

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES (AMENDMENT) BILL

Twelfth Sitting

Wednesday 5 September 2018

CONTENTS

Motion to adjourn considered.

Adjourned till Wednesday 12 September at Ten 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,

not later than

Sunday 9 September 2018

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The Committee consisted of the following Members:*Chairs:* †Ms NADINE DORRIES, ALBERT OWEN

Allan, Lucy (<i>Telford</i>) (Con)	Mills, Nigel (<i>Amber Valley</i>) (Con)
Bone, Mr Peter (<i>Wellingborough</i>) (Con)	† Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	Paisley, Ian (<i>North Antrim</i>) (DUP)
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)	
† Matheson, Christian (<i>City of Chester</i>) (Lab)	† attended the Committee

Public Bill Committee

Wednesday 5 September 2018

[MS NADINE DORRIES *in the Chair*]

Parliamentary Constituencies (Amendment) Bill

10 am

The Chair: As usual before we begin, I remind hon. Members that electronic devices should be switched off or in silent mode during the sitting. I also note, with sadness, that the husband of the Labour Whip, Colleen Fletcher, passed away last week. I am sure that, as a Committee, we all want Colleen to know that she is in our thoughts at this very difficult time.

Hon. Members: Hear, hear.

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

I welcome everyone back to the Committee. I hope that we have all had a good recess. We are back to Parliament and back to our regular sitting every Wednesday. Over the summer and in a number of hearings before then, we talked about how we can make things move forward. Ultimately, the key issue coming from the Government side was that they were keen to get the boundary review in, and I believe that that has happened, so perhaps the Minister can tell us now what the Government's plan is. In what way do they want to move forward? Do they wish to have an immediate vote on the Boundary Commission's report or not, and if, as we expect, the Government lose, what is the way forward? Perhaps there can be more clarity.

Mr Mark Harper (Forest of Dean) (Con): It is very good to see you in the Chair after the summer recess, Ms Dorries, and to see colleagues back to discuss the Bill. I have just been reflecting—just looking at the motion to adjourn—on what we were talking about when we broke up for the summer, and it might be helpful if I update the Committee, having had a look at the information from the Boundary Commission for England. The commission set out—I think I referred to this before Parliament rose for the summer—that it planned to present its report to the Government on or around 5 September, and it confirmed that that would indeed be done today. It has made it clear that, because of what the law says, it is the Government who must lay that report before Parliament, so assuming that it delivers its report today, which it has confirmed it will, and the other boundary commissions do so, the Government will then at least be in a position to lay those reports before Parliament and to lay out an indication of the timetable.

For today's purposes, I think it is a bit unrealistic and a bit unreasonable, given that the reports will have been received only today—they may not yet have actually been received—to expect the Minister to say anything at all today about timing; I therefore have no criticism at all of the Minister. But, clearly, after today the Government will at least be in a position to reflect on the reports and

consider when to bring them forward. Whether or not the Minister sets that out in a future sitting of the Committee, I am sure that colleagues will ask the Leader of the House—I understand that the reports will be sent to her—about the timetable. That will then give us the opportunity to reflect on whether this Committee can make any further progress other than just discussing a motion to adjourn. I hope that that is helpful to the Committee.

Alex Norris (Nottingham North) (Lab/Co-op): The right hon. Gentleman said that the report would go to the Leader of the House. My understanding is that it now goes to the Cabinet Office—that was changed last week—so it might be helpful if the Minister, in her reply, says how quickly the Cabinet Office intends to publish it or whether it intends to sit on it.

Mr Harper: Of course, as the hon. Gentleman knows, the Government are indivisible and all Ministers speak for the Government, so wherever the report ends up in Government, the Government collectively will be in a position to reflect on the contents and then set out the next steps. As I said, it would be unreasonable to expect the Minister to be able to do that today, not having had the chance to reflect on the report. She may be in a position to do so next week; I do not know. But even if she does not, the Leader of the House will no doubt be asked about the report, even if it is not specifically the Leader of the House who reflects on it. I think that I am right in saying, if it is indeed going to the Cabinet Office, that the senior Cabinet Office Minister, the Chancellor of the Duchy of Lancaster, has questions in the House next week, so it will be open to him or one of his team, in which my hon. Friend is a Minister, to answer those questions if they are put before them in the House. Therefore, in the not too distant future, we may have at least a little clarity about timing, which will then enable us to not have to keep coming here every week just to talk about the reports having been laid. We will be in more of a substantive position to go forward. I hope that is helpful to the Committee.

Christian Matheson (City of Chester) (Lab): It is a great pleasure to see you in the chair once again, Ms Dorries. I was going to make some comments about it being a great pleasure to see members of the Committee back here, but in the light of your comments about my hon. Friend the Member for Coventry North East I will keep my comments more sombre. I was not aware that she had suffered a bereavement; I am very sorry to hear that, and I am grateful for your opening comments.

The right hon. Member for Forest of Dean was reflecting on the handing over today, and the imminent publication, of the current set of boundary proposals, based on the guidance that was given by the House and by this Government in previous years. My response—I wonder whether the Minister might consider this—is that, irrespective of what happens to that set of proposals, this Bill remains on the Order Paper. Irrespective of the fact that the House will either accept or reject the proposals that are to be handed over to the Cabinet Office today and then presented to the House at some point in the imminent future, this Bill still needs to be dealt with; it cannot simply continue to be stonewalled through the Government's failure to introduce the appropriate money resolutions.

Can the Minister indicate in her response, if she chooses to respond to the Committee this morning, what plans the Government have to deal with this Bill? If this Parliament goes the full term, will we still be meeting here on a Wednesday morning three years hence to consider the possibility of this Bill?

Mr Harper: Of course, I also associate myself with the remarks that you made about the hon. Member for Coventry North East and her recent bereavement, Ms Dorries. When the hon. Gentleman says that things will happen “irrespective” of what the House decides about the boundaries, of course it is not irrespective. If the House decided to go with the proposals the boundary commissions are going to bring forward, the House would effectively have made a decision to proceed on that basis. No doubt, therefore, the House would be asked not to proceed with this Bill. If, of course, the House chooses not to proceed with the boundary commission proposals, we are in a different space.

On a point of fact, we would not meet for the rest of this Parliament, because, of course, private Members’ Bills lapse at the end of the Session so, thankfully, we would meet and have the pleasure of each other’s company only until the end of this Session, not for the rest of the Parliament.

Christian Matheson: The right hon. Gentleman is right on the second point; the Bill would lapse at the end of this Session, so we would have to go for only another nine months. He answered his own question in the first part of his intervention, because he talked about the fact that if the imminent set of boundary proposals go through, the House would then be asked to withdraw this Bill. That is entirely my point: the Bill would continue to stand on the Order Paper and would still need some kind of cancellation.

That is where we should be heading with these proposals. The Bill of my hon. Friend the Member for Manchester, Gorton has been read a Second time, and my advice to the Government would be simply this: move the money resolution, continue consideration in this Committee, and then kill the Bill off with a majority on Third Reading.

That would seem to be the obvious solution. If Conservative Members are confident that they have the majority—they may well have the majority to take the imminent proposals forward—they should follow the correct and democratic procedure, undertake the Committee stage and then cancel the Bill by voting against it on Third Reading. That is surely the way forward, because it would stop us having to meet every Wednesday at 10 o’clock—much as that is a great pleasure, Ms Dorries—albeit that that would only be to the end of this Session, and I am grateful to the more experienced right hon. Member for Forest of Dean, who is a former Chief Whip and obviously knows about procedure, for reminding me of that.

I am an avid reader of the *Daily Mail*, and there is an article in it today about this very issue. The article, which I am sure we can trust, alleges that members of the Government have written to Conservative MPs urging them to back the imminent set of proposals. Since this is absolutely germane to the procedures under consideration by the Committee, may I ask the Minister

whether such a letter has indeed gone out to Conservative Members, and whether she will place a copy of that letter in the Library for us all to see?

Another allegation in the *Daily Mail*, and I see no reason not to trust it, is that an undertaking has been given to Conservative Members that no man will be left behind. This being the 21st century, we might also say “no woman”, or “no hon. Member” shall be left behind. In other words, some kind of grubby deal has been done to persuade Conservative Members to vote in favour of the imminent boundaries, irrespective of whether they consider it right or wrong, on the basis of how it would affect them personally. That is why I use the phrase “grubby deal”.

We cannot allow introspection and self-interest when we are considering parliamentary boundaries that are the basis of the way in which the House is elected and, therefore, the basis of our democracy and democratic procedures for the next 10 or 15 years. If the boundary procedures take as long next time as they did this time, it might even be more than 15 years. Let us hope not, because there is a consensus that parliamentary boundaries need to be reviewed. Will the Minister confirm whether a deal has been done with Conservative Members that no man will be left behind, and that self-interest should be a consideration when they are considering the imminent set of boundaries?

If that is the case, that is yet more reason why my hon. Friend’s Bill, which takes into account not self-interest but the broader interests of the United Kingdom and the basis of our democratic representation, should proceed, as opposed to grubby deals and cajoling based on self-interest, which is the allegation in the newspaper article. If the Minister confirmed or denied whether such a deal has taken place, I would be most grateful.

David Linden (Glasgow East) (SNP): As always, it is a great pleasure to serve under your chairmanship, Ms Dorries. I place on the record my condolences to the hon. Member for Coventry North East following her husband’s sad death.

We meet here again—I think this is the 12th sitting of the Committee. I will not go over some of the lines I have used in previous sittings—much, I suspect, to the relief of Committee members—but I was struck by something that the right hon. Member for Forest of Dean said. He said it was good to come here to discuss the Bill, but the problem is that we cannot discuss the Bill; we are here to discuss a motion to sit. I am sure he did not want to inadvertently mislead the Committee. We have not been able to consider the Bill line by line or clause by clause, because the Government have not granted a money resolution.

It is, however, good to be back here today. We were promised that we would be coming back. There I was on the train down from Glasgow on Monday night, looking forward to seeing the hon. Member for Torbay and all members of the Committee this morning, and hoping that we would be able to discuss matters of more substance. We know that the report is being handed over to the Government today. We expect that some sort of statement will be made next week.

I would not go as far as saying that I am a great reader of the *Daily Mail*—it is not really worth the paper it is written on, in my view—but, like the hon.

[David Linden]

Member for City of Chester, I took some interest this morning, in my LexisNexis alerts, in the comments by the hon. Member for Wellingborough, who is of course a member of the Committee, saying that he would lead the charge of Tory rebels against the Bill. In a Parliament that is very divided—in terms of not only parliamentary arithmetic, but the Conservative party—that will be one of the great problems for the Government over the next couple of months.

The right hon. Member for Great Yarmouth (Brandon Lewis) has apparently issued a letter to Government Members. You may well have received it, Ms Dorries; I have not. I want to follow up on the point made by the hon. Member for City of Chester about no hon. Member being left behind. We have seen on countless occasions in this Parliament people who have marched the Conservative party up to the top of the hill, leading a rebellion, only for them to come back down the hill rather quickly.

The Chair: Order. Mr Linden, the purpose of this Committee is not to discuss the internal machinations of any political party and how it operates. If you could keep your comments to the Bill, I would be very grateful.

David Linden: I am grateful for that guidance. I do not think the Committee has enough time to talk about the internal machinations of the Conservative party—we would have to sit five or six times a week to have time to do that.

I seek assurances from the Minister that nobody has been made promises along the lines of, “Okay, we are abolishing your seat, but you can go off to the House of Lords.” That would completely contradict the idea that the reason for reducing the number of seats is to cut the cost of politics.

10.15 am

I suspect that the Government will be defeated on this. There is a majority in Parliament for 650 seats, and we will see that when a vote comes. In the event that the Government do a grubby deal and buy off some of their Members, I seek assurances that hon. Members, including the Minister, would not be heading off to the House of Lords after that.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): I begin by adding my voice to those who have expressed their condolences to the hon. Member for Coventry North East. It must be a very difficult time for her and we all send our great sympathy.

I will put a few points on the record about the factual position of where we are this morning. As hon. Members will know, the boundary commissions for England, Wales, Scotland and Northern Ireland are submitting their final proposals for revised constituencies to Ministers today. The Ministers involved are the Minister for the Cabinet Office, the Secretary of State for Northern Ireland and the Secretary of State for Scotland—that covers the plural reports. Hon. Members may be aware that the House passed an order that transferred the function from the Leader of the House to the Minister for the Cabinet Office. I confirm that that has taken place.

The boundary commissions have, of course, drawn up their proposals in accordance with the legislation passed in the 2010-15 Parliament, to which the Committee has previously referred. The law requires that the Government must lay the four boundary commission reports before Parliament. Each will be laid as an Act Paper and must be laid when both Houses are sitting. We expect therefore that the reports will be laid before Parliament on Monday 10 September. That accommodates both the Lords and the Commons sitting and, crucially, allows for the reports to be printed—these things do not happen instantaneously. That is the explanation for the laying date of Monday. I hope that is clear to the Committee.

After the reports have been laid before Parliament, the Government will bring forward a draft Order in Council to give effect to the recommendations contained in the reports. The order will, as a matter of fact, be a complex and lengthy statutory instrument. It will take months to prepare, because it needs to transcribe the entirety of those four boundary commission reports. Needless to say, we would all wish that work to be accurate.

We have said that we will keep the private Member’s Bill promoted by the hon. Member for Manchester, Gorton under review. I understand that hon. Members in Committee have asked for the Government’s view of that Bill. As we have said before, we believe that it is right that the boundary commissions have been allowed to complete their work. Parliament agreed in the 2010-15 Parliament to that process for the review of boundaries, so that stands. I add today that it is my view that the House of Commons, sitting in the main Chamber, will play an important role in making the decisions that flow from the boundary review. It is appropriate that those decisions are considered in the main Chamber rather than in Committee. Recently, there has also been debate in the Chamber on whether the Bill should be allowed to proceed in Committee without a money resolution, and the House decided that that should not be permitted.

I hope that that is sufficient to give a clear indication of the process ahead and an explanation of which Ministers are involved, and also accommodates the question as to the Government’s intention with regard to the Bill.

Christian Matheson: The Minister said something very interesting then. Could she clarify? Forgive me, Ms Dorries, if my grasp of procedure is not as great as that of other Committee members. The Minister said the Order in Council would be complicated and take months to prepare. Does that mean that she expects a vote on the order not to take place for several months? My understanding was that, once the order is laid, there is a strict timetable for how long it would take before both Houses were expected to vote on it and that that timetable is short. Is my interpretation right? When can the Committee expect those votes to take place, based on what the Minister has just said?

Chloe Smith: I confirm that I used the word “months” and I deliberately did so. I intend to be realistic with the Committee that those instruments are complex and need to be prepared fully and correctly. I wish to be quite straight about that with the Committee.

The more specific scheduling of a vote after that point is, of course, a matter for the Whips, which I am not in a position to confirm any more specifically today. I add something I think the hon. Member for City of Chester and other Committee members might already be aware of: the governing legislation says that the orders shall be laid “as soon as may be”. That is the technical guidance the hon. Gentleman is looking for in his question.

Mr Harper: I am grateful to the Minister for clarifying that last point. I referred to that in a previous sitting. Ministers cannot unduly delay matters but they clearly have to go through the proper process and ensure that the orders are correct.

I want to ask the Minister a question about what she said on process. In a previous sitting, I brought up the subject of where these issues are debated. There are two points I want her to reflect on: one is what the hon. Member for City of Chester said about whether the House should give us permission to debate the Bill before the House has taken a decision on the boundary reports. I do not think that is sensible because the debate on the order would need to be taken into account if there was a wish to change legislation.

The second point, to which I think the Minister referred, is that these matters affect all Members of Parliament. If we were to debate the substance of the Bill, it should not be done here in Committee. As with the original legislation, it should be debated on the Floor of House in a Committee of the whole House, so that every Member of Parliament had the opportunity to consider it. The Minister has set out a sensible way to proceed.

Chloe Smith: I am grateful for my right hon. Friend’s compelling points. The first, on time, is absolutely correct. I agree that there is little point in this Committee discussing matters that are also before the main Chamber before the main Chamber does so. Secondly, on scope, I also agree, as I said earlier, that it is correct for the main Chamber to look at these matters, first, because they affect all Members and, secondly, because they are constitutionally important. It is the convention of this House that such matters are dealt with in the main Chamber.

Christian Matheson: The Minister is being generous with her time. In that case, will she undertake to speak to the Clerks to establish a procedure whereby this Bill Committee might be moved to a Committee of the whole House, with an attendant money resolution, so that we can move it forward at the time that she chooses?

Chloe Smith: No doubt, Ms Dorries, if I did not say it, you would say that it is not for me to do that. It would be for the hon. Member for Manchester, Gorton to have such a conversation.

Following your guidance, Ms Dorries, I shall refrain from commenting on the internal machinations of parties, though, if I did, no doubt questions about the unity of both the Labour party and the Scottish National party would become very clear, given what we have seen in the press over the summer—in the *Daily Mail* or elsewhere.

Notwithstanding that, I can confirm that the party chairman of the Conservative party has written to Conservative colleagues, as is entirely reasonable and expected, but I do not think it is appropriate to lay that correspondence in the Library, as requested by the hon. Member for City of Chester, because those are party documents. The very important documents that we are discussing are of course the boundary commission reports. I hope I have used my comments to lay out the process that the Government intend to use for those documents, which will be before us very shortly.

Mr Harper: Before the Minister sits down, may I press her on one matter that I hope will be helpful to the hon. Member for Manchester, Gorton? Picking up the point that the hon. Member for City of Chester made, it would be sensible for the hon. Member for Manchester, Gorton to consider talking to the Government about a motion to discuss the substance of the Bill on the Floor of the House. That could save us coming here every week to talk about a motion to adjourn.

However, having listened to my hon. Friend the Minister, I anticipate the Government’s response to be—I am only a Back Bencher, so I do not know—that that makes sense, but that it does not make sense for that process to start before the House has had the opportunity to consider the Order in Council. As I have said before, if we are to debate the substance of the Bill, and therefore amend the current process laid down in law, we should want to do so after listening to Members’ concerns about the existing process. To start changing the law about the process before even allowing one process to conclude under the existing legislation is to put the cart before the horse.

To avoid our having an interesting but slightly null debate every week on whether to adjourn, it may be sensible for the hon. Member for Manchester, Gorton to have that conversation. I anticipate that the Government would perhaps agree to that, but to have the process start once the House has had the opportunity to consider the boundary commissions’ proposals. That might be a constructive and sensible way forward. The Minister will no doubt reflect on my contributions and those of the hon. Gentleman, and the hon. Gentleman may well also reflect on them with purpose.

Chloe Smith: My right hon. Friend is as forensic, logical and authoritative as ever, and I have nothing further to add.

Question put and agreed to.

10.27 am

Adjourned accordingly till Wednesday 12 September at Ten o’clock.

