

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES (AMENDMENT) BILL

Fourth Sitting

Wednesday 23 May 2018

CONTENTS

Motion to adjourn considered.

Adjourned till Wednesday 6 June at half-past Nine o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Sunday 27 May 2018

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The Committee consisted of the following Members:

Chairs: †Ms NADINE DORRIES, ALBERT OWEN

Allan, Lucy (<i>Telford</i>) (Con)	† Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op)
Bone, Mr Peter (<i>Wellingborough</i>) (Con)	† Paisley, Ian (<i>North Antrim</i>) (DUP)
Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	† Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
† Fletcher, Colleen (<i>Coventry North East</i>) (Lab)	† Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>)
† Foster, Kevin (<i>Torbay</i>) (Con)	Stewart, Bob (<i>Beckenham</i>) (Con)
† Harper, Mr Mark (<i>Forest of Dean</i>) (Con)	Wiggin, Bill (<i>North Herefordshire</i>) (Con)
† Khan, Afzal (<i>Manchester, Gorton</i>) (Lab)	
Lee, Karen (<i>Lincoln</i>) (Lab)	Kenneth Fox, <i>Committee Clerk</i>
† Linden, David (<i>Glasgow East</i>) (SNP)	
Mills, Nigel (<i>Amber Valley</i>) (Con)	† attended the Committee

Public Bill Committee

Wednesday 23 May 2018

[NADINE DORRIES *in the Chair*]

Parliamentary Constituencies (Amendment) Bill

9.30 am

The Chair: Here we go again. The rules are the same as always. I remind you that electronic devices should be switched to silent mode and that teas and coffees are not allowed during sittings. I am happy for anyone to remove their jacket if they wish.

Afzal Khan (Manchester, Gorton) (Lab): I beg to move, That the Committee do now adjourn.

Once again we are meeting without a money resolution. All there is to do is to adjourn. During Monday's emergency debate, some excellent points were made about the expectation that the Government would bring forward a money resolution for a private Member's Bill that has had a Second Reading. Many Members made the point that even if the Government do not want a money resolution to be passed, they can table one and instruct their MPs to vote against it. Much of the discussion during that debate was on the merits—or not—of passing a money resolution, but the issue at hand was the expectation that the Government would bring one forward.

As was said on Monday, it is disingenuous for the Government to say that boundary changes are a financial issue. For this Government, those changes have always been about electoral maths. That becomes clear when we look at the nine new Conservative peers announced by the Government over the weekend, with all the associated costs. The Prime Minister pays lip service to cutting the cost of politics, but in reality she will do whatever is in the interests of her party.

The House voted unanimously for the Bill to be debated in Committee. Parliamentary procedure clearly dictates that a money resolution should be tabled when a Bill has been given its Second Reading. The Government endorsed that view in 2015 when a Minister said that

“the convention is that the Government, even when they robustly oppose it, always table a money resolution... Doing so is not a signal of Government support; it is absolutely in line with the convention of the House with all private Members' Bills, whether we oppose or support them.”—[*Official Report*, 3 November 2015; Vol. 601, c. 926.]

That was the right approach. The Government should return to tabling money resolutions for private Members' Bills, even when they do not agree with them. I know that the Government object to my private Member's Bill, but if they want to get rid of it they should use arguments and votes, not block it with procedure.

I shall continue trying to get a money resolution for the Bill. I hope that colleagues will agree that I have been doing my best so far. Next time we meet I hope that we shall be able to make some progress.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): I shall keep my remarks extremely brief. With regard to the substance of the Committee proceedings, I have nothing to add to what I said at the two previous Committee sittings, or to what was said in response to an urgent question and in the emergency debate. However, I will take this opportunity to wish well the hon. Member for Lancaster and Fleetwood, who will not be joining us at future sittings. We wish her much happiness in future.

Mr Mark Harper (Forest of Dean) (Con): I had not planned to speak in this Committee, having taken part in the Standing Order No. 24 debate on Monday, but the hon. Member for Manchester, Gorton has provoked me slightly. One or two of the points he made require a response.

I do not think that the Government have been disingenuous. That accusation is unfair. We gambolled around this territory in the House on Monday, but the Government have set out a principled reason. As I said on Monday, in 2011 Parliament took a decision, when it passed the Parliamentary Voting System and Constituencies Act 2011, to set up a boundary review process. That was disrupted at the other end of this building by some shenanigans by the Labour party and the Liberal Democrats, who inserted an amendment out of the scope of the Bill to divert the boundary changes.

We are now on the second go, and I think it is reasonable to allow the boundary commissions to report—as they have to do by law between September and October of this year—and to allow the House to reflect on their report before we make further progress. I listened carefully to what the Leader of the House said, and she repeated what the Minister said, which was that the Government are not refusing to provide a money resolution forever; they simply do not think that one is appropriate at this time, until the House has had time to reflect on the report.

Afzal Khan: I thank the right hon. Gentleman for his conclusion, but the point is that Members of this House know what has happened before and the review that is taking place. Despite that, the House voted unanimously. I am sure that he is aware that Parliament is sovereign and that it can change its mind as well, if it wants to.

Mr Harper: It is indeed, but it is also the case that the spending of money is a financial prerogative of the Crown. It is for the Crown to propose spending money and for Parliament to assent to it, as was made very clear by my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) in his excellent speech on Monday, with which I concur.

The hon. Gentleman's Bill involves significant expenditure. It is not just about having another boundary review process; it is also about increasing the number of Members of Parliament by 50, which means quite considerable expenditure. It is for the Government to make decisions about expenditure. His argument would have more force if the Minister had said that the Government were not going to bring forward a money resolution at any point during this Session. That is not what the Government have said; they have said that the boundary commissions should be allowed to report and that the Government will then reflect on the House's

decision making on the boundary commissions' reports. It is entirely possible that decisions may be taken at a later stage that will enable us to make progress in Committee. The Government are not being disingenuous.

It is also not the case that the Government invariably bring forward money resolutions. I remember an interesting case in the 2010-2015 Parliament, when I think my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) had a private Member's Bill on a European Union referendum, which, as we know, commanded majority support in the country, albeit a small majority. The then Prime Minister wanted to bring forward a money resolution, but the Government were unable to do so, for all sorts of complicated, coalition-related reasons that I will not trouble the Committee with. There have been other examples that the Leader of the House set out. It is not an invariable rule; it is a convention.

The Minister has made it very clear that this matter remains under review and that the Government have not ruled out bringing forward a money resolution at some point in future. I do not think that the motives that the hon. Member for Manchester, Gorton has ascribed to the Government are reasonable. That is all I wanted to say in response, recognising that the motion under consideration this morning is a fairly narrow one, as I thought his points needed to be dealt with.

Cat Smith (Lancaster and Fleetwood) (Lab): I thank the Minister for her kind words and for wishing me well, as I am expecting my first child increasingly soon. It has been a pleasure to shadow her over the past couple of months—there have certainly been some mix-ups with our names. It is certainly one of the more interesting shadow relationships, as our names are so similar.

As this is the last Committee sitting I shall be attending, I want to put on the record some of my thoughts about the Bill. Given that my hon. Friend the Member for Manchester, Gorton intends to keep coming back to the Committee to pursue the Bill, I expect to be substituted in future sittings. The Government's efforts to sabotage the Bill by refusing to grant a money resolution defy the will of the House. That sends a clear message to Members of the House and to our constituents that the Tories care more about their own political advantage than about doing what is in the best interests of the country.

I congratulate my hon. Friend on securing the Standing Order No. 24 debate on Monday, and on persevering in holding the Government to account. I share his concerns that the Government are trampling over parliamentary procedure and making a mockery of the private Member's Bill process. During that debate we witnessed a Government who were unable to put forward a single convincing argument to justify their undemocratic actions. The Leader of the House claimed time and again that

"it is for the Government of the day to initiate financial resolutions."—[*Official Report*, 21 May 2018; Vol. 641, c. 595.]

That simply is not true. It is an established parliamentary convention that the Government bring forward money resolutions for private Members' Bills that have received a Second Reading, as this Bill has.

Until recently, the Government largely followed that convention. In 2013 the former Leader of the House, Andrew Lansley, told the Procedure Committee in evidence:

"To my knowledge, Government has provided the money resolutions...whenever we have been asked to do so."

The Procedure Committee's 2013 report therefore concluded:

"Government policy is not to refuse a money or ways and means resolution to a bill which has passed second reading."

The Speaker also made his position extremely clear by saying that the Government should bring forward a money resolution and impose some "logic and reasonableness" on the process.

Mr Harper: Mr Speaker can obviously speak for himself, but I listened carefully to his response to that point of order. He was clear that he was not expressing the view that the Government should bring forward a money resolution—indeed, he made it clear that that was entirely a matter for the Government. He said that he felt it would be helpful if the decision-making processes about whether they brought forward money resolutions had an element of "logic and reasonableness" to them, but he did not express an opinion himself.

Cat Smith: I will leave it to hon. Members to listen to what Mr Speaker said and make their own interpretation, as there are clearly multiple interpretations in the Committee. What is clear is that money resolutions have been brought forward for Bills that received their Second Reading later than this one, which strikes me as entirely unfair.

The Government have argued that their response to the Bill is about timing and that they intend to wait until the Boundary Commission produces its report for Parliament before progressing. They have taken a leisurely approach to considering the Bill, as it has already been five months since it received its Second Reading. I did not expect to have to leave the Committee to have a baby in the time that it has taken the Bill to progress through Parliament—in December I reasonably expected it to have passed by the time I needed to take some time away from the House.

My hon. Friend the Member for Manchester, Gorton raised the issue of granting a money resolution with the Leader of the House in three consecutive business questions, on 3, 10 and 17 May. Numerous points of order have been raised too. In February, the Public Administration and Constitutional Affairs Committee concluded that the House,

"should be given an early opportunity to debate the options for reform and to decide whether or not to continue the current boundary review",

and that the Bill provided the opportunity to do so. However, the Government chose to ignore the views and expertise of Back Benchers.

It is also completely disingenuous of the Government to claim that they are blocking the Bill for financial reasons. On Monday the Leader of the House told us that the Bill would,

"place a potential financial burden of £8 million on taxpayers."—[*Official Report*, 21 May 2018; Vol. 641, c. 600.]

However, waiting for the Boundary Commission to publish its report in the autumn will waste even more money. I am more than confident that the Prime Minister did not consider the "potential financial burden" when she appointed a series of new peers last weekend, which will cost taxpayers more than £1 million a year. Ministers have referred on numerous occasions to the fact that continuing with the boundary review is a Conservative

[Cat Smith]

manifesto pledge. The manifesto also included commitments to repeal the fox hunting ban and to address the size of the House of Lords. Where did those commitments go?

The Conservative party seems to have completely forgotten that it is in a minority Government. A lot has changed since 2011, when the original Boundary Commission process started. We have had two general elections and the Brexit referendum and its consequences. This is a hung Parliament and the Government's mandate is completely different. For a minority Government to defy the will of the House in this way is deeply undemocratic.

The Government's motives are clear: this is not about principles, but electoral maths. This is not the first time the Conservative party has tried to rig our democratic process in its favour. There is the ongoing scandal of the Government refusing to vote and then refusing to act on Opposition day motions. They have stuffed the Standing Committees of this House with a majority of their Members, even though they are a minority Government. There is also the £1 billion that they gave to the Democratic Unionist party in order to get their legislation through. At the local government elections on 3 May, the Government piloted discriminatory ID requirements that denied hundreds of legitimate voters their democratic right to vote.

Ian Paisley (North Antrim) (DUP): The hon. Lady is not persuading me with the comments she is making on the Bill. Part of the Bill—about preserving 18 constituencies in Northern Ireland—was very attractive to me and to my party, but the accusatory claims and allegations that this is anti-democracy are really turning me off supporting the Bill.

9.45 am

Cat Smith: I suggest that the hon. Gentleman takes a look at the impact the Bill would have on the way our Parliament is made up. It strikes me that what the Government are doing is unquestionably about rigging the electoral system in favour of one party, instead of something that is balanced and reflects the view of the majority of the parties in this country.

Mr Harper: I did not try to intervene the first time the hon. Lady said it, but I do not think that having equal-sized constituencies can be described as rigging the system. It is a reasonable argument, and something that the Labour party is in favour of in principle—just not in practice.

Cat Smith: The right hon. Gentleman will be pleased to hear that I will come on to talk about the equalisation of constituencies. I think we will find that there is quite a lot of common agreement that there needs to be a Boundary Commission. The current state of constituencies in this country is not one I am defending. I am arguing for a Boundary Commission in order to have new boundaries, so that our constituencies can be more equally sized—something we would all like to see—but in a way that is fair and represents community ties.

David Linden (Glasgow East) (SNP): I apologise, Chair, for being late; I have sprained my wrist. One of the issues about the size of constituencies is that one of the proposed constituencies under the new boundary review in Scotland would be the size of Cyprus. That is not practically possible. There is a wider point here, because when we lose all our Members of the European Parliament and Parliament takes back control, we will have fewer MPs to scrutinise all this legislation. Then, when they go back to their constituencies, they will have to try to get around by helicopter, given the size of the constituencies the Government are proposing.

Cat Smith: The hon. Gentleman makes a valid point. I wish him a speedy recovery with his arm, which looks very painful.

I think we are all largely in agreement that the boundary review is needed; that is not something I am arguing against. Updating boundaries is a vital part of the functioning of our electoral system. However, it has to proceed in a way that benefits our democracy and not just one political party. The political case presented by the Government for reducing the number of MPs from 650 to 600 is completely flawed. The Hansard Society found no rationale for the Government's decision, noting that there was a "real concern" that the number had been,

"plucked from thin air—600 simply being a neat number."

Cutting 50 MPs also presents a "crisis of scrutiny", a concern raised by the Electoral Reform Society. The Government's current plan, to reduce the number of MPs in Parliament without reducing the number of Ministers, will only increase the power of the Executive. That will make it more difficult for Back Benchers to challenge the Government, which in turn will reduce Parliament's ability to hold the Government to account. As we are witnessing today, the Government fear challenge, loathe scrutiny and have no respect for Back Benchers.

The need for parliamentary scrutiny has never been greater as our nation prepares to leave the European Union. As the hon. Member for Glasgow East mentioned, to lose 50 MPs at the same time as taking back powers from Brussels risks leaving the UK Government struggling to keep up with the day-to-day requirements of legislation. In short, what seemed like a good idea in 2011 is very different in 2018, because so much has changed. As MPs' workload looks set to rise—

The Chair: Order. I remind the Committee that the question before us is whether we adjourn until next Wednesday. This is not a debate on the merits of the Bill or wider-ranging arguments.

Cat Smith: Thank you, Ms Dorries. I will bring my remarks to a close. I believe that this is my one opportunity to put on the record my thoughts on the Bill, so I thank the Committee for indulging me slightly, and I apologise for any offence that may have been caused to the Chair.

Although this is the last sitting that I will attend, I hope that the Committee will continue to meet, because this is an important Bill and many aspects of it are important to our democracy. I believe that Governments should be held to account and that the power of the Executive should not get so strong that Back Benchers have no power. I hope that the Government are listening

and that they will, at the earliest opportunity, table a money resolution to allow the Bill to progress. We can then argue about the merits of the Bill and debate its contents, and whoever takes my place on the Committee will be able to have the argument. The Committee has met time and again. I am sure that the Minister does not want to sit here every Wednesday morning, but I can assure her that my hon. Friend the Member for Manchester, Gorton will make sure that she is here every Wednesday until the money resolution is brought before the House.

Alex Norris (Nottingham North) (Lab/Co-op) *rose*—

The Chair: I remind the hon. Gentleman to remember the question before the Committee.

Alex Norris: Thank you, Ms Dorries. I will endeavour to stay within the parameters you have set. We would not be considering whether to adjourn if we had had a money resolution before Parliament following Second Reading. [*Interruption.*] We talked about this matter on Monday and it is in the context of whether we should adjourn. Arguments can be made about finance and the practicalities of having another boundary review, but the key point is that those things were known when we discussed this on Second Reading, because none of these things is new or revelatory—they have not been on the front pages of *The Sunday Times*, having been discovered by forensic journalists. These things were all known. The House divided and overwhelmingly chose to give the Bill a Second Reading on the reasonable

grounds that a money resolution would follow, in which case we would not be adjourning now. That is the first point.

Secondly, we asked for a money resolution, not support for a money resolution. We can divide again. We can have a replay. We won in the first match and we will have another go next week. I cannot say what the parliamentary maths is. I suspect that the Government know that more than I do, but we should let the House make the decision, in full knowledge of all the facts. That is why people send us here. They do not send us to come here at 9.30 to spend 20 minutes discussing whether to not have a meeting. Of course, that is a little bit silly, so I will conclude by saying that this comes with a stink.

The Government have lost the argument and so are now sticking us on the process, and I do not think that reflects well. It is in the same vein as losing votes in the other place and then creating more peers and being wary of losing votes in the Commons Chamber and then relying on secondary legislation. When hon. Members stay in their offices for this Opposition day debate, rather than contesting it, I hope that they think of the things slowly being whittled away from our Parliament and its functions. I know it is difficult to stay together even to get to the end of each week. There must come a point at which it is not worth it to keep trampling on our Parliament.

Question put and agreed to.

9.52 am

Adjourned accordingly till Wednesday 6 June at half-past Nine o'clock.

