

The House of Commons at work


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“Your business is not to govern the country but it is, if you think fit, to call to account those who do govern it”

William Gladstone, speech to the House of Commons, 29 January 1855

Learning objectives

- To explain the importance of the House of Commons in terms of its history and its functions.
- To detail the size and structure of the House.
- To consider the nature of the membership of the House.
- To identify and assess the means available to Members of Parliament to fulfil the functions ascribed to the House.



The House of Commons has its origins in the thirteenth century. At various times, it has played a powerful role in the affairs of the nation. Its most consistent activity has been to check the executive power. Its power has been limited by royal patronage and, more recently, by the growth of parties. It nonetheless remains an important part of the political process. It has to give its assent to measures of public policy. Ministers appear before it to justify their actions. It remains an arena for national debate and the clash of competing party views. It provides an important institutional constraint on the actions of government. Various means are available to the House to subject the government to scrutiny, though they vary in their effectiveness and are, as we shall see in the next chapter, the subject of critical debate.

Origins of Parliament

Parliament has its origins in the thirteenth century. It was derived not from first principles or some grand design but from the King's need to raise more money. Its subsequent development may be ascribed to the actions and philosophies of different monarchs, the ambitions and attitudes of its members, external political pressures and prevailing assumptions as to the most appropriate form of government. Its functions and political significance have been moulded, though not in any consistent manner, over several hundred years.

Despite the rich and varied history of the institution, two broad generalisations are possible. The first concerns Parliament's position in relation to the executive. Parliament is not, and never has been on any continuous basis, a part of that executive. Although the Glorious Revolution of 1688 confirmed the form of government as that of 'parliamentary government', the phrase, as we have seen already (Chapter 14), means government *through* Parliament, not government *by* Parliament. There have been periods when Parliament has been an important actor in the making of public policy, not least for a period in the nineteenth century. However, its essential and historically established position has been that of a reactive, or policy-influencing, assembly (Box 16.1; see Mezey 1979; Norton 2013a): that is, public policy is formulated by the executive and then presented to Parliament for discussion and approval. Parliament has the power to amend or reject the policy placed before it, but it has not the capacity to substitute on any regular basis a policy of its own. Parliament has looked to the executive to take the initiative in the formulation of public policy, and it continues to do so.

The second generalisation concerns the various tasks, or functions, fulfilled by Parliament. Parliament is a multifunctional body. Not only does it serve as a reactive body in the making of public policy, it also carries out several other tasks.

BOX 16.1

Types of legislature

- *Policy-making legislatures:* These are legislatures that not only can modify or reject measures brought forward by the executive but also can formulate and substitute policy of their own (e.g. the US Congress).
- *Policy-influencing legislatures:* These are legislatures that can modify and sometimes reject measures brought forward by the executive but lack the capacity to formulate and substitute policy of their own (e.g. UK Parliament, Portuguese *Assembleia da República*).
- *Legislatures with little or no policy effect:* These are legislatures that can neither modify nor reject measures brought forward by the executive, nor formulate and substitute policies of their own. They typically meet for only a short period each year to give formal approval to whatever is placed before them (e.g. the North Korean parliament; former legislatures of eastern European communist states, such as East Germany).

Its principal tasks were established within the first two centuries of its development. In the fourteenth century the King accepted that taxes should not be levied without the assent of Parliament. The giving of such assent was variously withheld until the King responded to petitions requesting a redress of grievances. At the same time Parliament began to take an interest in how money was spent and began to look at the actions of public servants. It became, in a rather haphazard way, a body for the critical scrutiny of government.

The development of Parliament

Knights and burgesses were summoned in the thirteenth century in order to give assent to the King's decision to raise extra taxes. They joined the King's court, comprising the leading churchmen and barons of the realm. In the fourteenth century the summoning of knights and burgesses became a regular feature of those occasions when the King summoned a 'parliament'. At various times during the century, the knights and burgesses sat separately from the churchmen and barons, so there developed two chambers – the Commons and the Lords.

The House of Commons became more significant in subsequent centuries. It was an important political actor during the Tudor reigns of the sixteenth century and a powerful opponent of the Stuart monarchs, who asserted the divine right of kings to rule, in the seventeenth. Clashes occurred between Parliament and Charles I – leading to the beheading of the King and a short-lived period of republican government under Oliver Cromwell – and, later, between Parliament and James II. The fleeing of James II in 1688 allowed leading parliamentarians to offer the throne to James' daughter and

son-in-law (Mary and William) on Parliament's terms, and the supremacy of Parliament was established. Henceforth, the King could not legislate – or suspend laws – without the assent of Parliament.

Parliament nonetheless continued to look to the executive power – initially the King, and later the King's ministers assembled in Cabinet – to take the initiative in formulating measures of public policy. When measures were laid before Parliament, assent was normally forthcoming. In the eighteenth century royal influence was employed, either directly or through the aristocratic patrons of 'rotten boroughs', to ensure the return of a House favourable to the ministry. This influence was broken in the nineteenth century. The 1832 Reform Act enlarged the electorate by 49 per cent and abolished many, although not all, rotten boroughs. The effect of the measure was to loosen the grip of the aristocracy on the House of Commons and to loosen the grip of the monarch on the choice of government. The last time a government fell for want of the monarch's confidence was in 1834. MPs entered a period when they were relatively independent in their behaviour, being prepared on occasion to oust ministers and sometimes governments (as in 1852, 1855, 1856 and 1866) and to amend and variously reject legislation. Except for the years from 1841 to 1846, party ties were extremely loose.

This so-called 'golden age' was to prove short-lived. At that time, there was little public business to transact, and what there was of it was reasonably easy to comprehend. Members were not tied overly to party and could make a judgement on the business before them. The consequence of the 1867 Reform Act, enlarging the electorate by 88 per cent, and of later Acts reducing corrupt practices, was to create an electorate too large, and too protected by the law, to be 'bought' by individual candidates. Extensive organisation was necessary to reach the new voters, and organised political parties soon came to dominate elections. For a winning party to govern effectively, its members in the House of Commons needed to be united, and by the end of the century cohesive party voting was a feature of parliamentary life. Party influence thus succeeded royal patronage in ensuring the assent of MPs for measures brought forward by ministers of the crown.

The effect on Parliament of the rise of a mass electorate was profound. Governments came to be chosen by the electorate, not – as had occasionally happened in preceding years – by the House of Commons. Popular demands of government engendered not only more measures of public policy, but more extensive and complex measures. By the turn of the century, Parliament lacked the political will and the institutional resources necessary to subject increasingly detailed government bills to sustained and effective scrutiny. Albeit in a somewhat different form to that seen in earlier centuries, executive dominance had returned.

For the House of Commons, though, the developments of the nineteenth century served to confirm it as the pre-eminent component of the Crown-in-Parliament. The Glorious Revolution had established Parliament's supremacy over the King. The rise of the democratic principle in the nineteenth century established the supremacy of the elected House over the unelected. The House of Commons was clearly a representative chamber in that it was freely elected and in that its members were returned to defend and pursue the interests of electors (see Chapter 15). The House of Lords could claim to be representative in neither sense. The subordinate position of the House of Lords was confirmed by statute in the Parliament Act of 1911.

The position so established in the nineteenth century continued into the twentieth. The House of Commons remained the dominant chamber in a Parliament dominated by party, with the initiative for measures of public policy resting with the Cabinet and with a party majority in the House ensuring the passage of those measures.

That sets the historical context. What, then, is the contemporary position of the House of Commons in the twenty-first century? What are the essential characteristics of the House – its members and its procedures? What functions does it fulfil? What tools does it have at its disposal to fulfil them? And to what extent have developments in recent years strengthened or weakened its capacity to carry out those functions?

The House of Commons

The size of the House of Commons has varied over time. In the twentieth century, it ranged from a high of 707 seats (1918–22) to a low of 615 (1922–45). The number was reduced in 1922 because of the loss of (most) Irish seats. From 1945 to 1974 it stood at 630; because of the increase in the size of the population, it was increased in 1974 to 635, in 1983 to 650, in 1992 to 651 and in 1997 to 659. In 2001 there was the first reduction since 1922: the number of seats in Scotland went down from 72 to 59 to take account of the fact that Scotland had its own parliament. As a result, the number of seats in the 2005 Parliament was 646. The number increased to 650 in the Parliament of 2010.

Elections

Between 1715 and 1911, the maximum life of a Parliament was seven years and from 1911 to 2010 it was five years. An election could be called at any time within that period. The Fixed-term Parliaments Act 2011 provided instead for a fixed term of five years, other than in certain exceptional circumstances (see Box 16.2). Under the Act, a general election takes place every five years on the first Thursday in May.

BOX 16.2

The Fixed-term Parliaments Act

Until 2011, the maximum life of Parliament was five years. Within that period, the Prime Minister could ask the sovereign to dissolve Parliament and call a general election. Prime Ministers usually sought a new election after four years in power or sometimes went into a fifth year if opinion polls were unfavourable. Some Parliaments had a short life, with a Prime Minister with a small or non-existent parliamentary majority seeking a fresh mandate within a year or so of taking office. In 1974, there were two general elections, one in February and another in October.

The Fixed-term Parliaments Act 2011 brought to an end the Prime Minister's capacity to ask for Parliament to be dissolved. The Act displaces the Sovereign's prerogative to call an election. It provides that a general election will take place on the first Thursday in May every five years. There is provision for an early general election, if

- 1 The House of Commons by unanimity or, if contested, by a two-thirds majority of all MPs (not simply two-thirds of those voting) votes for the motion 'That there shall be an early general election'; or
- 2 The House of Commons passes the motion 'That this House has no confidence in Her Majesty's Government'

Members (MPs) are returned for single-member constituencies. These have been the norm since 1885, although 12 double-member constituencies survived until the General Election of 1950. The method of election employed is the 'first-past-the-post' system, with the candidate receiving the largest number of votes being declared the winner. This again has been the norm since 1885, although not until the General Election of 1950 (with the abolition of university seats, for some of which a system of proportional representation was used) did it become universal. All the seats are now contested. Again, this is a relatively recent development. In elections before 1945 a significant fraction of members – an average of 13 per cent – were returned unopposed. As late as the 1951 election, four Ulster Unionist MPs were returned in uncontested elections.

Each constituency comprises a defined geographical area, and the MP is returned to represent everyone living within that area. (University seats were exceptional: the constituencies comprised graduates of the universities, regardless of where they were living.) Constituency boundaries are at present drawn up and revised regularly by independent

(a simple majority suffices to pass the motion) and if, within 14 days, no new Government has been formed and received a vote of confidence from the House.

Those are the only conditions under which an early election can be held. If an early general election is held, then the effect is to reset the election clock.

The Prime Minister can thus 'call for', but not unilaterally 'call', an early election. Making a vote one of confidence, and losing that vote, would not trigger an election – the motion has to be an explicit vote of no confidence. If a Prime Minister did make a vote one of confidence and lost the vote, the Government could resign, but that would not trigger a general election (Norton 2016a).

In April 2017 Prime Minister Theresa May announced her intention to ask the House of Commons to approve an early general election on 8 June. She obtained the necessary two-thirds majority. The effect of the early election was to put back the next general election until May 2022, unless one of the provisions for an early election is again triggered.

Boundary Commissions. There is one covering each country – England, Scotland, Wales and Northern Ireland; the chair of each commission is formally the Speaker of the House of Commons, although in practice the chairing is undertaken by a deputy, who is a judge. An Electoral Commission, created by the Political Parties, Elections and Referendums Act 2000, reports on elections and referendums; oversees the registration of, and donations to, political parties; and seeks to raise public awareness of elections.

In 2011 the government achieved passage of the Parliamentary Voting System and Constituencies Act, which stipulated a reduction in the number of seats from 650 to 600 and provided that constituencies should have the same number of voters, plus or minus 5 per cent (with one or two specified exceptions). However, the motions to give effect to the changes were not agreed and hence did not take effect in the 2015 General Election. The holding of an early general election in 2017 also meant that there was not time to implement them in that Parliament either. The introduction of the changes is scheduled to take effect in the 2022 General Election.

Members

Although the House may constitute a representative assembly in that it is freely elected and MPs are returned to defend and pursue the interests of constituents, it is not a representative assembly in being typical in socio-economic terms of the population that elects it. The members returned to the House are generally male, middle class and white. These characteristics were marked throughout the twentieth century. The House has tended to become even more middle class in the

BOX 16.3

The atmosphere of the House

By the standards of the Palace of Westminster, the House of Commons (Figure 16.1) is not a particularly ornate chamber. Relatively new compared with the rest of the Palace – rebuilt after being destroyed on 10 May 1941 by enemy bombing – it has a fairly functional feel to it. When it was rebuilt, there was a change in the style but not in the size. This meant that it was too small to accommodate every member. This has proved to be beneficial on two counts. First, on the rare occasions that the House is full, it conveys a sense of theatre: some members sit on the steps in the aisles, some crowd around the Speaker's chair, some stand in packed ranks at the bar of the House. Tension rises as the Prime Minister, or another senior minister, closes for the government and the Speaker rises to put the question. Members then troop into the voting lobbies either side of the chamber. If the outcome of the vote is uncertain, the tension is close to unbearable. After about 15 minutes – longer if it is a major vote – the tellers return, and those representing the winning side line up on the right at the table, facing the Speaker. Once those on the winning side realise they have won, a cheer often goes up. The most dramatic vote of recent history was on 28 March 1979, when the Labour Government lost a vote of confidence by one vote, triggering a general election. There have been dramatic votes in the twenty-first century, not least on issues of war. In 2003 there was a tense vote on whether to go to war in Iraq – it was not clear if Prime Minister Tony Blair, although assured of Conservative support, would be able to carry his own MPs with him. In 2013, the Coalition Government under David Cameron dramatically lost a vote on military action in Syria. The Coalition Government also experienced tense votes on tuition fees in 2010 – Liberal Democrat MPs (not all) voting in favour of something they had campaigned against – and in 2012

years since 1945. Before 1945, and especially in the early years of the century, the Conservative ranks contained a significant number of upper-class and upper middle-class men of private means. The parliamentary Labour Party (the PLP) was notable for the number of MPs from manual working-class backgrounds: they constituted a little over half of the PLP from 1922 to 1935 and before that had been in an overwhelming majority (Rush 1979: 69–123). Since 1945 the number of business people on the Conservative benches has increased, as has the number of graduates on the Labour benches.

on Second Reading of the House of Lords Bill, the scale of Conservative opposition leading to the bill being dropped.

The second reason why the small chamber is better than a larger one is simply because such dramatic occasions are rare. Most of the time the chamber is notable for the rows of empty green benches as a handful of MPs sit around listening – or half-listening, or whispering to a neighbour – as one of their number delivers a speech from notes, sometimes quite copious notes. The chamber looks cavernous on such occasions. With a much larger chamber, the sheer emptiness of the place would be overwhelming.

It is not unusual for commentators to lament a fall in attendance over the course of the past half-century. The reality is that MPs have other things to do than be present for proceedings in the chamber. MPs have to attend committees, deal with a mass of constituency work and meet colleagues as well as representatives of organisations keen to make representations to them. There is sometimes little vital business in the chamber, and there are now very few members who will attract a crowd when they speak. The big speakers of yesteryear are either dead (Enoch Powell, Robin Cook, Michael Foot, Denis Healey, Margaret Thatcher) or in the House of Lords (Michael Heseltine, William Hague). A change in the hours of sittings, allowing MPs to get away early on a Thursday evening (brought forward in 2012 to 5.30 pm) coupled with a tendency to schedule less important business for a Thursday, has meant that for some MPs it is now virtually a three-day week. They arrive in Westminster on the Monday – sometimes late in the day – and depart on Thursday. Neither main parliamentary party meets now on a Thursday; indeed, very few meetings are organised on a Thursday. Most are now crowded into the day on Tuesday or Wednesday.

Proceedings in the chamber can be lively during Question Time, but even during that, attendance – other than for Prime Minister's Questions – can be pretty poor. During debates, the proceedings can be notably dull. The government front bench will have one or two ministers listening, taking notes as necessary for the purpose of replying at the end. A government whip will be perched further along the bench, keeping an eye on proceedings, taking notes and liaising with the Chair about business. Their opposite numbers will be on the Opposition front bench. Notes or signals will variously pass between the whips, followed sometimes by a meeting behind the Speaker's Chair to fix some deal. Some MPs will wander in, look at what is going on and then depart. Some take their seats, stay a few minutes and go. A few will spend some time in the chamber and occasionally intervene to make a point. Some MPs (such as Labour MP Dennis Skinner) are regulars in the chamber, but they are the exceptions, though some MPs first elected in 2010 (such as Jacob Rees-Mogg) and 2015, are notable speakers in the chamber. Each MP tends to have a particular place where they like to sit, so even if there is plenty of space close to where they enter the chamber, they move to the spot they are familiar with.

Visitors may be disappointed to see a small number of MPs in the chamber, but at least nowadays, the proceedings are easier to follow than they have ever been. One can work out the actual order of business in the chamber from the Order Paper, nowadays simplified to indicate the actual order of business. MPs still refer to one another in the third

The shift in the background of Conservative MPs since 1945 is reflected in education as well as occupation. In 1945 just over 83 per cent of Conservative MPs had been educated at public schools – 27 per cent at Eton. Almost two-thirds – 65 per cent – had been to university, with half having gone to Oxford or Cambridge. Since then, the proportion university educated has increased – since 1997, eight out of ten Conservative MPs have been to university – while the proportion educated at public school has declined. By 2005 the proportion was 50 per cent. In the parliament elected in 2017, it was a minority (albeit a large one) – 45 per cent. The party has witnessed, particularly in the general elections in and since 1979, a growing number of newly elected candidates who have gone to state schools and then gone on to Oxbridge or some other university. The members of the parliamentary party are not socially typical, but they are somewhat more middle class than the members elected in the years before 1979.

person and by constituency, but whenever an MP rises to speak or intervene, the occupant of the Chair calls out the MP's name. Some exchanges can be enlightening as well as entertaining, but they tend to be exceptional. Proceedings tend to be predictable. Tensions can rise in an ill-tempered debate, and all the diplomatic skills – or disciplinary powers – of the Speaker or Deputy Speaker may be necessary to restore order. Some MPs try to get around the rules by raising partisan points on bogus points of order, much to the despair of the Speaker.

There are the exceptional debates, not just those when the chamber is packed but when an issue comes up in which some MPs have a genuine interest and of which they have some expert knowledge. On those occasions, those listening learn something, and the minister takes the speeches seriously. One rough measure of how seriously the speech is being taken is the number of notes that pass between the minister and the civil servants in the official box. Debates on some issues that are subject to free votes, and on which some MPs feel strongly (so-called 'conscience issues', such as abortion and assisted dying), can also produce impassioned debate.

For members of the public, proceedings are not only easier to follow than before but they are also permitted to take notes. One inconvenience, however, is that they now sit behind a screen to watch MPs at work. The screen was installed for reasons of security – not so much to protect ordinary MPs but rather the Prime Minister and members of the Cabinet – and serves as a reminder of the difficult times in which public figures have to operate.

On the Labour side, the notable change in educational background has been the rise in the number of graduates. In 1945 just over one-third of Labour MPs (34 per cent) had been to university. By 1970 just over half of the PLP were university graduates. In the parliaments of Labour governments from 1997 onwards, approximately two out of every three Labour MPs had been to university, though the figure dipped slightly in 2005. Since then, it has exceeded 70 per cent: 73 per cent in 2010 and 77 per cent in 2015. Most of these were graduates of universities other than Oxford and Cambridge. The percentage of Oxbridge-educated Labour MPs has fluctuated over time – the percentage educated at Oxbridge in 2010 (17 per cent) was almost identical to that of 1945, but the percentage increased to just over 20 per cent in 2015.

These figures reflect the growing middle-class nature of the PLP. The percentage of manual workers in the party declined in each successive parliament until 1974, increased in 1979

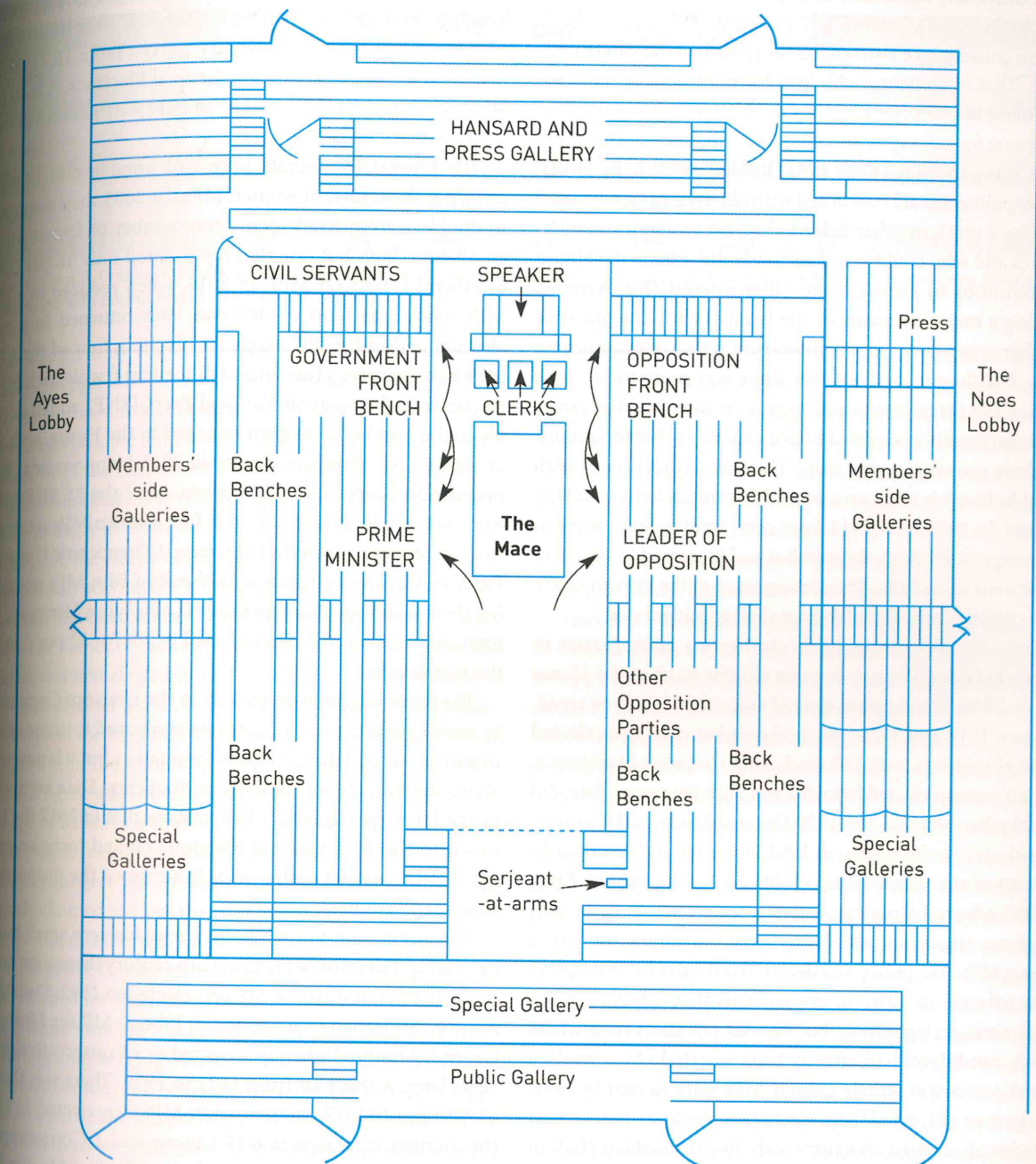


Figure 16.1 House of Commons seating plan

and 1983, but then dropped back in subsequent elections. Only 17 per cent of new Labour MPs in 1992 were drawn from manual backgrounds. It declined further in subsequent elections, reaching its lowest percentage ever – 7 per cent – in 2015 and 2017.

Indeed, there is something of a convergence between members on both sides in terms of education and background. Of

new MPs elected to the House of Commons, the vast majority – on both sides of the House – are university-educated, and a large proportion drawn not only from some middle-class occupation but from an occupation that is in the domain of politics or communication. In the Parliament elected in 2017, there was a first in that the majority of MPs returned – 51 per cent – had been to a comprehensive school. The percentage of

those university educated was 86 per cent, 23 per cent having been to Oxford or Cambridge.

This convergence also reflects the growth of the 'career politician'. That is, someone who lives for politics, seeks entry to the House of Commons as early as possible and who stays in the House for as long as possible, ideally holding government office along the way (King 1981; Riddell 1993; Kelly 2014). Career politicians are contrasted with old-style MPs, who used to make a mark in other fields before becoming involved in politics and who could – and variously did – leave the House of Commons to pursue some other interest (for example, heading a major company or the family firm). The old-style members may have been ambitious in terms of government office, but they recognised that there was more to life than politics. For career politicians, politics is their life. The career politician has always existed in British politics, but their numbers have grown in recent years. They often (though not in all cases) hold a job in an area related to politics before seeking election. In 1979, 21 MPs (3.4 per cent) were listed as being in that category. By 2015, the number had increased to 107, over 17 per cent of all MPs. The consequence of the growth of the career politician is something we shall consider later.

There are differences between the two main parties in terms of gender. Women became eligible to sit in the House only in 1918. The number elected since then has been small. Between 1918 and 1974, the total number of women elected to the House was only 112 (including Countess Markievicz, the first woman elected but who, as a Sinn Féin candidate, did not take her seat). In the 1979 General Election, 19 women were elected to the House; in 1992, it was 60, still less than 10 per cent of the membership (Table 16.2). The Labour Party in 1993 adopted a policy of all-women shortlists in a number of constituencies in order to boost the number of female Labour MPs. The policy was declared unlawful by an employment tribunal in 1996 on the grounds that it breached sex discrimination legislation, but this did not affect seats where female candidates had already been selected. As a result, a record number of female Labour MPs were elected in 1997: no less than 101, 64 of them elected for the first time. Labour replaced all-women shortlists with 50–50 shortlists (half of the candidates female, the other half male) though this did not quite have the same impact. Nonetheless, as can be seen in Table 16.2, the number actually elected to Parliament increased in 2015 and in 2017, it was a record 119, constituting 45 per cent of the parliamentary party.

The number of women elected as Conservative MPs has lagged notably behind the Labour figure, but recent years have seen more returned. Until the twenty-first century, women were few in number on the Conservative benches. As leader, David Cameron introduced an A-list of candidates to promote women candidates and those drawn from ethnic minority backgrounds. This contributed to a notable increase

in 2010 in the number of women sitting on the Conservative benches, women representing for the first time more than 15 per cent of the parliamentary party (Table 16.2). This increased in the 2015 and 2017 General Elections. A total of 68 were returned in 2015 and 67 in 2017 – 21 per cent of the parliamentary party.

The Liberal Democrats have had notable difficulty in ensuring the return of women MPs. In 2005 they managed to double – from five to ten – the number of female MPs, an all-time high but one that represented only 16 per cent of Liberal Democrat MPs. In 2015, when reduced to eight MPs, none was female. One was later returned in a by-election and in the 2017 General Election, four of their 12 MPs were women. (They included the first female Sikh MP.) In contrast, the Scottish National Party (SNP) added notably to the number of women returned to the House, with 20 of the 56 SNP Members elected in 2015 being women. The proportion dropped in 2017, when 12 of the 35 SNP MPs were women. In 2017, there were four women MPs returned from other minority parties (1 Green, 1 Democratic Unionist Party and 2 Sinn Féin, but with the Sinn Féin MPs not taking their seats) and 1 independent (Lady Sylvia Hermon). In total, 207 women MPs were elected in 2017 – 32 per cent of the membership.

The percentage of women MPs in the House of Commons in recent parliaments remains low compared to some other countries – especially the Nordic countries – but it is now well above the average for national parliaments. Data compiled by the Inter-Parliamentary Union show that in 2017 the UK (prior to the 2017 General Election) ranked forty-seventh out of 193 national parliaments in terms of the proportion of women members.

The number of non-white MPs remains very small but is increasing. For most of the twentieth century there were none at all. The first non-white MP was elected in 1892: Dadabhai Naoroji, an Indian, was elected as Liberal MP for Finsbury Central. Another Indian was elected as a Conservative three years later. A third sat from 1922 to 1929. There was then a 58-year gap. In 1987 four non-white MPs were elected. In 1992 the number increased to 6 (5 Labour and 1 Conservative) and in 1997 to 9 (all Labour), including the first Muslim MP and 2 Sikhs. The number has increased to 27 in 2010 and showed a substantial increase in 2015, when 41 were elected (23 Labour, 17 Conservatives and 1 SNP). In 2017, the figure increased to 51.

One other notable feature of the 2017 election was the number of openly gay MPs elected. The number had been growing since Labour MP Chris Smith declared his homosexuality in 1984, but the 2017 figure of 43 – up from 32 in 2015 and 26 in 2010 – put the House of Commons as the world leader among legislatures for the number (though not necessarily the proportion) of LGBT members.

Table 16.1 Women elected to Parliament, 1979–2017

	1979	1983	1987	1992	1997	2001	2005	2010	2015	2017
Labour	11	10	21	37	101	95	98	81	99	119
Conservative	8	13	17	20	13	14	17	49	68	67
Liberal Democrat	0	0	2	2	3	5	10	7	0	4
SNP	0	0	1	1	2	1	0	1	20	12
Other	0	0	0	0	1	3	3	5	4	5
Total	19	23	41	60	120	118	128	143	191	207

Source: From B. Criddle 'MPs and candidates', in *The British General Election of 2005*, p. 159 (D. Kavanagh and D. Butler (eds) 2005), reproduced with permission of Palgrave Macmillan

It was the only respect in which the House was a world leader. Though 2017 saw a notable increase in women MPs and those drawn from ethnic minorities (not mutually exclusive categories), the House was still dominated by white, male MPs. One of the reasons for the continuing dominance is the length of time that MPs typically serve in the House. Some MPs sit for as many as 30 or 40 years, or even longer. In the 2010 Parliament, the Father of the House of Commons (the longest continuously serving MP), Conservative MP, Sir Peter Tapell, had been first elected in 1959 and had continuous service since 1966. The Father of the House in 2017, Conservative MP Ken Clarke, was first elected in 1970. Four of the MPs returned in 2017 had each served for more than forty years in the House.

A typical member sits for between 10 and 20 years. Given the growth in the number of career politicians, it is unlikely that this figure will decrease; if anything, the reverse. The average age of MPs is around 50, but some new MPs are elected at early ages, including in 2015 SNP Mhairi Black. At 20, she was the youngest MP elected since 1832 (some sources erroneously claimed she was the youngest for over three-hundred years). The number also included Ranil Jayawardena. Aged 28 – one of five Conservative MPs elected aged under 30 – he was returned for the safest Tory seat. Female MPs and those from ethnic minority backgrounds are thus likely in time to be among long-serving Members, but the process of building their number may not be rapid. The length of service of legislators is a particular feature of the British House of Commons: MPs tend to serve as members longer than legislators in other comparable legislatures (see Somit and Roemmele 1995).

Members are paid an annual salary, but until 1912 they received no payment at all. Since then, they have been paid, but on a relatively modest basis. In 1954, for example, the salary was £1,250 and in 1964 it was increased to £3,250. In January 1996 an MP's salary was £34,086, fairly modest by international comparison – legislators in Italy, the USA, France and Germany were all paid considerably more (more than twice as much in Italy and the USA) – and by comparison with higher levels of management in the UK. (Ministers receive higher salaries.) In July 1996 MPs voted to increase their salaries by 26 per cent, to £43,000. The increase was

controversial, and unpopular, but it still left MPs lagging behind the salaries of members of other comparable legislatures. The salary has been variously increased since. In 2011 responsibility for setting the level of pay was transferred from MPs to the Independent Parliamentary Standards Authority (IPSA), a body set up following a scandal over MPs' expenses in 2009. It announced it would adjust MPs' pay to increase at the same rate as changes in public sector earnings. From 1 April 2016, the annual salary was increased to £74,962.

Since the 1960s parliamentary facilities have also improved. In the mid-1960s an MP was guaranteed only a locker in which to keep papers and received no allowance, whether for hiring a secretary or even to cover the cost of telephone calls. If an MP was lucky enough to have an office, it was usually shared with several other MPs. A secretary had to be paid out of the MP's own pocket. A secretarial allowance (of £500) was introduced in 1969. This allowance evolved into an office cost allowance, allowing an MP to hire one and sometimes two secretaries and in most cases a research assistant (more often than not, part-time). In 2001 the office cost allowance was split into two: a staff cost allowance and an incidental expenses provision. Each MP could claim a staff cost allowance, enabling them to employ up to the equivalent of three full-time staff, but with the staff paid centrally by the House authorities and on agreed rates with standard contracts. Each MP could also claim a further £20,000 towards incidental expenses. MPs could claim travel expenses and, for those living outside London (and thus having to maintain two homes), an additional costs allowance. MPs with inner London constituencies receive a small London supplement. The additional cost allowance, as we shall see, became highly controversial in 2009 when details of claims made by MPs were published.

In the wake of the MPs' expenses scandal, a new regime was introduced. IPSA was created by the Parliamentary Standards Act 2009, and responsibility for paying expenses was transferred to the new body. MPs can now claim (up to a set maximum) for staffing; accommodation (for a second home either in London or within the constituency or 20 miles of its boundary, the figure depending on whether rented or mortgaged); and office costs, as well as travel and

subsistence. There are certain other allowable expenses, such as provision for those MPs with disabilities and a London area living allowance for Members sitting for London area seats or who do not claim the accommodation expenditure. All claims have to be authorised by IPSA, and the sums claimed by each MP are published.

The physical space available to MPs has also increased. The parliamentary estate is much more than the Palace of Westminster. Buildings close to the Palace – including the former Scotland Yard buildings in Derby Gate, known as the Norman Shaw Buildings – were acquired for parliamentary use. More recently, buildings in Parliament Street – between Whitehall and Parliament Square – were taken over and redeveloped, retaining the exterior but with a modern and integrated complex of offices inside. They have the address of 1 Parliament Street. To these has been added a major purpose-built parliamentary building, Portcullis House, in Bridge Street, just across the road from the Elizabeth Tower (known until 2012 as the Clock Tower) housing Big Ben and linked to the Palace by an underground passage. Both the Norman Shaw buildings and 1 Parliament Street are linked to Portcullis House, so MPs can get from one part of the parliamentary estate to another without leaving the premises. The completion in 2001 of Portcullis House, which includes rooms for committee meetings as well as suites of offices for MPs, meant that it was possible for every MP to have an individual office somewhere on the parliamentary estate.

The parliamentary estate is thus extensive, some of it new. The principal part, the Palace of Westminster, completed in the 1850s, is showing signs of interior decay and is in need of major refurbishment. This will take several years and may involve members of both Houses having to move out while the work is completed. If they do, the move is expected to take place sometime during the 2022–7 Parliament.

Sittings of the House

The House to which Members are returned meets annually, each parliamentary session running normally for 12 months. Until the parliament returned in 2010, the session usually ran from November to November. When there was a spring election, this entitled either a short session (May to November) or a long one (May through to November of the following year). The Fixed-term Parliaments Act 2011 provided for May elections, so the Government decided that it was appropriate to have sessions running from May to May. To accommodate this, the first session of the new parliament was extended to a 2-year one, running until May 2012. In 2017, it was announced that, because of the negotiations to withdraw from the European Union, there would also be a two-year session (2017–9).

At the end of each session, the House is prorogued (formally adjourned). The effect of prorogation is to kill off unfinished public business; any bills that have not received the Royal Assent fall, though there is now provision for some bills to be carried over from one session to another.

There is a fairly regular cycle within each session. There is a summer recess, usually from late July through to the beginning of October, though in recent years there have been occasional two-week sittings in September. The House has a recess at Christmas, a half-term for a week in February, a recess in Easter and at Whitsuntide. The House usually sits for around 150 days a year, a not unusual number compared with some other legislatures, such as those of the USA, Canada and France, although considerably more than most other legislatures. What makes it distinctive is the number of hours for which it sits: usually for more than 1,200 hours a year. The figures for selected sessions in the period from 2001 to 2017 are given in Table 16.2. In previous parliaments, the sittings were sometimes longer, averaging nearly 1,500 hours in non-election sessions in the 1987–92 parliament. Other elected chambers are not able to compete with these figures.

Until 1999 the House sat at 2.30 pm on the first four days of the week and at 9.30 am on Fridays. On the first four days it usually rose by 10.30 pm. In an experiment started in 1999, it started meeting at 11.30 am on Thursdays (rising earlier in the evening, usually by 7.00 or 8.00 pm). Since then, sitting hours have moved to earlier in the day on all days bar Monday, the latest changes being implemented in October 2012. Since then, the House has sat at 2.30 pm on Mondays (rising at 10.30 pm), and at 11.30 am on Tuesdays and Wednesdays (rising at 7.30 pm), and 9.30 am on Thursdays (and Fridays, if sitting). The sitting time was brought forward on Tuesdays (from 2.30 pm) and Thursdays (from 10.30 am), the latter in order to enable the House to rise by 5.30 pm and for Members

Table 16.2 The House of Commons: length of sittings, 2002–17 (selected sessions)

Session	Number of sitting days	Number of hours sat	Average length of sitting day
2002–3	162	1,287	7 hours, 57 minutes
2006–7	146	1,119	7 hours, 40 minutes
2008–9	139	1,054	7 hours, 35 minutes
2015–6	158	1,215	7 hours, 41 minutes

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to get away to their constituencies, if they have not already departed.

Sittings may, in certain circumstances, be extended in order to transact particular business. Late or all-night sittings variously take place to get through the remaining stages of a bill. (If the House has an all-night sitting and is still sitting when the new day's sitting is scheduled to commence, then the business for that next day falls.) Late-night sittings became rare in the 1992–7 parliament but were employed again following the return of a Labour government in 1997 in order to get some of its major legislation through, but the change in sitting times was designed to reduce the need for such sittings. On Fridays, when private members' bills are normally discussed, the House rises at 3.00 pm. To give MPs more time to be in their constituencies, the House does not sit every Friday: ten Fridays each session are designated as non-sitting Fridays.

As a result of a change agreed by the House in 1999, there is also a 'parallel chamber', or 'main committee', allowing MPs to meet and discuss issues separate from the main chamber (see Box 16.3). This allows for non-contentious issues to be debated. Meetings are held in the Grand Committee Room, just off Westminster Hall, and are known formally as sittings in Westminster Hall. The topics covered on Tuesdays and Wednesdays each week are proposed by private Members; the Thursday sitting is given over to a debate on a subject of general interest or a select committee report. Monday sittings are held if the Petitions Committee has recommended that one or more e-petitions should be considered. All MPs can attend – as in the main chamber – although in practice few do so.

Functions

The principal function of the House is often seen as involvement in law making. It is, after all, classified as a legislature and the name means carrier, or giver, of law. In practice, as we have seen, the House essentially responds to the measures that the government brings forward. Furthermore, much of the time of the House is given over to business that has nothing directly to do with legislation. Question Time is now an established feature of the House. It is not part of the legislative process. When the House debates the economy or the government's industrial policy, those debates are not parts of the formal legislative process. The House has an important role to play in the legislative process, but it is clearly not its only role.

The principal functions of the House can be grouped under four headings: those of legitimisation, recruitment, scrutiny and influence, and expression. Several other functions can be identified (see Norton 2013a), but these can largely be subsumed under these four broad headings.

Legitimisation

The primary purpose for which the representatives of the counties and boroughs (the communes) were first summoned was to assent to the King's demand for additional taxes. Subsequently, their assent also came to be necessary for legislation. The House has thus been, since its inception, a legitimising body.

The House fulfils the task of 'manifest legitimisation': that is, the overt, conscious giving of assent. In the UK the function has two elements: the giving of assent to bills and to requests for supply (money) and the giving of assent to the government itself. The government depends on the confidence of the House of Commons for its continuance in office. Until 2011, if the House withdrew its confidence, then by convention the government resigned or requested the dissolution of Parliament. Since the enactment of the Fixed-term Parliaments Act 2011 (Box 16.2), a vote of no confidence results in a general election, unless within 14 days a new government is formed and obtains a vote of confidence from the House.

The House proceeds on the basis of motions laid before it: for example, to give a bill a second reading or to agree to an amendment to a bill. By approving such motions, the House gives its formal – manifest – assent. At the end of the debate (if there is one) on a motion, the Speaker of the House asks those supporting the motion to say 'aye', those opposing to say 'no'. If no dissenting voices are heard, the Speaker declares that 'the ayes have it'. If some MPs shout 'no' and persist, then members divide (that is, vote). A simple majority is all that is necessary. (This is subject to two basic requirements: that at least 40 MPs – a quorum – are shown by the division to be present and that, in voting on a closure motion, at least 100 MPs have voted in favour. Also, as we have seen – Box 16.2 – a two-thirds majority of all MPs is required to pass a motion for an early election.) Members vote by each trooping through one of two lobbies, known as the division lobbies (an 'aye' lobby and a 'no' lobby), where they are counted and their names recorded. The result of the vote is then announced in the chamber.

It is this accepted need for the House to confer legitimacy through giving its assent that constitutes the basic power of the House in relation to government. Initially, the knights and burgesses summoned to the King's court were expected to give assent. Gradually, members began to realise that, as a body, they could deny assent to supply and later to legislation. This formed the basis on which they could ensure the effective fulfilment of other functions. It remains the basis of the power of the House of Commons. Without the assent of the House, no measure can become an Act of Parliament. The contemporary point of contention is the extent to which the House is prepared to use its power to deny assent. Critics contend

Sittings in Westminster Hall

BOX 16.4

In December 1999 the House of Commons introduced a new form of meeting – meetings in Westminster Hall. These enable MPs to meet separately from the main chamber, and the gathering is sometimes described as a parallel chamber. (The parallel chamber is modelled on Australian experience.) Meetings in Westminster Hall are open to all MPs. They can come in as they can in the main chamber. The principal differences between the main chamber and the room used for the parallel chamber are of size and structure. The room used – the Grand Committee Room, located just off the cavernous Westminster Hall – is much smaller than the chamber of the House of Commons. It also differs in structure. MPs sit at desks arranged in a semicircle around a raised dais. The desks are fixed and have desktop microphones. Meetings are presided over by a Deputy Speaker or one of the MPs on the Panel of Chairs (senior MPs who are drawn on in order to chair public bill committees) and are usually used for discussing non-contentious business. Votes cannot be held. Meetings now take place on Tuesdays and Wednesdays from 9.30 to 11.30 am and from 2.30 to 5.30 pm and on Thursdays from 1.30 to 4.30 pm. Since 2015, sittings may also be scheduled on a Monday if the Petitions Committee has recommended that one or more petitions should be considered.

On Tuesdays and Wednesdays there are short debates on topics raised by individual members. Thus, for example, on Tuesday, 14 March 2017 the topics covered were budgets for health and social care, future of food labelling, detention of vulnerable persons, primary care in NE Essex, and dog fouling. Thursdays are given over to debates on select committee reports or subjects scheduled by the Backbench Business Committee. On Thursday 23 March 2017 two reports from the International Development Committee were debated together: on the Syrian refugee crisis and the Department for International Development's programme in Nigeria. Attendance at meetings is low

– usually a handful of MPs – not dissimilar to the chamber itself when unwhipped business is being taken.

The creation of the parallel chamber was controversial. Supporters saw it as a way of allowing issues, for which there would otherwise be no time in the chamber, to be discussed. Most Conservative MPs voted against setting it up because they feared it would serve to distract attention from the chamber and absorb MPs' energies on minor issues. In the event, meetings of the new body have proved low-key, attracting virtually no media attention (the inaugural meeting was effectively ignored) and very little attention on the part of MPs. The chamber was initially employed on an experimental basis, but MPs subsequently voted to make it permanent. It was not seen as damaging to the main chamber and backbenchers have found it useful as a means of raising issues that they might not have the opportunity to raise in the main chamber. Each debate brings an issue to the attention of government, with a junior minister replying. The proceedings are published in *Hansard*.



The Grand Committee Room is located just off Westminster Hall

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that the effect of the growth of party and hence party cohesion has largely nullified the willingness of the House to employ it.

The House also fulfils what Robert Packenham termed the function of 'latent legitimisation'. According to Packenham, this derives from the fact that 'simply by meeting regularly and uninterruptedly, the legislature produces, among the relevant populace and élites, a wider and deeper sense of the government's moral right to rule than would otherwise have obtained' (Packenham, in Norton 1990: 87). However, it can

be argued that such activity is necessary but not sufficient to generate such an underlying sense of legitimacy. Latent legitimacy can be said to derive from the House fulfilling the other functions expected of it (Norton 2013a: Ch. 1). Given that Parliament not only sits regularly but has fulfilled a range of tasks expected of it for a considerable period of time, it is arguably a much stronger agent of latent legitimisation than many other legislatures. It would seem plausible to hypothesise that the function is weaker in a political system in which

the legislature is a recent and conscious creation of resuscitation by the prevailing regime and fails to carry out tasks expected of it by the people.

Recruitment

Ministers are normally drawn from, and remain within, Parliament. The situation is governed solely by convention. There is no legal requirement that a minister has to be an MP or peer.

The practice of appointing ministers from those who sit in Parliament derives from expediency. Historically, it was to the King's benefit to have his ministers in Parliament, where they could influence, lead and marshal support for the crown. It was to the benefit of Parliament to have ministers who could answer for their conduct. An attempt was made early in the eighteenth century to prevent ministers from sitting in Parliament, but the legislation was superseded by another law allowing for the practice to continue (Norton 2013a: Ch. 3).

The convention that ministers be drawn from and remain within Parliament – predominantly now, by convention, the House of Commons – is a strong one inasmuch as all ministers are currently MPs or peers. It is extremely rare for a minister to be appointed who does not sit in either House. It is even rarer for that person to remain outside Parliament while in office: the person is either elevated to the peerage (nowadays the most used route) or found a safe seat to contest in a by-election. On occasion, one of the Scottish law officers – the Solicitor General for Scotland – was appointed from the ranks of Scottish lawyers and remained outside Parliament, but that was the exception that proved the rule. The post ceased to be part of the UK government following devolution.

The relationship between the House and ministers is governed by convention. Under the convention of individual ministerial responsibility, ministers are answerable to the House for their own conduct and that of their particular departments. Under the convention of collective ministerial responsibility, the Cabinet is responsible to the House for government policy as a whole. If it fails to maintain that confidence, and the House passes a vote of no confidence, then – as we have seen – a general election takes place unless a new government can be formed that enjoys the confidence of the House.

The fact that ministers remain in Parliament clearly has a number of advantages for government. Things have not changed that much from earlier centuries in as much as ministers can use their positions to lead and marshal their supporters. Ministers themselves add notably to the voting strength of the government, the so-called 'payroll vote' in the House. Just over 90 ministers serve in the Commons and just over 20 in the Lords. With ministers' unpaid helpers – parliamentary private secretaries – added to the number, the

payroll vote usually comprises between 30 to 40 per cent of MPs sat on the government side of the House. The government thus has a sizeable guaranteed vote to begin with. Party loyalty – and ambition for office – usually ensures that the votes of backbenchers follow those of ministers.

The convention that ministers be drawn from the ranks of parliamentarians has certain advantages for Parliament. It ensures that members are close to ministers, both formally and informally. Ministers can be questioned on the floor of the House; members can waylay them in the corridors and the division lobbies for private conversations. The fact that ministers remain as members of the House means that they retain some affinity with other members. MPs who are elevated to ministerial office retain their constituency duties.

Above all, though, the convention renders the House of Commons powerful as a recruiting agent. The route to ministerial office is through Parliament. In some other systems, the legislature is but one route to the top. In the USA, for example, there are multiple routes: cabinet members – and presidents – can be drawn directly from the ranks of business executives, academics, state governors, former army officers and lawyers. Donald Trump was elected President in 2016 having never served in Congress or indeed having held any elective office. The US Congress enjoys no monopoly on recruitment to executive office. In the UK Parliament does have such a monopoly. Parliament is the exclusive route for those intending to reach the top of the political ladder. Those aspiring to ministerial office thus have to seek election to the House of Commons (or hope – often in vain – for a peerage) and have to make their mark in the House. The House also serves as an important testing ground for potential ministers and, indeed, for those on the ministerial ladder (see Norton 2013a: Ch. 3). A poor performance at the despatch box can harm a minister's chances of further promotion. A consistently poor performance can result in the minister losing office. Conversely, a bravura performance may save a minister who is under pressure to go. For ambitious politicians, the chamber matters.

Scrutiny and influence

Scrutiny and influence are essentially conjoined functions. The House subjects both the measures and the actions of government to scrutiny. It does so through various means: debate, questioning and committee deliberations. If it does not like what is before it, it can influence the bill or the policy under consideration. It may influence solely by the force of argument. It may influence by threatening to deny assent (that is, by threatening to defeat the government). Ultimately, it may actually refuse its assent, denying the government a majority in the division lobbies.

These two functions are central to the activity of the House and absorb most of its time. Government business enjoys precedence on most days. The House spends most of its time discussing legislation and the policy and actions of ministers. Although the dominance of *party* has ensured that normally the government is assured a majority in divisions, the party *system* helps to ensure that government is subject to critical scrutiny from opposition parties in the House. The procedures of the House are premised on the existence of two principal parties, with each having the opportunity to be heard. Membership of all committees of the House replicates party strength on the floor of the House, thus ensuring that the Opposition has an opportunity to offer critical comments and to force government to respond at all stages of the parliamentary process.

Furthermore, scrutiny and influence may also take place outside, or despite, the context of party. MPs sit for particular constituencies. Although elected on a party label, they are nonetheless expected to ensure that government policy does not damage constituency interests. They may also be influenced by moral and religious views, motivating them to pay careful attention to bills and government policies that run counter to their personal convictions. They may also listen to bodies outside Parliament – charities, consumer groups, professional organisations, companies – that have a particular interest in, or knowledge of, the subject under debate.

However, the extent to which the House actually fulfils these functions is a matter of dispute. Critics contend that the government stranglehold, via its party majority, ensures that the House is denied the means for sustained and effective scrutiny and that, inasmuch as it may exert some limited scrutiny, that scrutiny is not matched by the capacity to influence government. MPs may consider and find fault with a particular measure but not then prove willing to use their power to amend or reject it.

Expression

The House serves not one but several expressive functions. Members serve to express the particular views and demands of constituents. An individual constituent or a group of constituents may be affected adversely by some particular policy or by the actions of some public officials. Constituents may feel that a particular policy is bad for the constituency or for the country. Contacting the local MP will usually result in the MP passing on the views to the relevant minister and may even result in the member raising the issue on the floor of the House. The pursuit of such cases by MPs ensures that they are heard and their points considered by ministers. MPs also express the views of different groups in society as a whole. A range of issues that do not fall within the

ambit of party politics are taken up and pursued by private members.

MPs may express the views of organised interests, such as particular industries or occupations. They may express the views of different sectors of society, such as students or the elderly. Many will give voice to the concerns of particular charitable, religious or moral groups. For example, some MPs have pressed for reform of the laws governing abortion. Some have argued the case for liberalising the laws concerning homosexuality, and some want to strengthen the laws on road safety. These issues are pursued by MPs through a number of parliamentary procedures (see Cowley 1998). In some cases, members table amendments to government bills. Another route is through the use of private members' bills. Although the more contentious the issue, the less likely the bill is to be passed, the debate on the bill serves an important function: it allows the different views to be expressed in an authoritative public forum, heard by the relevant minister and open to coverage by the mass media.

MPs, then, serve to express the views of constituents and different groups to the House and to government. MPs may also serve to express the views of the House and of government to constituents and organised groups. The House may reach a decision on a particular topic. Members may then fulfil an important role in explaining why that decision was taken. Members individually may explain decisions to constituents. Select committees of the House may, in effect, explain particular policies through their reports, which are read not just by government but also by groups with a particular interest in the committee's area of enquiry. The House thus has a tremendous potential to serve several expressive functions. The extent to which it does so is a matter of considerable debate. MPs have limited time and resources to pursue all the matters brought to their attention. The attention given to their activities by the media and by government may be slight. Many groups may bypass Parliament in order to express their views directly to ministers. Furthermore, it is argued, the views expressed by MPs on behalf of others are drowned out by the noise of party battle. By limiting the resources of the House and by keeping information to itself, the government has limited the capacity of the House to arm itself with the knowledge necessary to raise support for public policies.

These are the most important functions that may be ascribed to the House. The list is not an exhaustive one. There are other tasks that are carried out by the House. These include, for example, a disciplinary role (punishing breaches of privilege and contempt) and a small quasi-judicial role, primarily in dealing with private legislation (legislation affecting private interests, not to be confused with private members' legislation). Other functions often ascribed to the House can, as we have explained, be subsumed under the four main

headings we have provided. However, two other functions, identified by Walter Bagehot in *The English Constitution in 1867*, have been lost by the House. One, the 'elective' function – that is, choosing the government – was held only briefly during the nineteenth century. Before then it was a function exercised by the monarch. Since then, it has passed largely, although not quite exclusively, to the electorate. The electorate chooses a government on a regular basis at general elections. The House retains the power to turn a government out through passing a motion of no confidence, but it is not a power it has exercised regularly – in the past century, it was used only in 1924 and 1979, opposition parties combining to turn out a minority government.

The other function is that of legislating. Initially, the need for the House to give its assent was transformed by members into the power to initiate measures, first through the presentation of petitions to the crown and later through the introduction of bills. This power was important in the nineteenth century, when the House could be described as sharing the legislative power with government. Even so, its exercise was limited. Most legislation introduced into the House was private legislation. Since then, public legislation has grown as parties have become more powerful. Parties have ensured that the power to formulate – to 'make' – legislation rests with government, with the House then giving its assent. In so far as the House has retained a residual legislative power, it is exercised through the medium of private members' legislation. However, even that legislative power can be described now as one shared with government. Since 1959 no private member's bill that has been the subject of a vote at second reading (the debate on principle) has made it to the statute book without government providing time for it.

The means of scrutiny and influence

The functions that the House retains can be described as modest but appropriate to a reactive legislature. They have developed over time. But how well are they currently carried out? The principal functions of the House in relation to the executive are those of scrutiny and influence. The means available to the House to fulfil those functions are also at the disposal of members for expressing the views of their constituents and of wider interests. They can be grouped under two headings: legislation and executive actions.

Legislation

For Parliament the legislative process constitutes the consideration of a bill once it has been formally introduced. However,

in recent years, some bills have been published in draft form and considered by a committee prior to formal introduction (Kenyon 2004; Hansard Society 2004; Constitution Committee 2004; Norton 2013a). Between 1997–8 and 2016–7 inclusively, a total of 115 bills were published in draft. The number has varied significantly from session to session. In some sessions, only two or three have been published in draft. In the 2003–4 session, it was 12, and in the 2013–4 session, it was 14. Such scrutiny enables members to examine and comment before the government has decided on the final wording and hence may be more willing to make changes before it commits itself to the measure. Despite considerable time pressures, bills that are subject to pre-legislative scrutiny have been variously amended as a result of recommendations by the committees considering them (Norton 2013a). The committees engaging in such scrutiny have normally been departmental select committees.

When a bill is formally introduced into Parliament, it has to go through a well-established process involving debate and consideration in committee. About a third of the time of the House is taken up with debate on bills, though in some sessions it has fallen to between 20 and 30 per cent. The bulk of this time is given over to government bills. (Private members' legislation usually occupies just under, or occasionally just over, 5 per cent of time on the floor of the House.) Every bill has to go through three 'readings' plus a committee and (usually) a report stage. The stages are shown in Table 16.3.

The first reading marks the formal introduction. No debate takes place. Indeed, at this stage there is not even a printed bill. All that is read out is the bill's title. Following first reading, the bill is printed. The second reading comprises a debate on the principle of the measure. Most government bills will be allocated a half or a full day's debate for second reading. Major bills, especially of constitutional significance, may be given two or more days for debate. In the 2012–3 session, for example, the House of Lords Reform Bill, to provide for a largely elected House of Lords, was accorded a two-day debate.

The debate itself follows a standard pattern: the minister responsible for the bill opens the debate, explaining the provisions of the bill and justifying its introduction. The relevant shadow minister then makes a speech from the Opposition front bench, outlining the stance of the opposition on the bill. After these two frontbench speeches, most members present tend to leave the chamber, usually leaving a small number of MPs to listen to the remaining speeches. Backbenchers from both sides of the House are then called alternately, plus usually a member from one or more of the minor parties, and the debate is then wound up with speeches from the Opposition and government front benches. (The House tends to fill up again for the winding-up speeches.) If the bill is contested, the House then divides. Debates, though not always predictable

in content, are generally so in outcome: only three times in the past 100 years has the government lost a vote on second reading (in 1924, 1977 and 1986). Speeches on occasion may influence some votes, even whole debates, but they are exceptional. A government sometimes loses the argument but not usually the vote.

Once approved in principle, the bill is then sent to committee for detailed scrutiny. Some bills, because of their constitutional significance or because of the need for a speedy passage, will have their committee stage on the floor of the House. In most sessions the number is very small. The majority of bills are sent to a public bill committee. Up to 2006 bills were sent to standing committees. Standing committees were introduced in 1882 and became the norm in 1907. Despite the name, they were 'standing' only in name (Standing Committee A, Standing Committee B, etc.): their membership changed for each bill. The committees were limited not only by the fact that there was no permanent membership but by their inability to take evidence. Witnesses could not be summoned and written evidence received. The committees could only consider the bills before them. They proceeded by way of discussing amendments to clauses before agreeing the clauses. Each committee was structured like the chamber in miniature, one side facing the other, with ministers, shadow ministers and whips among the membership and with debate following party lines. Government backbenchers were encouraged to keep quiet to facilitate the passage of the bill, and opposition MPs encouraged to speak in order to challenge the government. Government defeats in committee were rare.

Because of the limitations of standing committees, their utilisation came in for considerable criticism. In 2006, following a report from the Select Committee on the Modernisation

of the House of Commons, the House agreed a new procedure: the public bill committee (PBC). In dealing with private members' bills and certain other bills, they are similar to the old standing committees. However, they differ significantly in respect of government bills that have been introduced in the Commons and have been subject to a programme motion (stipulating the times at which stages have to be completed), but which have not had pre-legislative scrutiny (in other words, been before an evidence-taking committee). In dealing with these bills, public bill committees are empowered to take both oral and written evidence. Within the time it has to consider a bill, the committee can determine what proportion of sittings will be devoted to taking evidence. In its evidence-taking, a committee is supported by the Scrutiny Unit, a body of specialists employed by the House, which also prepares briefing material for the committee.

The use of evidence-taking has been notable. Between 2007 and 2012, no fewer than 1,418 witnesses were called to give evidence (Thompson 2015: 97). As the use of public bill committees has developed, so MPs have tended to be better informed and more willing to engage in debating the provisions of the bill (Levy 2010: 539; Thompson 2015). As Jessica Levy has noted, 'Along with introducing the practice of direct questioning of witnesses (and the minister) in place of probing amendments, PBCs have proved more efficient than their standing committee predecessors' (Levy 2009: 49; Thompson 2015). Evidence has proved valuable both in helping set the agenda for scrutiny, but also in supporting amendments. Government normally gets its way, but the legislative stream is somewhat slowed by committee scrutiny (Thompson 2015: 127).

However, PBCs also have similarities with their predecessor standing committees. Each committee comprises between

16 and 50 members, though the norm is to appoint close to the minimum, other than for big bills like the Finance Bill. The membership is appointed anew for each bill. The membership thus lacks a corporate ethos. Each committee is chaired by a member of the Panel of Chairs, whose role is to preside in a manner similar to the Speaker; there is thus no leadership of the committee as a collective body. The membership reflects the party composition of the House, and ministers, shadow ministers and whips are appointed, with the government whips present to ensure, as in the chamber, that the government gets its business. One of the biggest constraints remains one of time. Committees are under pressure because of the number of bills introduced each session and the need to get them through usually by the end of the session. Several committees may therefore be appointed at roughly the same time. The need to get the business transacted by a stipulated date limits the time available to hear witnesses and, equally important, to digest what they have to say in time to influence debate on the amendments moved in committee (Levy 2010: 540–3).

After the committee stage, a bill returns to the House for the report stage. This provides an opportunity for the House to decide whether it wishes to make any further amendments and is often used by the government to introduce amendments promised during committee stage, as well as any last-minute (sometimes numerous) amendments of its own, sometimes in response to what has happened in committee (see Brazier et al., 2008: 185–86, Thompson 2015). There is, though, no report stage if a bill has been taken for its committee stage on the floor of the House and been passed without amendment.

There then follows the bill's third reading, when the House gives its final approval to the measure. Such debates are often short. If the bill is not contentious, there may be no debate at all. On completion of its third reading, the bill then goes to the House of Lords and, if the Upper House makes any amendments, the bill then returns to the Commons for it to consider the amendments. In most cases, the amendments are accepted. If not, the House of Lords usually gives way, though sometimes only after behind-the-scenes negotiations. Once both Houses have approved the bill, it then goes to the Queen for Royal Assent. Once that assent is given, then that, as far as Parliament is concerned, concludes the legislative process.

The process is fairly well established but much criticised (see, e.g. Brazier 2004), not only because of the inefficiencies of the committee procedure but also because of the time constraints imposed by government. In the past, after considerable time had been taken up by opposition MPs debating the early clauses of a bill in committee, the government would resort to a timetable, or guillotine, motion, imposing a timetable for the remaining provisions of a bill. Guillotine

motions had been variously employed since 1887, but their increased use in the last quarter of the twentieth century attracted frequent condemnation. Because of the criticism, the two principal parties agreed in 1994 to a voluntary time-tabling of bills. This meant that each bill was subject to an agreed timetable from the beginning, thus avoiding the need for a guillotine to be introduced at a later stage. However, this agreement was not sustained in the new parliament returned in May 1997 and the Labour Government variously resorted to the use of the guillotine, or what were termed 'programme motions', to get measures through. In 2000–1 new standing orders were introduced for programming motions, and programming is now a common feature of business. Programme motions differ from the previous use of the guillotine in that they are introduced and agreed by the House following the second readings of bills. Most government bills are now subject to such motions. The most stringent part of programming tends to be for consideration of Lords amendments, where it is not uncommon for a programme motion to stipulate that debate on the amendments, however many or important they are, is limited to one hour.

Bills thus follow a fairly predictable route. There are some variations: some non-contentious bills, for example, can be sent to a second reading committee, thus avoiding taking up valuable debating time on the floor of the House. Private members' bills are also treated differently, primarily in terms of timetabling. They have to go through all the stages listed, but time for their consideration on the floor of the House is extremely limited. Each session a ballot is held and the names of 20 private members are drawn. They are then entitled to introduce bills during the Fridays allocated to such bills, but only about the top half-dozen are likely to achieve full debates.

Bills constitute primary legislation. They often contain powers for regulations to be made under their authority once enacted. These regulations – known as 'delegated' or 'secondary' legislation, and usually taking the form of what are termed 'statutory instruments' – may be made subject to parliamentary approval. (Under the affirmative resolution procedure, the regulation must be approved by Parliament in order to come into force; under the negative resolution procedure, it comes into force unless Parliament disapproves it.) Some regulations, though, only have to be laid before the House and others do not even have to be laid.

Given the growth of delegated legislation in postwar years – sometimes more than 1,500 statutory instruments are introduced in a session – the House has sought to undertake scrutiny of it (Norton 2013a: Ch. 5). Detailed scrutiny, essentially technical in nature, is carried out by the Select Committee on Statutory Instruments. However, there is no requirement for the government to wait for the committee to report on a regulation before bringing it before the House for approval, and on occasion – although not frequently

Table 16.3 Legislative stages

Stage	Where taken	Comments
First reading	On the floor of the House	Formal introduction: no debate
Second reading	On the floor of the House ^a	Debate on the principle
[Money resolution Committee	On the floor of the House	Commons only]
	In public bill committee in the Commons unless House votes otherwise (certain bills taken on the floor of the House); in Grand Committee or on the floor of the House in the Lords	Considered clause by clause; amendments may be made
Report ^b	On the floor of the House	Bill reported back to House; amendments may be made
Third reading	On the floor of the House	Final approval: no amendments possible in the Commons
Lords (or Commons) amendments	On the floor of the House	Consideration of amendments made by other House

Notes: ^a In the Commons, non-contentious bills may be referred to a committee.

^b If a bill is taken in committee of the whole House in the Commons and no amendments are made, there is no report stage.

– the government will seek approval before a regulation has been considered by the committee. Time for debate is also extremely limited, and much delegated legislation is hived off for discussion in a standing committee on delegated legislation. There is also a separate committee and procedure for dealing with regulatory reform orders, enabling primary legislation imposing a regulatory burden to be changed by order. There are also separate committees and procedures for dealing with draft European legislation: it is considered by a European Scrutiny Committee and, if recommended for debate, is discussed normally by one of three European committees.

Executive actions

Various means are employed to scrutinise and to influence the actions of government. These same means can be and usually are employed by MPs to express the views of constituents and different interests in society. The means essentially are those available on the floor of the House (debates and Question Time), those available on the committee corridor (select committees) and those available off the floor of the House (early day motions, correspondence, the parliamentary commissioner for administration, party committees and all-party groups). Some individually are of limited use. It is their use in combination that can be effective in influencing government.

Debates and Question Time

Most of the time of the House is taken up debating or questioning the actions of government. *Debates* take different forms. They can be on a substantive motion, for example, congratulating or condemning the policy of the government on a particular issue, or in order to allow wide-ranging discussion, especially on a topic on which the government may have no fixed position, on an adjournment motion ('That this House do now adjourn'). For example, prior to the Gulf War at the beginning of 1991, the situation in the Persian Gulf was debated on an adjournment motion. After military action had begun, the House debated a substantive motion approving the action. Adjournment debates under this heading can be described as full-scale adjournment debates. They are distinct from the half-hour adjournment debates that take place at the end of every sitting of the House. These half-hour debates take the form of a backbencher raising a particular issue and the relevant minister then responding. After exactly half an hour, the debate concludes and the House adjourns.

Debates are initiated by different bodies in the House. Most motions introduced by government are to approve legislation. However, the government occasionally initiates debates on

particular policies. These can range from major issues of public policy, such as war in Iraq in 2003, to debate on essentially parliamentary matters, such as select committee nominations and the installation of the security screen in the public gallery. More frequently, debates are introduced by opposition parties. Twenty days each year are designated as Opposition Days. On 17 of these 20 days, the motion (or motions – a day's debate can be split into two) is chosen by the Leader of the Opposition. The remaining three days are given over to the other opposition parties. (Additional days are also occasionally found, and in the long 2010–2 session, an additional 17 days were allocated.) There are also three estimate days each session, the choice of estimate for debate being made by a select committee of the House: the Liaison Committee, comprising the MPs who chair other select committees.

A notable innovation introduced at the start of the 2010 parliament was the creation of a Backbench Business Committee. This has taken over responsibility from government for allocating backbench business on 35 days, 27 of them on the floor of the House. The committee comprises backbench members, and it invites backbench MPs to put forward proposals and has not been averse to selecting topics for debate that are controversial and not necessarily favourable to government. Among subjects selected for debate in the 2010–5 Parliament were the war in Afghanistan, voting rights for prisoners, immigration, contaminated blood products, drugs policy, the Big Society, wild animals in circuses, a referendum on membership of the European Union and the disclosure of papers relating to the 1989 Hillsborough disaster. A further innovation was the appointment in 2015 of a Petitions Committee to consider public petitions (nowadays submitted usually as e-petitions). The committee can decide to consider a petition, refer it to another committee or recommend that it be debated in Westminster Hall. A petition receiving over 100,000 signatures will be considered for debate, though not necessarily guaranteed one (not least if it is similar to a topic already debated). In practice, exceeding the threshold usually leads to a debate. A petition receiving more than 10,000 signatures receives a government response.

Private members are also responsible for initiating the topics in the daily half-hour adjournment debates: on three days a week (four, if sitting on a Friday), members are selected by ballot, and on one day, the Speaker chooses the member. The member speaks for about 10–15 minutes, sometimes allowing time for one or two other Members to contribute briefly, before a junior minister responds. These backbenchers' occasions provide opportunities to raise essentially non-partisan issues, especially those of concern to constituents. Although they are poorly attended, they allow members to put an issue on the public record and elicit a response from government.

Whereas these half-hour adjournment debates are essentially opportunities for backbench MPs to get a detailed

response from government, full-scale half-day or full-day debates initiated by government or opposition are very different and resemble instead the practice adopted in second reading debates. There are speeches from the two front benches, followed by backbench speeches alternating between the two sides of the House, followed by winding-up speeches from the front benches and then, if necessary, a vote. The term 'debate' is itself a misnomer. Members rarely debate but rather deliver prepared speeches, which often fail to take up the points made by preceding speakers. Members wishing to take part usually inform the Speaker in advance and can usually obtain some indication from the Speaker if and when they are likely to be called. There is a tendency for members not to stay for the whole debate after they have spoken. Members, especially backbenchers, frequently address a very small audience – sometimes no more than half a dozen MPs. There is a prevailing view in the House that attendance has dropped over recent years. MPs now have offices they can spend time in. There are competing demands on their time, and as the outcome of most votes is predictable – and members know perfectly well how they intend to vote – there appears little incentive to spend time in the chamber. Major set-piece debates – as on a motion of confidence – and a debate in which the outcome is uncertain can still attract a crowded chamber, some members having to sit on the floor or stand at the bar of the House in order to listen to the proceedings. Ministers and backbenchers may find themselves having to defend their stances. As one MP recorded, 'the Commons is also a crucible . . . in which a member's mettle is proved and their argument tested' (Bryant 2014: 370). A particularly good speaker may attract members into the chamber to listen. An MP falling into that category in recent years has been Conservative MP Jacob Rees-Mogg. Such occasions, though, are the exception and not the rule. On most days MPs addressing the House do so to rows of empty green benches.

Debates take place on motions. However, there is one form of business taken on the floor of the House that departs from the rule requiring a motion to be before the House. That is *Question Time*. This takes place on four days of the week – Monday to Thursday – when the House is sitting. It is the first substantive order of business once the House sits: it commences once prayers and some minor business – announcements from the Speaker, certain non-debatable motions concerning private legislation – are completed. It is scheduled to conclude one hour after the House has commenced sitting.

Question Time itself is of relatively recent origin (see Franklin and Norton 1993). The first recorded instance of a question being asked was in the House of Lords in 1721, and the first printed notice of questions to ministers was issued in 1835. Question Time itself – a dedicated slot under the heading of 'Questions' on the Order Paper – dates from 1869. The

institution of a dedicated slot for Prime Minister's Questions is of even more recent origin, dating from July 1961. From 1961 to 1997, the Prime Minister answered questions for 15 minutes on two days of the week (Tuesday and Thursday). In May 1997 the new Labour Prime Minister, Tony Blair, changed the procedure, answering questions for 30 minutes once a week on a Wednesday. It was the practice prior to John Bercow being elected Speaker that the session would end after 30 minutes, but under Speaker Bercow, the questions have variously been allowed to run on beyond the allotted time.

The practice of asking questions is popular with MPs, and the demand to ask questions exceeds the time available. Members are thus restricted in the number they can put on the Order Paper: no more than one to any one department on any day and no more than two in total on the day. (It is thus possible to have a question to the department answering before Prime Minister's Questions and one to the Prime Minister.) Questions can be tabled up to three working days in advance (four for those to the secretaries of state for Northern Ireland, Scotland and Wales) and are selected by a random physical and computer shuffle. Questions must be precisely that – statements and expressions of opinion are inadmissible – and each must be on a matter for which the minister has responsibility. There is also an extensive list of topics (including arms sales, budgetary forecasts and purchasing contracts) on which government will not answer questions. Ministers may also decline to answer on grounds of 'disproportionate cost'. The cost of answering an oral question is estimated to be £450 (and a written question £164). If the cost of answering a particular question is calculated to be £850 or more, then the minister may decline to answer on grounds of disproportionate cost.

The normal practice of tabling questions seeking answers to clear and specific questions tabled in advance was complemented in 2007 by the introduction of a new type of question. Towards the end of questions to a particular department, there are now 'topical questions'. These are not dissimilar to Prime Minister's Questions in that a member asks a minister an 'open' question – 'If he will make a statement on his departmental responsibilities' – and then supplementary questions can be on any aspect of the responsibilities of the department. The procedure enables questions to be raised that are current and provides an opportunity for opposition members to test ministers to ensure that they are fully briefed on issues affecting their departments.

Ministers answer questions on a rota basis, most ministries coming up on the rota every five weeks. The larger departments, such as the Treasury, are each allocated a full question time. Smaller departments are allocated only part of a question time (some may get 30 minutes, or even 10 minutes.) All questions tabled by members used to be printed on the Order Paper, a practice that was costly and largely pointless. The

number tabled often ran into three figures, but the number of questions actually answered in the time available was usually fewer than 20. Following changes approved by the House in 1990, only the top 25 – fewer if the department is not taking up the whole of Question Time – are now printed.

The MP with the first question rises and says, 'Question Number One, Mr Speaker' and then sits down. The minister rises and replies to the question. The MP is then called to put a follow-up – or 'supplementary' – question, to which the minister responds. Another member may then be permitted by the Speaker to put another supplementary. If an opposition frontbencher rises, he or she has priority. During Prime Minister's Question Time, the Leader of the Opposition is frequently at the despatch box and is permitted up to six interventions (the leader of the third largest party is allowed three). The Speaker decides when to move on to the next question.

During an average session, about 3,000 to 5,000 questions will be tabled for an oral answer, though not all will be reached in Question Time. With supplementaries included, the questions actually answered will be in the region of 7,000.

Question Time is not the only opportunity afforded to MPs to put questions to ministers. Members can also table questions for written answer. These provide an opportunity to elicit more detailed answers than can be obtained through an oral question and are particularly useful for obtaining data from departments. The questions, along with ministers' answers, are published in *Hansard*, the official record of parliamentary proceedings. Members can table up to five priority

written questions (for which a particular date for answer is specified, subject to three days' notice having been given) on any one day and as many non-priority questions as they wish. The average MP tables just over 100 a session. Exceptionally, some members table well in excess of 1,000. In 2012–3, for example, there were seven MPs who each tabled more than 1,000 questions. The number tabled each year has risen over the decades (see Franklin and Norton 1993: 27). By the 1990s some sessions saw more than 40,000 questions being tabled. This figure has been far exceeded in the twenty-first century, with usually 50,000 to 70,000 being tabled in a year-long session.

Question Time itself remains an important opportunity for backbenchers to raise issues of concern to constituents and to question ministers on differing aspects of their policies and intentions. However, it has become increasingly adversarial in nature, with opposition frontbenchers participating regularly – a practice that has developed over the past 40 years – and with questions and supplementaries often being partisan in content. Some members view the proceedings, especially Prime Minister's Question Time, as a farce. However, it remains an occasion for keeping ministers on their toes (figuratively as well as literally), and it ensures that a whole range of issues is brought to the attention of ministers. It is a means for the Opposition to challenge government and for the Leader of the Opposition to show that he is an alternative Prime Minister (Bates et al. 2014; Bevan and John 2016; Norton 2016b). It also ensures that much material is put on the public record that would not otherwise be available.

Select committees

The House has made greater use in recent years of select committees, appointed not to consider the particular details of bills (the task of public bill committees) but to consider particular subjects assigned by the House. Historically, they are well-established features of parliamentary scrutiny. They were frequently used in Tudor and Stuart parliaments. Their use declined in the latter half of the nineteenth century, the government – with its party majority – not looking too favourably on bodies that could subject it to critical scrutiny. For most of the twentieth century the use of such committees was very limited. The position changed in the 1960s and, more dramatically, in the 1970s.

The House has a number of long-standing select committees concerned with its privileges and internal arrangements. However, for the first half of the twentieth century, the House had only two major select committees for investigating the policy or actions of government: the Public Accounts Committee (PAC) and the Estimates Committee. Founded in 1861, the PAC remains in existence and is the doyen of investigative select committees. It undertakes post hoc (i.e. after the event) scrutiny of public expenditure, checking to ensure that it has been properly incurred for the purpose for which it was voted. The Estimates Committee was first appointed in 1912 for the purpose of examining ways in which policies could be carried out cost-effectively. In abeyance from 1914 to 1921 and again during the Second World War, it fulfilled a useful but limited role. It was abolished in 1971 and replaced by an Expenditure Committee with wider terms of reference.

The PAC and Estimates Committees were supplemented in the 1940s by a Select Committee on Statutory Instruments and in the 1950s by one on nationalised industries. There was a more deliberate and extensive use of select committees in the latter half of the 1960s, when the Labour Leader of the House, Richard Crossman, introduced several reforms to try to increase the efficiency and influence of the House. A number of select committees were established, some to cover particular policy sectors (such as science and technology) and others particular government departments (such as education). One was also appointed to cover the newly created Parliamentary Commissioner for Administration (PCA), better known as the *ombudsman*. However, the experience of the committees did not meet the expectations of their supporters. They suffered from limited resources; limited attention (from backbenchers, government and the media); and limited powers (they could only send for 'persons, papers and records' and make recommendations). There was also an absence of any effective linkage between their activities and the floor of the House and the lack of a coherent approach to, and coverage of, government policy. Some did not survive for very long.

The result was a patchwork quilt of committees, with limited coverage of public policy.

Recognition of these problems led to the appointment in 1976 of a Procedure Select Committee, which reported in 1978. It recommended the appointment of a series of select committees, covering all the main departments of state, with wide terms of reference and with power to appoint specialist advisers as the committees deemed appropriate. It also recommended that committee members be selected independently of the whips, the task to be undertaken by the Select Committee of Selection, the body formally responsible for nominating members. At the beginning of the new parliament in 1979, the Conservative Leader of the House, Norman St John-Stevas, brought forward motions to give effect to the Procedure Committee recommendations. By a vote of 248 to 12, the House approved the creation of the new committees. Initially, 12 were appointed, soon joined by committees covering Scottish and Welsh affairs. In the light of their appointment, various other committees were wound up. The PAC and the Committee on the Parliamentary Commissioner were retained. In 1980 a Liaison Select Committee, comprising predominantly select committee chairmen, was appointed to coordinate the work of the committees.

The 14 new committees began work effectively in 1980. Their number has fluctuated since, usually reflecting changes in departmental structure. Committees were also added to cover sectors or departments not previously covered, notably science and technology and, in 1994, Northern Ireland. With various restructuring of government departments, the number has increased to 20. The departmental select committees appointed in 2016–7 are listed in Table 16.4. There also exists the Committee on Arms Export Control (formerly known as the Quadripartite Committee), comprising four departmental select committees (defence; foreign affairs; international development; and business, energy and industrial strategy) which meets on occasion in order to examine strategic export controls. There are also several non-departmental select committees. These comprise principally 'domestic' committees – such as the Committees on Standards and Privileges and the Finance and Services Committee – but they also include six investigative committees, listed in Table 16.4. In 2009 nine regional committees were appointed to examine the regional strategies and the work of the regional bodies for the regions of England, but these were abolished in 2010.

Each departmental select committee is established 'to examine the expenditure, administration and policy' of the department or departments it covers and of associated public bodies. As can be seen from Table 16.4, the standard is 11 members, but two – Exiting the European Union and Northern Ireland, reflecting the special status of each, have more. The chairs of the committees are shared between the parties, usually in rough proportion to party strength in the



Figure 16.2 The House of Commons in session

Source: PA/PA Wire/PA Images

Table 16.4 Departmental and other investigative select committees 2016–7

Committee	Chair	No. of members
Departmental select committees		
Business, Energy and Industrial Strategy	Iain Wright (Lab)	11
Communities and Local Government	Clive Betts (Lab)	11
Culture, Media and Sport	Damian Collins (Con)	11
Defence	Dr Julian Lewis (Con)	11
Education	Neil Carmichael (Con)	11
Environment, Food and Rural Affairs	Neil Parish (Con)	11
Exiting the European Union	Hilary Benn (Lab)	21
Foreign Affairs	Crispin Blunt (Con)	11
Health	Dr Sarah Wollaston (Con)	11
Home Affairs	Yvette Cooper (Lab)	11
International Development	Stephen Twigg (Lab)	11
International Trade	Angus Brendan MacNeil (SNP)	11
Justice	Robert Neill (Con)	11
Northern Ireland Affairs	Laurence Robertson (Con)	13
Science and Technology	Stephen Metcalfe (Con)	11
Scottish Affairs	Pete Wishart (SNP)	11
Transport	Louise Ellman (Lab)	11
Treasury	Andrew Tyrie (Con)	11
Welsh Affairs	David T. C. Davies (Con)	11
Work and Pensions	Frank Field (Lab)	11
Other investigative committees		
Environmental Audit Committee	Mary Creagh (Lab)	16
European Scrutiny Committee	Sir William Cash (Con)	16
Public Accounts	Meg Hillier (Lab)	15
Public Administration and Constitutional Affairs	Bernard Jenkin (Con)	11
Regulatory Reform	Andrew Bridgen (Con)	13
Women and Equalities	Maria Miller (Con)	11

House. Before 2010 committee members were responsible for electing one of their own number from the relevant party to the chair, though the party leaders may (and normally did) engineer the appointment to the committee of a preferred candidate. However, a significant change was implemented at the start of the 2010 parliament. Following a recommendation from the Select Committee on Reform of the House of Commons (2009), the House agreed that the chairs of select committees should be elected by the House as a whole, and other members of the committees elected by their respective party groups. The effect was to remove the patronage of the party whips who had previously come to dominate the selection process. Election of the chairs in 2010 served to enhance the status of those elected and enshrine some degree of independence. Chairs were now beholden to colleagues in the House rather than to their party leadership.

Each committee has control of its own agenda and decides what to investigate. It has power to take evidence, and much of its time is spent questioning witnesses. Each committee normally meets once a week when the House is sitting in order to hold a public, evidence-taking session. Members sit in a horseshoe shape, MPs sitting around the horseshoe – not necessarily grouped according to party – with the witness or witnesses seated in the gap of the horseshoe. Each session will normally last up to two hours.

Committee practices vary. Some hold long-term inquiries, some go for short-term inquiries and some adopt a mixture of the two approaches. Some will also summon senior ministers for a single session just to review present policy and not as part of a continuing inquiry. The Chancellor of the Exchequer, for example, appears each year before the Treasury Committee for a wide-ranging session on economic policy. Although committees cannot force ministers to attend, the attendance of the appropriate minister is normally easily arranged. So, too, is the attendance of civil servants, although they cannot divulge information on advice offered to ministers or express opinions on policy: that is left to ministers. Attendance by ministers and civil servants before committees is regular and frequent, although most witnesses called by committees represent outside bodies. In investigating a particular subject, a committee will call as witnesses representatives of bodies working in the area or with a particular expertise or interest in it. Committee meetings tend to be bunched on Tuesdays and Wednesdays. Figure 16.3 shows the agenda of select committee meetings for a Tuesday early in 2017.

At the conclusion of an inquiry, a committee draws up a report. The report is normally drafted by the committee clerk – who is a full-time officer of the House – under the guidance of the chair. The draft is then discussed by the committee meeting in private session. Amendments are variously made, although it is rare, though not unknown, for committees to divide along party lines. Once agreed, the report is published.

The committees are prolific in their output. Between 1979 and 2005, over 400 reports would emanate from committees in each parliament. In the 2005–10 parliament, the figure reached 610.

Most reports embody recommendations for government action. A select committee has no formal powers to force the government to take any action on a report. All that the government is committed to do is to issue a written response to each report within 60 days of the report being published. (The target is not always met.) However, recommendations are variously accepted, partially or in full, by government. A study by Benton and Russell (2012) of seven committees over the period 1997–2010 found that 44 per cent of recommendations were implemented in part or wholly, including a fifth of recommendations calling for large change. ‘We thus conclude that committee recommendations are in fact considerably influential, both in terms of initial government acceptance and eventual implementation. This applies not only to trivial or supportive recommendations, but also proposals for substantive policy change’ (Benton and Russell 2012: 782).

The departmental select committees, like the House itself, are multifunctional. They serve several purposes. One is as a deterrent. Ministers and officials know what they do *may* be subject to a public inquiry by a select committee. There is thus anticipated reaction, influencing how they behave. This, to Benton and Russell (2012: 792), is possibly the most important form of committee influence. The committees have also added considerably to the store of knowledge of the House. They provide an important means for specialisation by members. They serve an important expressive function. By calling witnesses from outside groups, they allow those groups to get their views on the public record. The evidence from witnesses is published. Reports are published in paper form and on the internet (www.parliament.uk; see under ‘Committees’). More time is now devoted to committee reports as a result of various Thursdays being devoted to debating them in Westminster Hall. The committees may take up the cases espoused by some of the groups, ensuring that the issue is brought onto the political agenda. The reports from the committees are read and digested by the groups, thus providing the committees with the potential to serve as important agents for mobilising support. Above all, though, the committees serve as important means for scrutinising and influencing government, especially the former. Ministers and civil servants know they may be called before committees to account for their actions. Committee sessions allow MPs to put questions to ministers in greater detail than is possible on the floor of the House. They give MPs the only opportunity they have to ask questions of officials. Not only will poor performances be noted – not least by the media – but also poor answers may attract critical comment in the committee’s

report. No minister or official wishes to be seen squirming in the face of difficult questions.

Select committees have thus developed as a major feature of parliamentary activity, with most MPs viewing that activity in a positive light. Their purview now even encompasses the Prime Minister. Prior to 2002 Prime Minister Tony Blair had refused requests to appear before the Public Administration Select Committee, citing the fact that his predecessors had not appeared before select committees. In 2002 he reversed his stance and agreed to appear before the Liaison Committee to answer questions. His first appearance, for two-and-a-half hours, took place on 16 July. It is now standard practice that the Prime Minister appears before the committee, though in place of two lengthy sessions there are now three shorter ones. Each is devoted to covering particular topics. At the session on 20 December 2016, for example, Prime Minister Theresa May was questioned on exiting the European Union and on health and social care spending.

Despite these various strengths and advances, especially in 2010, limitations remain. The committees have limited powers and limited resources. They have the time and resources to investigate only a small number of issues. The number of reports they issue exceeds the time available on the floor of the House or in Westminster Hall to debate them. Most reports will not be mentioned on the floor of the House or even read by most MPs. Government is committed to providing a written response to committee reports but under no obligation to take action on the recommendations made in those reports. Also, although ministers and officials appear before committees, they do not necessarily reveal as much as the committees would like. Members are not trained in forensic questioning, and important lines of questioning may be neglected in order to give each member of the committee an opportunity to speak. Although the committees constitute a major step forward for the House of Commons, many MPs would like to see them strengthened.

Early day motions

Of the other devices available to members, early day motions (EDMs) are increasingly popular, although of limited impact. A member may table a motion for debate ‘on an early day’. In practice there is invariably no time to debate such motions. However, they are published, and other MPs can add their names to them. Consequently, they are used as a form of parliamentary notice board. If a motion attracts a large number of signatures, it may induce the government to take some action or at least to pause, or it may seriously embarrass the government. This happens occasionally. An EDM in 2002–3 expressing concern over possible military action against Iraq attracted the signatures of more than 150 Labour MPs. This was seen as a signal that the Government might run

9.30 am	<p>Business, Energy and Industrial Strategy - Oral Evidence Session <i>CMA's investigation of the UK Energy Market</i></p> <p>Simeon Thornton, Project Director, Competition and Markets Authority Susannah Meeke, Remedies Director, Competition and Markets Authority Victoria MacGregor, Director of Energy, Citizens Advice Bureau Pete Moorey, Head of Campaigns, Which? Greg Jackson, Chief Executive, Octopus Energy Simon Stacey, Managing Director of Domestic Markets, Npower Dan Hopcroft, Residential Sales Director, EDF Ed Kamm, UK Managing Director, First Utility</p> <p>Location: Room 6, Palace of Westminster</p>
9.45 am	<p>Education - Oral Evidence Session <i>School funding reform</i></p> <p>Luke Sibieta, Associate Director, Institute for Fiscal Studies Natalie Perera, Executive Director and Head of Research, Education Policy Institute Nick Gibb MP, Minister for School Standards, Department for Education Tom Goldman, Director, Education Funding, Department for Education</p> <p>Location: The Grimond Room, Portcullis House</p>
9.45 am	<p>Public Administration and Constitutional Affairs - Oral Evidence Session <i>An effective Second Chamber? The size and composition of the House of Lords</i></p> <p>Baroness D'Souza, Former Lord Speaker Baroness Hayman, Former Lord Speaker Lord Norton of Louth Lord Steel of Aikwood</p> <p>Location: The Thatcher Room, Portcullis House</p>
9.45 am	<p>Justice - Oral Evidence Session <i>Prison reform</i></p> <p>Helen Boothman, Secretary, Association of Members of Independent Monitoring Boards John Thornhill, President, National Council of Independent Monitoring Boards Elizabeth Moody, Deputy Ombudsman Complaints (Office of the Prisons and Probation Ombudsman) Peter Clarke, HM Chief Inspector of Prisons, HM Inspectorate of Prisons John Wadham, Chair, National Preventive Mechanism</p> <p>Location: Room 8, Palace of Westminster</p>
10.15 am	<p>Environmental Audit - Oral Evidence Session <i>Marine Protection Areas Revisited</i></p> <p>John Tuckett, Chief Executive Officer, Marine Management Organisation Dr Stephen Bolt, Chief Executive Officer, Association of Inshore Fisheries and Conservation Authorities Dr Jon Davies, MPA Programme Leader, Joint Nature Conservation Committee Dr Thérèse Coffey MP, Parliamentary Under-Secretary of State for Environment and Rural Life Opportunities, Department for Environment, Food and Rural Affairs Dr Gemma Harper, Deputy Director for Marine and Chief Social Scientist, DEFRA The Rt Hon. the Baroness Anelay of St Johns, Minister of State for Foreign and Commonwealth Affairs, Foreign and Commonwealth Office Jane Rumble, Head of Polar Regions Department, FCO</p> <p>Location: The Wilson Room, Portcullis House</p>
10.30 am	<p>International Trade - Oral Evidence Session <i>UK trade options beyond 2019</i></p> <p>Niamh Moloney, Professor of Financial Markets Law, LSE Allister Heath, Deputy Editor, The Telegraph Anthony Browne, Chief Executive, British Bankers' Association Chris Cummings, Chief Executive, The Investment Association Gary Campkin, Director of Policy and Strategy, TheCityUK</p> <p>Location: Room 16, Palace of Westminster</p>

10.30 am	<p>Culture, Media and Sport - Oral Evidence Session <i>The impact of Brexit on the creative industries, tourism and the digital single market</i></p> <p>Sir Peter Bazalgette, Chair, Arts Council England John Kampfner, Chief Executive, Creative Industries Federation Nicola Mendelsohn CBE, Vice President, Europe, Middle East and Africa, Facebook, and Co-Chair, Creative Industries Council</p> <p>Location: Room 5, Palace of Westminster</p>
11.30 am	<p>Defence - Oral Evidence Session <i>Defence Acquisition and Procurement</i></p> <p>Harriett Baldwin MP, Minister for Defence Procurement Stephen Lovegrove Permanent Secretary for the Ministry of Defence Lieutenant General Mark Poffley OBE, Deputy Chief of Defence Staff for Military Capability, Ministry of Defence Tony Douglas, Chief Executive Officer, DE&S</p> <p>Location: Room 15, Palace of Westminster</p>
2.30 pm	<p>Health - Oral Evidence Session <i>Suicide Prevention</i></p> <p>Ruth Sutherland, Chief Executive, Samaritans Dr Peter Aitken, Chair of the Faculty of Liaison Psychiatry, Royal College of Psychiatrists Hamish Elvidge, The Matthew Elvidge Trust Councillor Richard Kemp, Deputy Chair, Community Wellbeing Board, Local Government Association</p> <p>Location: The Wilson Room, Portcullis House</p>
2.30 pm	<p>Backbench Business - Oral Evidence Session <i>Proposals for backbench debates</i></p> <p>Members of Parliament</p> <p>Location: Room 16, Palace of Westminster</p>
3.00 pm	<p>Foreign Affairs - Oral Evidence Session <i>UK's relations with Turkey</i></p> <p>Rt Hon Sir Alan Duncan MP, Minister of State for Europe and the Americas Lindsay Appleby, Director, Europe, Foreign and Commonwealth Office</p> <p>Location: The Thatcher Room, Portcullis House</p>
4.00 pm	<p>Home Affairs - Oral Evidence Session <i>Implications of the UK's exit from the European Union</i></p> <p>Rt Hon Amber Rudd MP, Home Secretary Glyn Williams, Director, Immigration & Border Policy Directorate, Home Office</p> <p>Location: The Grimond Room, Portcullis House</p>

Figure 16.3 Meetings of select committees, Tuesday, 31 January 2017

into substantial opposition on its own side if it were precipitate in agreeing to use force to topple the Iraqi regime; the Government subsequently suffered the largest rebellious vote by backbenchers in the postwar era. The record for the number of signatures was 502 for an EDM in the 2001–2 session on avoiding conflict between India and Pakistan.

Such occasions, though, are rare. EDMs are more often used for fulfilling a limited expressive function. They allow members to make clear their views on a range of issues, often reflecting representations made to them by people and groups outside the House. Examples of such EDMs are illustrated in

Figure 16.4. The range of topics is extremely broad and the number of motions tabled an increasingly large one, exacerbated by motions unrelated to public policy – for example, congratulating particular sporting teams or individuals on their achievements.

In the 1970s and 1980s, 300–400 EDMs were tabled each year. In the 1990s the number each year exceeded 1,000. In the 1992–7 parliament, a total of 7,831 were tabled – an average of just over 1,500 a session. The number dipped in the 1997–2001 parliament, when 3,613, an average of just over 900 a year, were submitted, but increased notably in the

Topic	No. of signatures	
1205	SUCCESS OF THE UNIVERSITY OF ST ANDREWS	51
Early day motion 1204	VICTIMS OF FRAUD BEING PURSUED FOR TAX LIABILITIES	1
Early day motion 1203	MOTABILITY 40TH ANNIVERSARY	18
Early day motion 1202	CHILDHOOD TOOTH DECAY	18
Early day motion 1201	NESTLÉ JOB LOSSES	31
Early day motion 1200	POST-BREXIT ENVIRONMENTAL REGULATION	1
Early day motion 1199	CHRIS GREEN OBE AND WHITE RIBBON UK	27
Early day motion 1198	PAISLEY BEER AND FOOD FESTIVAL 2017	23
Early day motion 1197	ROSINA BONSU AND OUTSTANDING WOMAN OF SCOTLAND	24
Early day motion 1196	WORLD PRESS FREEDOM DAY	3
Early day motion 1195	10 YEARS OF SNP GOVERNMENT	53
Early day motion 1194	ZAMBRANO CARERS	18
Early day motion 1193	A PEOPLE'S BREXIT	1
Early day motion 1192	ANZAC DAY 2017	2
Early day motion 1191	GRAND NATIONAL WIN	2
Early day motion 1190	MISS GENEVIEVE AND LADIES NIGHT	2
Early day motion 1189	SNOOKER WORLD CHAMPIONSHIP	2
Early day motion 1188	EUROPEAN RACING CHAMPIONSHIP	2
Early day motion 1187	SUPPORT FOR LEASEHOLDERS	4
Early day motion 1186	NORFOLK ISLAND DISTINCT COLONY OF THE CROWN SELF-DETERMINATION	4

Figure 16.4 Examples of topics of early day motions tabled in 2016–7

2001–5 parliament when MPs put in a total of 6,767 – an average of 1,691 a session. The number has increased substantially after that, with over 2,000 a session being submitted, though in 2015–6 the number was below this, at 1,457 motions.

The consequence of excessive use of EDMs is that their value as a means of indicating strength of opinion on an issue of political significance is devalued. Their utility, which was always limited, is thus marginal, although not non-existent. Each is studied by the relevant government department, and they still give MPs the opportunity to put issues of concern on the public record. An EDM which attracts more than 300 signatures – which rarely happens – will get noticed. Most of the rest will not. As can be seen from Figure 16.4, some attract only one or two signatures.

Correspondence

The means so far considered have been public means by which MPs can scrutinise government and make representations to it. However, a number of private means exist, two official and two unofficial. One official means is through corresponding with ministers. Since the 1950s the flow of letters to MPs from constituents and a range of organisations (companies, charities and the like) has grown enormously. The flow increased significantly in the 1960s and increased dramatically in subsequent decades. In the late 1960s a typical MP would receive something in the region of 2,000 to 3,000 items of mail every year. In 2008, 4.1 million items of mail were delivered to the Palace of Westminster, 85 per cent of them going to the House of Commons: that averages out at nearly 5,500 items of mail per MP. However, the volume of letters has gone down as MPs' e-mail boxes continue to

fill. Some MPs receive a three-figure number of e-mails in a typical day. Increasingly, e-mail is taking over from paper correspondence as the preferred means of contact. In 2016 the number of items of correspondence received in the Palace of Westminster was down to 1.6 million. Though no figures are kept for the volume of e-mails sent to MPs, it appears to have grown far more than the volume of paper correspondence has decreased. E-mails remain an inexpensive means of communication, and easy to send to a great many MPs, while the price of stamps continues to increase.

The usual method for an MP to pursue a matter raised by a constituent is by writing to the relevant minister, usually forwarding the letter from the constituent. Writing to a minister is one of the most cost-effective ways of pursuing constituency casework (see Norton and Wood 1993: Ch. 3). A letter invites a considered, often detailed response, usually free of the party pressures that prevail in the chamber; by being a private communication, it avoids putting a minister publicly on the defensive. Ministers are thus more likely to respond sympathetically in the use of their discretion than is the case if faced with demands on the floor of the House. Furthermore, there is no limit on the number of letters an MP can write, and those letters can usually be dictated at a time of the member's choosing. Letters from MPs to ministers are accorded priority in a department – each is circulated in a special yellow folder – and have to be replied to by a minister. If a letter fails to obtain the desired response, the member has the option of then taking the matter further, either by seeing the minister or by raising the matter publicly on the floor of the House.

Correspondence is a valuable and efficient means of ensuring that a matter is considered by a minister. A great many letters on a particular problem can alert a minister to the scale of that problem and produce action. Letter writing is also a valuable means of fulfilling an expressive function. Most constituents who write or e-mail do so to express a particular viewpoint or in order to obtain an authoritative explanation of why some action was or was not taken; only a minority write to try to have a particular decision changed. Contacting the MP in writing is a long-established, and now much used, means for citizens to have some input into the political process. Nonetheless, corresponding with Members has a number of limitations (see Norton 2013a: Ch. 11). MPs are not always well versed in the subjects raised with them by constituents. Some lack sufficient interest, or knowledge of the political system, to pursue cases effectively. Increasingly, they have difficulty finding the time to deal with all the matters raised by them.

Parliamentary Commissioner for Administration

Since the late 1960s MPs have had another option at their disposal in pursuing particular issues raised by constituents.

The Parliamentary Commissioner for Administration – or ombudsman – was established under an Act of 1967 to investigate cases of maladministration within government. The office was subsequently extended so that the ombudsman is also the ombudsman for the health service.

The term 'maladministration' essentially covers any error in the way a matter is handled by a public servant: it does not extend to cover the merits of policies. The commissioner considers only complaints referred by MPs: a citizen cannot complain directly. The Commissioner enjoys some protection in office in that he or she can only be removed by an address by both Houses of Parliament to the crown. (The first female ombudsman – Ann Abraham – was appointed in 2002 and was succeeded in 2011 by Dame Julie Mellor. Her term ends in 2019.) She can summon papers and take evidence under oath. When an inquiry is completed, she sends a copy to the MP who referred the case as well as to the relevant department. Her recommendations are normally acted on. However, she labours under a number of limitations: she has a limited remit, limited resources and limited access to certain files – she has no formal powers to see Cabinet papers. Perhaps most notably, she has no powers of enforcement. If she reports that officials have acted improperly or unjustly in the exercise of their administrative duties, it is then up to government to decide what action to take in response; if it fails to act, the only remaining means available to achieve action is through parliamentary pressure.

The number of cases referred to the ombudsman has increased over the years. Most complaints are deemed not to fall within her remit. In 2015–6 the ombudsman's office received over 29,000 complaints. Of these, 21,000 related to the NHS and 6,000 related to government organisations. (Almost, 1,500 were out of jurisdiction.) Over 7,000 were referred for further investigation. These included 676 (18 per cent of the total) against government departments and some other UK public organisations. Of all the complaints investigated, about 40 per cent were upheld. In 99 per cent of complaints upheld, the organisations involved agreed to act on the commissioner's recommendation (Parliamentary and Health Service Ombudsman 2016: 16).

Although the relevant government departments, as the foregoing figure shows, usually act on the ombudsman's recommendations – a failure to do so is rare – the government has since 2002 twice rejected recommendations that certain factual information should be released under the Code of Practice on Access to Government Information. In 2005 it rejected the findings in a case where some applicants to a scheme to compensate people interned by the Japanese in the Second World War were excluded because they or their parents were not born in the United Kingdom. It was a matter to which the ombudsman returned in 2011, telling the government to 'hang its head in shame' following repeated failings

of the Ministry of Defence to deal fairly with the matter. The second case was in 2006, when it rejected the findings in a case on the handling of pension schemes.

The ombudsman reports to the Public Administration and Constitutional Affairs Committee in the Commons which can then, and variously does, pursue any matters that have not been resolved satisfactorily.

The Commissioner thus serves a useful service to MPs – and their constituents – but constitutes something of a limited last resort and one that has no direct powers of enforcement. MPs prefer to keep casework in their own hands and pursue it with government directly. For most members the preferred device for pursuing a matter with a minister remains that of direct correspondence.

Party committees

An important unofficial means of scrutinising and influencing government is that of party committees. These are unofficial in that they are committees of the parliamentary parties and not officially constituted committees of the House.

Each parliamentary party has some form of organisation, usually with weekly meetings of the parliamentary party. The two largest parties – Conservative and Labour – have traditionally had a sufficient number of members to sustain a series of committees. Conservative backbench committees were first established in the 1920s and established a reputation for being politically powerful (Norton 1979, 1994, 2013b). The committees had elected officers and usually met weekly to discuss forthcoming business and topics of interest, often with invited speakers. Any Tory MP could attend and, if a controversial issue attracted a large audience, it signalled to the whips that there was a problem. However, the early 1990s witnessed a decline in attendance at meetings – members had many competing demands on their time. The massive decline in the number of Conservative MPs in the 1997 General Election meant that the party had insufficient numbers to maintain the committees on the scale of previous decades. As a result, the number of committees was scaled down and a new practice instituted, with policy groups being created, covering such areas as the constitution and home affairs, sharing the same time slot and meeting on a rota basis. In the 2015 Parliament, the 1922 Committee decided to resurrect committees, with a committee covering each Government Department.

Labour backbench committees traditionally lacked the clout of Conservative committees, but in the 1992–7 Parliament the standing orders of the Parliamentary Labour Party (PLP) were changed in order to enhance the consultative status of the committees. Since 1997 Labour frontbenchers have consulted with backbench committees, some achieving a reputation for being assiduous in doing so. The committees also serve another purpose: they allow

MPs to specialise in a particular subject. They enable an MP, through serving as officer of a committee, to achieve some status in the parliamentary party. This is often especially helpful to new members, giving them their first opportunity to make a mark in parliamentary life. It may also serve as a way of getting noticed for the purpose of being promoted to ministerial office. However, despite their attraction to MPs and their influence within party ranks, the committees have to compete for the attention of members – there are many other demands on members' time.

All-party groups

All-party parliamentary groups (APPGs), like party committees, are not formally constituted committees of the House, although have to be registered, and abide by rules established by the House of Commons. They are formed on a cross-party basis, bringing together members from the different parties on the basis of shared interests. They have their origins in the 1930s and have grown since, proving particularly popular in recent decades. In 1988 there were 103 all-party subject groups. By the end of the 2015–7 Parliament, there were 496 subject groups, 132 country groups and three clubs (football, hockey and rugby union football). To qualify as an APPG, it must be open to members of both Houses, regardless of party affiliation.

The subjects covered by these groups are diverse, including, for example, AIDS, alcohol abuse, breast cancer, compassion in dying, the constitution, drugs policy reform, electoral reform, gas safety, hill farming, Irish in Britain, mental health, rowing, universities and tourism. Some exist in name only. Others are active in discussing and promoting a particular cause, some in pressing the government for action. Among the more influential are the disability group, the long-established parliamentary and scientific committee and the football group, which has been active in influencing policy on such issues as safety in sports grounds. The breast cancer group has been especially active in raising parliamentary awareness of the condition. Many of the all-party groups have links with relevant outside bodies – one study in 2012 found that over 300 received support from outside organisations (Ball and Belega 2012) – and can act as useful means of access to the political process for such groups.

Again, though, there are limitations. The sheer number of such groups – and other demands on MPs' time – means that relatively few attract a good attendance at meetings. The link with outside organisations has also been the subject of criticism, leading the Speakers of both Houses to set up an inquiry into their activity in 2011. The study that found that groups received outside support also discovered that 80 provided parliamentary passes to staff with outside interests. The links with outside groups have fuelled criticisms that some

organisations are effectively using all-party groups as front organisations in order to get their case put before Parliament and pursued with ministers.

Having an impact?

In combination, then, a variety of means are available to MPs to scrutinise and influence government and through which they can serve to make known the views of citizens. The means vary in effectiveness and viewed in isolation may appear of little use. However, they are not mutually exclusive, and MPs will often use several of them in order to pursue a particular issue. An MP may write privately to a minister and, if not satisfied with the response, may table a question or seek a half-hour adjournment debate, or a full debate through the Backbench Business Committee. In order to give prominence to an issue, a member may table an EDM, speak in debate and bombard the minister with a series of written questions. They may seek to mobilise allies through the medium of an all-party group. The most effective MPs are those who know how to use these means in combination and – on occasion – which ones to avoid.

Through utilising the means available, an MP – or more especially MPs working in combination through a party group, all-party group or ad hoc collaboration – may perform a service by highlighting features of government action that otherwise would not be exposed to public scrutiny. A select committee may extract information that would otherwise have remained hidden and may influence government through publication of a well-argued report. The Opposition may use its Opposition Days to highlight flaws in Government policy. All these activities in combination reflect an active House, one of the busiest in the world. MPs utilise the different mechanisms for the purpose of calling government to account. Ministers have to spend time in the House explaining their actions and policies and at times have to do under considerable pressure, especially if their policies are unpopular in the country and with their own supporters in the House. Nonetheless, some critics see the sum of the parts as greater than the whole. The House of Commons is a very active House, but some critics regard it as ineffective as a body for effectively fulfilling the functions ascribed to it. It has been subject to calls for reform. The pressures under which the House labours, and the demands for reform, are the subject of our next chapter.

BOX 16.5

BRITAIN IN CONTEXT

Ancient and large, but not unusual

The Westminster Parliament is distinctive because of its longevity. It is one of the oldest parliaments in the world. However, in terms of its place in the political system – especially in its relationship to the executive – it is not unusual. Of the types of legislature identified in Box 16.1, it is the first – that of *policy-making legislatures* – that is notable for not being a crowded category. Of national legislatures, only the US Congress has occupied the category for any continuous period of time. It is joined by the state legislatures of the USA and also by a few legislatures of more recent creation.

The category of *policy-influencing legislatures* is the crowded category and encompasses most legislatures in western Europe and the Commonwealth. It has also been swelled by the changes in the legislatures of the new democracies of southern, central and eastern Europe. Previously, they occupied the third category, that of *legislatures with*

little or no policy effect, but – with democratisation – they have now moved up to occupy the second or even (sometimes briefly) the first category. The third category is now largely confined to dictatorships and one-party states, where legislatures exist for the purpose of giving assent to whatever is placed before them.

Within the category of policy-influencing legislatures, the UK Parliament is not ranked in the top reaches of the category: that is, there are other legislatures that utilise more extensively the capacity to amend or reject measures brought forward by the executive. The Italian parliament and the Scandinavian legislatures are among the strongest legislatures in the category. Westminster, like other Westminster-style legislatures, has less impact on public policy by virtue of the fact that it exists in a Cabinet-centred, two-party system, where the parties compete for the all-or-nothing spoils of electoral victory under a

first-past-the-post electoral system. Continental parliamentary systems, utilising different electoral systems, place more stress on coalitions, with parliaments operating through committees on a more consensual basis.

The UK Parliament, however, is not seen as the weakest legislature in the category of policy-influencing legislatures. In western Europe, the weakest in this category are the French and Irish parliaments.

The categories identified in Box 16.1 cover legislatures in relation to public policy. Most legislatures fulfil a range of other functions. The UK Parliament is distinctive, but not unique, for the emphasis that its members give to constituency work. In common with other parliamentary – as

opposed to presidential – systems, it serves as the route for advancement to executive office. It shares many of its functions with other policy-influencing legislatures. As with many other legislatures, it is under threat from the expansion of executive power. Where it is distinctive is in terms of its size. There are more than 1,400 parliamentarians (MPs and peers) at Westminster, making the UK Parliament the largest in the democratic world. (The US Congress, by contrast, has a total of 535 members; some legislatures in small states have fewer than 100 members.) Both chambers, in terms of sitting hours, are also among the busiest legislative chambers in the world.

Chapter summary

Parliament is an institution at the heart of the British political system. It forms a body of elected Members, the number varying over time, through the territorial basis of representation – the constituency – being long established. The principal role of the House of Commons is one of scrutinising government. Various means are available to MPs to undertake this role. They have expanded in recent decades, not least with the introduction of departmental select committees, and greater use is made of them than ever before. In combination, they make for a very active House, with MPs using both formal and informal mechanisms for calling government to account.

Discussion points

- What are the most important functions of the House of Commons?
- Should MPs be drawn from a more varied range of backgrounds?
- What purpose is served by select committees? Should they be strengthened?
- Should, and can, the House of Commons improve its scrutiny of government legislation?
- Is the increase in the constituency work of MPs a good or a bad thing?

Further reading

The most recent texts on Parliament, useful for the student, are Crewe (2015), Rogers and Walters (2015) and Norton (2013a). Also available are Grant (2009) and Rush (2005). There is also a wide range of essays, by practitioners and academics, on different aspects of Parliament in Baldwin (2005), Riddell (2011) and Flynn (2012) are useful complements to works on Parliament.

The socio-economic background of MPs is covered by Rush (2001); the socialisation of MPs in Rush and Giddings (2011); and the behaviour of MPs in recent parliaments by Cowley (2002, 2005, 2015), Cowley and Stuart (2008) and Norton (2012b). MPs' constituency service is covered in Norton and Wood (1993), Power (1998), Norton (2012a), Norton (2013a: Ch. 11) and Kelly (2014). Parliamentary questions are considered extensively in Franklin and Norton (1993), briefly in Giddings and Irwin (2005) and in comparative context by Martin and Rozenberg (2012). On Prime Minister's Questions, see Bates et al. (2014) and Bevan and John (2016). The largely neglected relationship of Parliament to pressure groups is the subject of Rush (1990) and the report of the Public Administration Committee (2008). The relationship of Parliament to the law is discussed in Horne, Drewry and Oliver (2013). The relationship of Parliament to the European Union is covered comprehensively in Giddings and Drewry (2004). Many of these books are the products of research by study groups of the Study of Parliament Group (SPG), a body that draws together academics and clerks of Parliament. A reflective set of essays, by members of the SPG, on parliamentary change and the issues facing Parliament in the twenty-first century is to be found in Giddings (2005).

The relationships of Parliament to the European Union, government, pressure groups and citizens are put in comparative context in Norton (1996), Norton (1998), Norton (1999) and Norton (2002) respectively.

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Useful websites

Parliamentary websites

- Parliament: www.parliament.uk
- Parliamentary committees: www.parliament.uk/business/committees/
- Guide to parliamentary committees: www.parliament.uk/about/how/committees/select/
- Parliamentary education service: www.parliament.uk/education/index.htm
- Register of Members' Interests: www.publications.parliament.uk/pa/cm/cmregmem.htm
- Hansard: <https://hansard.parliament.uk/>

Other related websites

- Hansard Society for Parliamentary Government: www.hansardsociety.org.uk