) Civil Servants (including SpAds) to be formally summoned before Select Committees; and
    - ii. Select Committees to have the power to request documents or records relevant to their enquiries, other than those for which an absolute exemption from disclosure is provided by Section 2(3) of the Freedom of Information Act 2000; and
  - b. the relevant Codes and employment contracts would contain provisions to ensure that Ministers, Civil Servants and SpAds must comply with reasonable witness summons or requests for documents relevant to the work of Select Committees.

### **The powers and privileges of the House of Commons to compel publication of documents must not be abused**

- R.7.10. Any motion containing a Humble Address requesting the disclosure of any information should, similarly, not require the production of material which is subject to an absolute exemption from disclosure under by section 2(3) of the Freedom of Information Act 2000 (unless the motion expressly indicates otherwise).

### **A clear and transparent procedure to consider the rules governing the House**

- R.7.11. The Speaker should have a discretion to grant a 90-minute debate on a motion to vary any Standing Order(s) if this is requested by:
- a. the Leader of the Opposition;
  - b. the Leader of the Third Largest Party;
  - c. the Backbench Business Committee;
  - d. the Procedure Select Committee; or
  - e. at least 300 MPs.
- R.7.12. Standing Orders may not be varied via an Opposition Day, Emergency Debate or Select Committee Report debate (unless it is sponsored by the Procedure Select Committee).

### **Parliament must decide the period of adjournment**

- R.7.13. Motions for periodic adjournment of the House of Commons under Standing Order No. 25 should not be taken without the possibility of amendment.
- R.7.14. Motions for adjournment may not be moved (but may be tabled) prior to three sitting days before the proposed date of adjournment.

### **The power to request that the Speaker recall the House of Commons from an adjournment should not rest exclusively with Ministers**

- R.7.15. To ensure that the House can debate urgent issues:
- a. Standing Order No. 13 should be amended to allow the Speaker to recall the House if this is requested by at least 250 MPs (10 of whom must be members of the governing party);
  - b. the Speaker should not have the discretion to refuse a request under subparagraph (a) above or a request made by a Minister of the Crown; and

- c. the first item on the Order Paper following the House being recalled should be a Business of the House Motion moved by the Leader of the House.

**The duration of the parliament and its sessions should be regulated by primary legislation**

R.7.16. Primary legislation should establish the following principles:

- a. Parliament should not be prorogued without the prior authorisation of a resolution of the House of Commons; and
- b. the Prime Minister should not use his or her discretion to request, from the Monarch, a dissolution of Parliament without the prior authorisation of a resolution of the House of Commons.

*Certain additional, background material for this Recommendation is available on the website for the Commission (<https://www.ukgovernanceproject.co.uk>).*