



The Governance of Britain – Petitions



The Government's response to the Procedure
Committee's First Report, session 2006-07,
on Public Petitions and Early Day Motions



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Presented to Parliament by the Lord Privy Seal,
Leader of the House of Commons and Minister for Women
by Command of Her Majesty
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Foreword



The Rt Hon Harriet Harman QC MP Leader of the House of Commons

The Government recently set out its proposals for constitutional reform in *The Governance of Britain*¹. We want stronger accountability of the Government to Parliament, greater engagement between Parliament and the people, greater engagement between the Government and the people and strong Cabinet Government. Among the proposals to improve the engagement between Parliament and the people were changes to public petitions.

The Procedure Committee previously set out the findings of its inquiry into Public Petitions and Early Day Motions in its first report of the 2006-07 session.² The Government is grateful to the Committee for its work and our response is set out in this document.

Both the Government and the Procedure Committee recognise that further work is needed to consider how far we should use modern technology to make it easier for members of the public to petition Parliament. We therefore look forward to the outcome of the Procedure Committee inquiry into the issue of e-petitioning.

¹Cm 7170
²HC 513

Draft response to the Procedure Committee's First Report, session 2006-07, on Public Petitions and Early Day Motions

Introduction

1. The Government is grateful for the attention which the Committee has given to the issues of public petitions and Early Day Motions. As the Committee observes, the two procedures – though quite distinct from each other – have some common characteristics, in respect of their use by Members to bring subjects to the attention of the House. In the case of petitions, this will be at the instigation of members of the public, while in the case of EDMs there may be no or only an indirect involvement of non-Members. As the Committee also observes, in examining both processes attention needs to be paid to their potential role in support of the objective of better connecting Parliament with the public. This needs to be done, however, in a way which does not place such emphasis on the procedures that undue expectations are raised or that existing benefits of the procedures to Members are lost.

Public Petitions

2. In respect of petitions, the Committee has rightly tried to steer a balance, by making the process more accessible, and requiring a response to each petition, but being wary of raising expectations by prescribing particular forms of subsequent action by the House. The Committee has therefore not proposed a petitions committee, but has undertaken to come back with proposals for generating petitions through e-petitioning as an alternative option to the traditional route.
3. As the Prime Minister stated in the House on 3 July,¹ introducing the Ministry of Justice Green Paper *The Governance of Britain*,² the time is right for a new process in respect of petitions. The Government agrees that it would be appropriate to make positive use of the opportunities provided by modern communications practices to enable the House to engage with the public through an e-petitioning system. Accordingly, the Government looks forward to the Committee's intended further report on this subject as soon as reasonably practicable. Such a system would enable the House to build on the pathfinding work in this area by the No 10 Downing Street website. The Government welcomes the discussions which the Committee has already held with those administering the No 10 website.
4. In practice, the introduction of an e-petitioning system might well generate significant changes in the perception of the role of petitions. Accordingly, some of the other recommendations of the Committee can only be fully assessed when it is clearer how e-petitioning would fit into the system and thus these recommendations might in due course justify further review.

¹ *Official Report* 3 July 2007 cols 818 and 830

² Cm. 7170 paras 157-163

5. The Government notes that the Committee did not as part of this inquiry consider further the rules of order for the content of petitions. It remains the case that, despite the welcome relaxations of the rules relating to content and layout of petitions which have been made in recent years, members of the public will sometimes have prepared petitions and obtained signatures to reasonable petitions which are not within the current rules of order. The Government understands that in such cases the House authorities will assist petitioners and Members to bring in an orderly petition, and that in this way a large majority of initially disorderly petitions are successfully presented. Nevertheless, as part of the steps being taken towards making the petitions procedure more accessible, the Government would welcome any further consideration by the Committee as to whether additional measures might be taken to help petitioners whose petitions, while not trivial or unreasonable, may be technically disorderly under present rules.

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

6. The Government agrees that the retention of the link between a petition and an individual Member is valuable. While in no way committing the Member concerned to supporting the substance of the petition, it helps to ensure that any petition presented (in addition to being otherwise in conformity with the rules) is not trivial or inappropriate. This is particularly important if there is no other sifting mechanism (such as a petitions committee, as discussed in the next recommendation) and if it is proposed that all petitions should receive a response from a government department.

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

7. The Government recognises the Committee's reasoning in concluding, on balance, that a Petitions Committee would not – at least under present circumstances – be the right way forward. The Committee suggests that the example of the Scottish Parliament shows the significant difficulty in balancing petitioners' expectations against potential outcomes under such a system. It concludes that problems in addressing expectations would arise at Westminster, probably on a significantly larger scale than in Scotland. The Government accepts the Committee's recommendation on this point, but also notes that it is an issue which should be kept under review, in particular in the context of the Committee's further deliberations about how to introduce an e-petitioning system.

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

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

8. The Government accepts these recommendations.

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

9. The Government agrees that it would be more helpful for petitioners and for the users of parliamentary business papers if petitions were to be printed in Hansard rather than as a separate supplement in the daily Vote Bundle. The Government accordingly agrees with the Committee's recommendations, subject to two points. First, the Government does not think that it would be appropriate for responses to petitions to be submitted as Written Ministerial Statements. These have from their inception been intended to relate more to planned ministerial announcements, including notice of government publications, and Members would not necessarily find it helpful to have responses to petitions included amongst them (particularly if the text of the petition is to be repeated as well). It would be preferable therefore for petition responses to be in a separate section of Hansard. The Government is grateful for the work already carried out by the House authorities to confirm that this can be done.
10. Secondly, the proposal that the text of a petition should be reprinted when the response is printed would mean that it is printed twice. The Government would not want this to lead to any additional publication costs. It is understood that any such extra costs should not in practice arise because the per page cost of Hansard is lower than for the existing Supplement and because there would no longer be any need for each petition or response to be set out on a separate page. (Against this, there is of course the possibility that there will be more petitions and responses to print than in the past.) Accordingly, the Government suggests that the petition should only be reprinted with the response for so long as the Speaker is satisfied that there are no significant additional overall costs relative to the present arrangements. In the same vein, and for general principles of orderliness, the Government suggests that the criteria on which the Speaker exercises his existing authority over petitions should include ensuring that the practice of printing petitions in Hansard does not lead to the printing in this way of petitions of undue length or otherwise inappropriate petitions.

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

11. The Government agrees with this conclusion. This would be for the House authorities to implement and the Government welcomes the preliminary work which has already been done.

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

12. The Government agrees with this recommendation and would note that, when an e-petitioning system is in place, Committees might in practice be more likely to carry out follow up work where petitions have been submitted which have received wide publicity or support. It would be helpful if committees reported on the activity carried out in this way in their annual reports or via the Liaison Committee. In addition, although consideration of the subject matter of petitions is already within their remit, the Government considers that a helpful signal could be sent if their role in considering public petitions were incorporated into the 'core tasks' of select committees when the core tasks are next reviewed.

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

13. The Government has considered this recommendation carefully. At present, although there is no mandatory requirement on departments to submit a response, in the ten years 1994 to 2004 over 60% of petitions were responded to. The Government has concluded that, provided that Members continue to give careful attention to a proposed petition before sponsoring it and thereby engaging the House's formal procedures, it would now be right to give an undertaking that substantive petitions should normally receive a response from the relevant government department. As the Committee recognises, it will often be appropriate, provided the reasons are explained, to give a relatively brief response indicating, for example, that the issue in hand is not a matter for central government (perhaps because it may be a local authority matter).

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

14. The Government broadly supports the underlying objective of this recommendation, insofar as it would give Members an opportunity to raise issues contained in particular petitions, whether in respect of the substance of the petition or the timing or adequacy of the response. But it is not clear that there is a demand for extending the overall hours of Westminster Hall or, at this

stage, for giving petitions a specific slot within existing Westminster Hall hours. It is already the case that a Member may choose to apply for an adjournment debate on a matter relating to a petition (provided there is ministerial responsibility). Rather than create a new Westminster Hall process in the way proposed, the Government suggests that Members are encouraged to use their existing applications to cover matters related to petitions. The title of the adjournment debate could refer to the petition (thus drawing other Members' attention to the possibilities of this process) or it would be open to a Member to 'tag' the petition on the Order Paper. In addition, Members could of course cite any issue relating to a petition in their application to the Speaker for the weekly adjournment slot which is allocated at his discretion.

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

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

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

15. As already noted, the Government fully supports the proposal by the Committee to work out the details behind the introduction of an e-petitioning system. The Government considers that it would be more appropriate for the House of Commons than for the Executive to be the forum to which many national petitions are presented. When firm proposals are brought forward it may also be appropriate at that point to review the way in which the receipt of petitions by the new route will affect the further consideration of them in the House.

Early Day Motions

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

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

16. The Committee's conclusions on ways of reducing the numbers of EDMs tabled have to be read in conjunction with the analysis in paragraphs 60–66 of

the Committee's report, on the role of EDMs. Members value the breadth of opportunity provided by the right to table an EDM on almost any subject, which enables them to raise a range of constituency or general issues which can not be raised in other ways. It is not generally expected that the EDM itself should lead to any further action (though, as the Committee observes, there can be a danger that this is not fully appreciated by outside interests). To this extent they perform a valuable role within Parliament, which if artificially restrained (whether by rationing or by tighter rules of order) might simply displace pressure on to other parts of the system without achieving any significant reduction in numbers of EDMs. The Government therefore agrees with the Committee's conclusions.

17. But there are bound nevertheless to be some consequences from an ever increasing number of EDMs being tabled. There are limitations, for example, on the extent to which Government ministers, in particular the Leader of the House at Business Questions, can be fully briefed on each such Motion. There are also potential financial implications in respect of the specific printing arrangements, discussed below in connection with the recommendation at paragraph 90 of the report.

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

18. The Government is content with this proposal.

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

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

19. As the Committee notes, the issue of whether some form of automatic debating time should be provided for selected EDMs is linked to the wider issue of provision of private members' time and the use of debating time more generally, which have been considered by the Modernisation Committee. The Modernisation Committee report is being taken forward separately. It is of course already the case that Members may take EDMs into account when choosing subjects for debate under other procedures – whether daily or other adjournment debates, or Opposition Day debates or perhaps even Estimates Day or select committee debates. The Committee's proposal for allowing Members applying for an adjournment debate (whether a daily debate or in Westminster Hall) to 'tag' their debate on the Order Paper by reference to an

EDM would usefully supplement such a process and the Government accepts this recommendation.

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

20. The Government notes that the Committee has considered specific proposals for allowing the total number of pages required for printing EDMs to be reduced, but has not found these proposals to accord with Members' requirements in the way in which they use EDMs. The Government does not wish to second guess the Committee's judgement.
21. Nevertheless, it is important that opportunities are taken within the operations of the House for greater cost efficiency. The Government therefore asks the House authorities to seek to identify opportunities in the system of printing EDMs – whether arising from new technology or from changes in the pattern of Members' needs – for savings to be made. If necessary, the issue may have to be revisited in the future.

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

22. The Government agrees that an efficient EDM database is a key tool for Members and other users in making the best use of EDMs. It may also be that in this area there may be a way forward towards finding additional savings from printing: as Members become used to regarding the database as the principal tool for accessing EDMs, the more prospect there is that less material relating to EDMs will need to be printed or reprinted in the daily Vote bundle.

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

23. The Government notes this conclusion.



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