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Scheduling Parliamentary Time

1 Introduction

This briefing paper has been prepared for the Assembly and Executive Committee. It provides information in relation to the scheduling of Parliamentary business in the House of Commons, the Scottish Parliament, the National Assembly for Wales and the Oireachtas. It also references international examples where appropriate. The paper seeks to address the following issues:

- The manner in which other parliaments schedule parliamentary business for plenary sessions, committee meetings and constituency work
- If there is any evidence that suggests that scheduling plenary sittings alongside committee meetings produces a decrease in parliamentary effectiveness
- The size of committees in the House of Commons

Key points

- The Scottish Parliament and National Assembly for Wales avoid the overlap of plenary and committee meetings. However the Scottish Parliament could soon amend this practice to allow greater flexibility in the scheduling of parliamentary business

- No legislature in the UK and Ireland has officially designated constituency days in Standing Orders, but certain days are generally regarded as time for constituency business
- In the House of Commons, there has been an ongoing debate over many years on the impact of scheduling plenary alongside committee business
- The number of committee places in the Commons has doubled since the establishment of the current system in 1979, from 275 to 576

2 Scheduling Parliamentary Business

House of Commons

Plenary meetings and Select Committee meetings take place concurrently in the House of Commons¹. Standing Order 123 of the Commons states “All committees, other than committees of the whole House, shall have leave to sit at any time on any day on which the House sits”².

The Commons Select Committee on Procedures is currently undertaking an inquiry into sittings of the House and the parliamentary calendar:

The Committee intends to undertake a radical review of the role of Members of Parliament and the House of Commons and the optimum arrangements for the hours and sitting patterns of the House for fulfilling these roles most effectively.³

A range of views have been expressed in evidence to the Committee regarding the arrangements for scheduling plenary and committee business. These are summarised below:

- the Procedure Committee should give the House the option of setting time aside each week for select committee meetings, with no debates taking place in the chamber. In effect, this would be a dedicated Committee day
- The structure of Committees in the House is already overstretched with regular poor attendance, often with MPs popping in for a few minutes then leaving

The Hansard Society’s submission is particularly interesting on the topic of balancing Plenary and Committee time:

We believe that the Chamber should remain the ultimate forum for holding ministers to account. However, to improve its effectiveness Parliament should become a more committee-based institution. In order to provide for greater focus on select committee

¹ Parliamentary time in other Parliaments and Assemblies

http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/Inquiries/20111025_international_comparisons.pdf

² Standing Orders of the House of Commons Number 73 Printed December 2010 Accessed: 4th April 2012

³ Commons Select Committee Inquiry: Sittings of the House and Parliamentary Calendar
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2010/sittings-of-the-house-and-the-parliamentary-calendar/>

work one half or perhaps even one full day per week should be ring-fenced in the parliamentary week for committee work during which time the main Chamber should not sit. This would enhance the status of committees and, by rationing time in the Chamber, would mean that it acts as a plenary session for issues of greatest importance⁴.

The Committee is due to report later this year.

The Commons does not sit on every Friday and these non-sitting days are generally regarded as constituency days⁵.

Scottish Parliament

Paper 859-11 provided information on plenary and committee meetings in the Scottish Parliament. The key points are reproduced below.

Rule 12.3.3 of Standing Orders of the Scottish Parliament states:

A committee meeting may be held on any day, whether a sitting day or not and whether within or outwith the normal Parliamentary week. Committee meetings shall not normally be held when the Parliament is in recess.

Rule 12.3.3A goes on to say:

A meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress⁶.

Report of Convenors Group

In its legacy report published at the end of the previous mandate, the Convenors Group of the Parliament commented on committee workload and priorities:

Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber. The Group also recommends that the Standards, Procedures and Public Appointments Committee review the Rule that prevents committees from meeting at the same time as the Chamber. The Group considers that a change in that Rule could provide valuable

⁴ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writev/1370/1370.pdf>

⁵ Parliament.uk (2012) "Constituency Fridays" see: <http://www.parliament.uk/site-information/glossary/constituency-fridays/> For more details on the Standing Orders governing Friday sittings see Standing Order 11 and 12 in House of Commons Standing Orders

⁶ Standing Orders of the Scottish Parliament (revised November 2011)

additional time for committees without any adverse impact on the work of the Parliament⁷.

In December 2011 the Standards, Procedures and Public Appointments Committee published a report that recommended significant changes to the scheduling of parliamentary business. One of its recommendations suggested that the rules surrounding plenary and committee meetings should be amended:

The Committee recommends that Standing orders be amended to allow committees to meet at the same time as the Chamber when committees identify a need to sit longer, on a planned basis, should the bureau agree that is necessary.⁸

The latest communication from officials in the Scottish Parliament advises that they are awaiting a response on the report from the Parliamentary Bureau following which they expect to bring forward standing order rule changes for debate in the Chamber.

Constituency days

Constituency days are not stipulated in the Scottish Parliament Standing Orders although Mondays and Fridays are generally regarded as constituency days.⁹

National Assembly for Wales

Although there is nothing in Standing Orders to specifically prohibit committee meetings taking place during plenary, evidence to the Richard Commission by the Panel of Chairs of the Subject Committees stated that: "It is...considered inappropriate to arrange committee business at the same time as plenary sessions"¹⁰.

This position was confirmed by the Assembly's submission to the Commons' Procedure Committee¹¹.

Constituency days

A constituency day is not stipulated in Assembly Standing Orders although Friday is considered informally to be the constituency day for the Assembly.¹²

⁷ CONVENERS GROUP LEGACY PAPER - SESSION 3

⁸ Standards, Procedures and Public Appointments Committee, 2nd report, 2011 (Session 4), "Reform of Parliamentary business inquiry: Phase 1 report: remodelling the Parliamentary week" Available at: http://www.scottish.parliament.uk/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/sppa-11-02w.pdf

⁹ As above see p. 10.

¹⁰ Panel of Subject Committee Chairs - Submission to Richard Commission, November 2002

¹¹ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writev/1370/1370.pdf>

¹² Welsh Assembly (2012), "Assembly Timetable 19 September 2011 – 20 July 2012" See: http://www.assemblywales.org/bus-home/assembly_timetable.htm

Oireachtas

There is nothing in Standing Orders to prohibit plenary business from taking place at the same time as committee business within the Oireachtas and indeed this is normal practice.¹³

The Committee system in the Oireachtas has traditionally been considered weaker than its counterparts elsewhere, in part due to the limited powers of inquiry available to them¹⁴.

However, there could soon be a greater emphasis placed on the work of committees. The Programme for Government had promised that “In order to enhance the role of the legislative committees, we will organise a committee week every fourth sitting week. The Dáil plenary will sit only for questions, including Leaders’ Questions and the order of business and the remainder of the day will be taken up in committee¹⁵.”

Constituency days

In terms of constituency days there is no specific day stipulated in Standing Orders. However, the Dail does not meet on a Monday¹⁶ or on three Fridays a month¹⁷.

Other legislatures

As part of its inquiry, the Commons’ Procedure Committee asked other legislatures to provide it with information on their approach to constituency and committee days:

Table 1: Constituency and committee days in other legislatures

Legislature	Constituency days	Committee days
Canadian House of Commons	The calendar generally provides for at least one week per month, and occasionally two weeks, during which the House does not sit in order primarily to afford Members the opportunity to spend time in their constituencies	No
Australian House of Representatives	No	No
Lok Sabha (India)	No	Yes, to consider the Budget

¹³ Schedule of Business: This Week in the Houses of the Oireachtas <http://www.oireachtas.ie/ViewDoc.asp?DocId=-1&CatID=60>

¹⁴ A proposal to grant Oireachtas committees more investigatory powers was defeated in the referendum in October 2011

¹⁵ http://www taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf

¹⁶ See Oireachtas Standing Order 21.

¹⁷ Recent Change to Standing Orders of the Oireachtas in March 2012. See Standing Order 117A that now allows for on Friday sitting a month.

3 Impact of scheduling Plenary alongside Committee business

Perhaps unsurprisingly, given its size and workload, the House of Commons provides the best example of tensions between the scheduling of business in plenary and committees. This section draws on a number of sources highlighting the negative impact concurrent plenary and committee business has on the effectiveness of committees.

In 2001 the Hansard Society recommended that the House of Commons give greater recognition of the importance of committee work in its weekly parliamentary scheduling:

In order to reflect the importance attached to the select committee system, and not take away from the chamber, one day each week should be devoted to committee activity. To reflect the importance of this work other parliamentary business should be arranged around the committees so that the chamber would not meet on this day.¹⁸

In 2008-09 the House of Commons Reform Committee (the Wright Committee) recognised the pressure faced by select committees:

Select committees have rightly won respect for the work they do and they are being asked to take on an increasing number of tasks on behalf of the House. As a result committee members find it increasingly difficult to devote time to select committee work as well as all their other duties. We consider that the Liaison Committee should re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands of time made of Members as their role grows¹⁹.

In evidence sessions to the Commons Select Committee on Procedures inquiry into Sittings of the House and Parliamentary Calendar Angela Eagle MP the shadow leader of the house also suggested the introduction of committee days to the parliamentary week:

I think there are more fundamental reforms we could look at and think of, like having committee days and plenary days, how we could brigade the business that is different from what we have traditionally done in this Parliament... We need to look at the way other parliaments work and see whether they have a better way of brigading business²⁰.

Furthermore, recent research has contended that:

¹⁸ Hansard Society (2001), *The Challenge for Parliament; Making Government Accountable*, Report of the Hansard Society Commission on Parliamentary Scrutiny (London: Vacher Dod), p.54.

¹⁹ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>

²⁰ See Angela Eagle Oral evidence session: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/c1370-vi/c137001.htm>

The effective discharge of the core tasks and the overall effectiveness of select committees are challenged by the capacity, time and motivation of members and the support and resources available to them. One of the reasons that some areas of government activity may escape effective scrutiny is that committees simply face too many demands without the resources required, particularly the time and interest of members...the growing importance and effectiveness of select committees is part of a trend that has seen the House of Commons become a more committee-based institution. However...there has been little reform to the balance between committee and chamber work and consequently...committees have to deal with the conflicting time demands and expectations of the plenary session in the Chamber and Westminster Hall. Proposals to provide more time for committees and to avoid clashes with the chamber have been made for many years.

The following table provides some international examples of the approach taken to scheduling plenary and committee business.

Table 2: Approach taken in other legislatures to scheduling plenary alongside committee business²¹

Legislature	Can Plenary sessions take place at the same time as committee meetings?
Legislative Council of New South Wales	No
Legislative Assembly of Victoria	Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.
Legislative Council of Victoria	No, but since December 2010 Wednesday evenings have been made available for Council committees to meet. Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.
Legislative Assembly of South Australia	No unless the House votes to permits it.
Legislative Assembly of Ontario	Yes, except during question time and the Routine Proceedings Committee of Supply.
Legislative Assembly of Manitoba	No
National Assembly of Québec	Yes, up to 4 committees may meet concurrently with the plenary, except during the Routine Proceedings.

²¹ http://www.scottish.parliament.uk/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/SPPA-pdf-4.pdf

	When the Assembly is not sitting up to 5 committees may meet concurrently.
House of Representatives, Australian Parliament	Yes, but may be interrupted if there is a call for a division or a quorum in the House.

4 Size of Commons' committees

There has been a significant increase in membership of Commons' select committees since the establishment of the current system in 1979. Originally populated with between 9 and 11 Members, this has grown to around 14. During this period, the number of places to be filled on all temporary and statutory committees has doubled from 275 to 576²². There are currently 650 MPs but this number will reduce to 600 for the purposes of the 2015 UK Parliamentary election²³. The number of committees has risen from 24 to approximately 39, requiring a number of Members to serve on two or more committees. The convention that Parliamentary Private Secretaries and Opposition front-benchers do not serve on committees has had to be breached to service the demands of the committee system.

Prior to the 2010 Parliamentary election, the Wright Committee recommended:

That the new House of Commons reduce the size of its standard departmental committees to not more than 11; Members in individual cases can be added to specific committees to accommodate the legitimate demands of the smaller parties. We also recommend that the practice of appointing parliamentary private secretaries and front bench Official Opposition spokesmen should cease. We believe there should be clear consequences for unreasonable absence from select committees. The House must also seek to reduce the numbers of committees, ending overlapping or duplicate remits and rationing the scarce resource of Members time and commitment²⁴.

²² <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/111706.htm>

²³ This is a result of provisions in the Parliamentary Voting System and Constituencies Act 2011

²⁴ As above