

# Parliamentary Monitor 2019: Snapshot



# About this report

In September 2018, the Institute for Government launched *Parliamentary Monitor*, an annual data-driven analysis of Parliament's activity. As we look ahead to the next full edition – to be published when the current parliamentary session ends – this 'snapshot' report draws on currently available data to highlight some of the most interesting aspects of Parliament's work during the current session to date.

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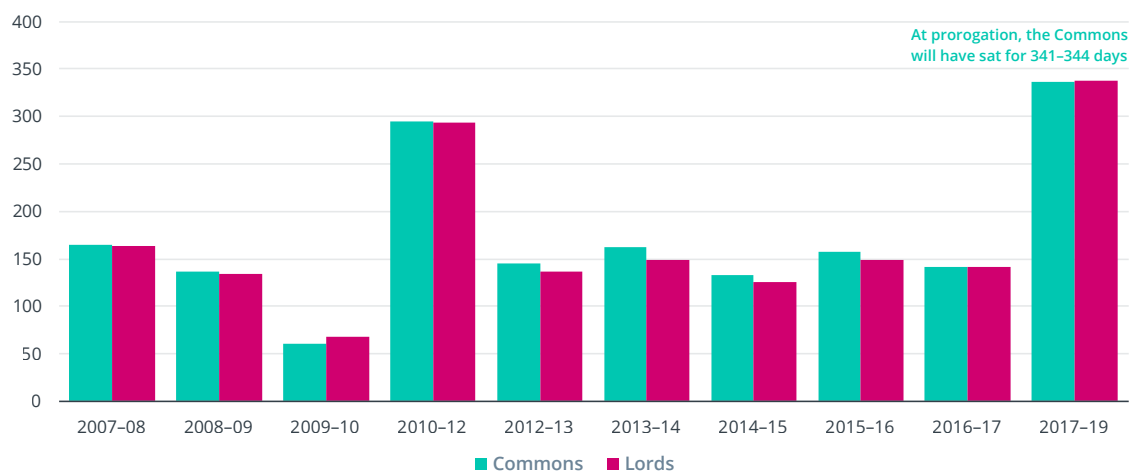
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# Overview: key themes at the close of the 2017–19 session

In September 2018, the Institute for Government launched *Parliamentary Monitor*, an annual data-driven analysis of Parliament’s activity. As the 2017–19 session comes to an end, following Prime Minister Johnson’s decision to prorogue Parliament, this short ‘snapshot’ paper draws on currently available data to highlight some of the most interesting aspects of Parliament’s work.

The 2017–19 parliamentary session has been the longest on record. By the time Parliament is prorogued in early September, the House of Commons will have sat for over 340 days – beating the previous 295-day record set by the 2010–12 session.

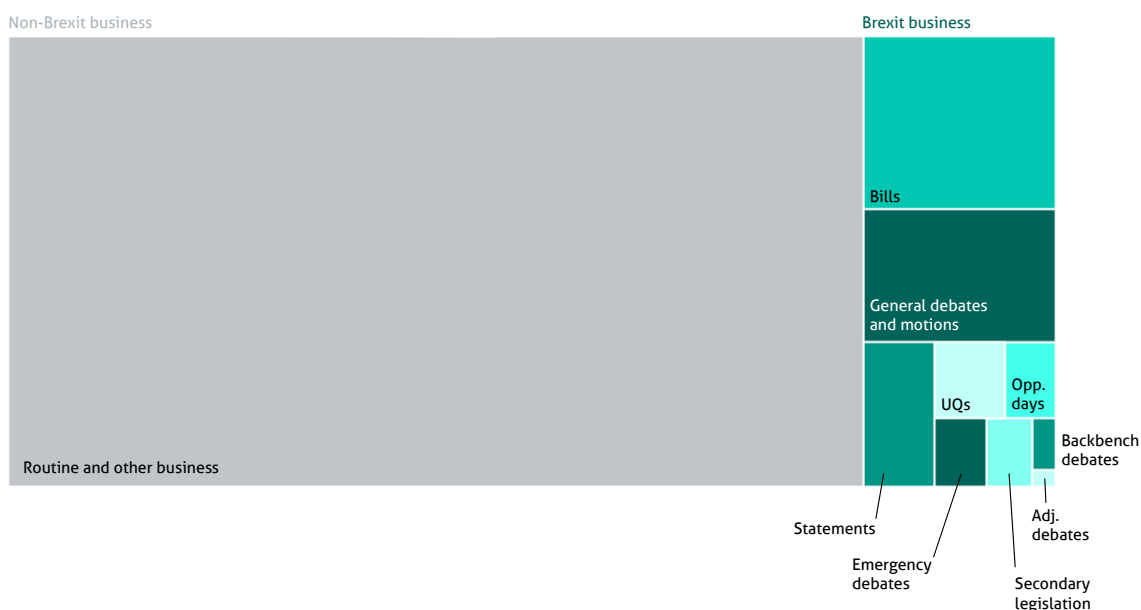
**Figure 1: Parliamentary sitting days per session 2007–08 to 2017–19**



Source: Institute for Government analysis of House of Commons Library Briefing, Commons sitting days per session since 1945, and House of Lords, Business Statistics 2007–08 to 2016–17. Data for 2017–19 from Votes and Proceedings, 21 June to 25 July inclusive.

The story of the 2017–19 session has been shaped by two principal factors: Brexit and minority government. As Parliament has sought to give effect to the result of the 2016 EU referendum, intense divisions over the nature and form of Brexit have cut across party lines. At the same time, the government has seen its already small working majority disappear. MPs have also operated in an increasingly fractious atmosphere, managing their own views in the context of competing demands from their constituents, colleagues and parties.

**Figure 2: Estimated proportion of time in the House of Commons chamber spent on Brexit, 2017–19 session\***



Source: Institute for Government analysis of UK Parliament, *Hansard*, 24 June 2017 to 25 July 2019. Business conducted outside the Commons chamber is excluded.

But while Brexit and minority government may have [dominated the politics of the 2017–19 session](#), they have not been the only issues. Perhaps surprisingly, debates over Brexit took up only around a fifth of time in the main chamber of the House of Commons between the 2017 election and the start of Parliament’s summer recess in 2019. While MPs will have spent time debating Brexit away from the green benches of the chamber, much of their activity during the session has focused on other subjects, including routine business.

Looking across all aspects of parliamentary activity, this *Parliamentary Monitor: Snapshot* shows how some key areas have been affected by both Brexit and minority government:

- At key moments in the Brexit process during late 2018 and early 2019, the government used its control of **time** in the Commons to avoid political difficulties – including by not scheduling time for debates chosen by opposition parties. The government’s control of parliamentary time was also reflected in its decision in late August 2019 to [prorogue Parliament](#) for much longer than is usual, limiting opportunities for MPs to prevent a no-deal Brexit.
- Parliament has passed a similar amount of **primary legislation** to most previous parliamentary sessions. But beyond key Brexit bills, the government

\* For the purposes of this analysis, ‘Brexit business’ refers to any business that we judge would not have happened had Britain not voted to leave the EU. Of course, Brexit will have been discussed at other times: for example in budget statements, routine departmental questions and the statements given by the prime minister following European Council meetings. However, we do not categorise these forms of business as Brexit-related, as such activity would have occurred irrespective of the result of the 2016 EU referendum. This analysis also only covers time spent in the main chamber of the Commons, though we acknowledge that MPs will have discussed Brexit elsewhere, such as in select committee sessions, Westminster Hall debates and in public bill committees.

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has sought to avoid Commons defeats by limiting legislation to narrow and relatively uncontroversial matters.

- MPs have had to scrutinise a high volume of **secondary legislation** necessary to prepare the statute book for Brexit, with the burden of legislating falling unevenly between government departments.
- More members of the public than ever have been watching what has been going on in Parliament on Parliamentlive.tv – representing a key means of **parliamentary engagement** – particularly at moments of key Brexit drama.

This paper also shows how other areas of Parliament’s work have been insulated from the effects of Brexit and minority government:

- Despite the fractious politics of the session, **select committees** have continued to offer a space for MPs to work across parties and achieve consensus on a broad range of issues – including Brexit.
- The **cost** of MPs’ security has risen sharply since 2016, as they face an unprecedented level of threats to their safety. In the 2017/18 financial year, a total of £4.2 million (m) was spent on providing additional security assistance to MPs – over £4m above the £171,000 spent in 2015/16. While deep political divisions over Brexit have contributed to many of these threats, they also have their roots in the growth of social media.
- The role of backbenchers has become more prominent; an increase in MPs’ use of **backbench procedures** such as ‘urgent questions’ (UQs) to hold the government to account pre-dates Brexit. In the 2017–19 session, which has seen a record number of UQs, most have been used to discuss non-Brexit subjects.

The next full edition of *Parliamentary Monitor* will comprehensively analyse how Parliament has responded to the challenges of the longest session in modern times and, for the first time, will also explore in depth how Parliament engages the public in its work. This will be published in the coming months.

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# 1. Time

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**The government and backbench MPs have fought to determine Parliament's agenda. Control of the House of Commons' agenda has been a contentious issue throughout the 2017–19 session.<sup>1</sup>**

The Commons standing orders (rules) usually give precedence to government business,<sup>2</sup> ensuring the government can control the order paper. But as tensions over Brexit have escalated, the scheduling of business in the Commons has become highly politicised, with the government unwilling to allow parliamentary activity that could be used by opponents to try and tie its hands over Brexit – as recently happened during the passage of the Northern Ireland (Executive Formation etc) Bill 2019.

The government routinely delegates the ability to schedule issues for debate in the Commons to backbenchers; at least 27 days a session are given over to debates in the main chamber chosen by the Backbench Business Committee. But it is the government that determines when these debates are held.

It is highly unusual for backbenchers to take over time in the chamber against the government's will, much less to use it to pass legislation that does not have the support of the government. On three occasions in the session to date, backbench MPs have successfully managed to take control of the order paper<sup>3</sup> – most notably to pass the European Union (Withdrawal) Act 2019 (also known as the Cooper–Letwin Bill), which would have imposed a legal obligation on the prime minister to seek an extension to the Article 50 period if MPs had not explicitly approved leaving the EU without a deal on 29 March 2019.<sup>4</sup> Backbenchers were expected to attempt a similar move in the days before the end of the session.

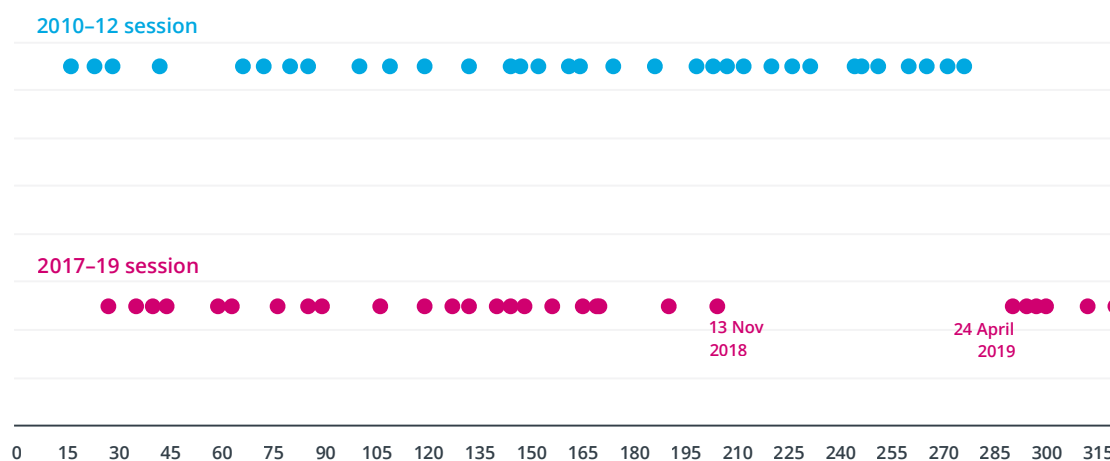
These moves were controversial, and revived long-standing questions about who should be able to control the Commons' order paper. The government's decision to prorogue Parliament in mid-September – for a much longer period than is usual – has also been widely viewed as a means of constraining MPs' ability to debate Brexit in the run up to 31 October deadline. This further emphasises the ways in which the government can use its control of parliamentary time for political ends.

## **The government still controls most parliamentary time**

The number of opposition days – selected days on which opposition parties choose topics for debate – provides a striking illustration of how the government has retained significant control over the parliamentary timetable. It has used this control to limit opportunities for opposition-led debates at key moments in the Brexit process. At least 20 days must be given over to opposition parties in a session, but the government is able to determine when these are scheduled, and there is no requirement for a pro-rata increase in the allocation during a longer session.



**Figure 3: Distribution of opposition days across the 2010–12 and 2017–19 sessions**



Source: Institute for Government analysis of House of Commons Library Briefing, *Commons Opposition Day Debates since 1992*; House of Commons Order Paper.

As Figure 3 shows, the government did not provide opportunities for opposition day debates evenly throughout the 2017–19 session, as happened during the 2010–12 session. The government chose not to schedule any opposition days at all in the five-month period between 13 November 2018 and 24 April 2019 – during which Parliament debated and voted on the draft Withdrawal Agreement and Political Declaration.\* The government then scheduled nine debates between late April and the end of June, when the political risk of relinquishing control of Parliament’s agenda had subsided during cross-party Brexit talks.

The allocation of opposition days stands in contrast to ‘urgent questions’ (UQs), the scheduling of which is controlled by the Speaker of the House, rather than the government; these have been more evenly spread throughout the session.<sup>5</sup>

Given the ongoing disagreement over the timing and form of the UK’s departure from the EU – and risk that opposition days could be used to try and limit the government’s room for manoeuvre on Brexit – the government is unlikely to schedule further opposition days at any point before 31 October, either before prorogation or at the beginning of the next parliamentary session.<sup>6</sup>

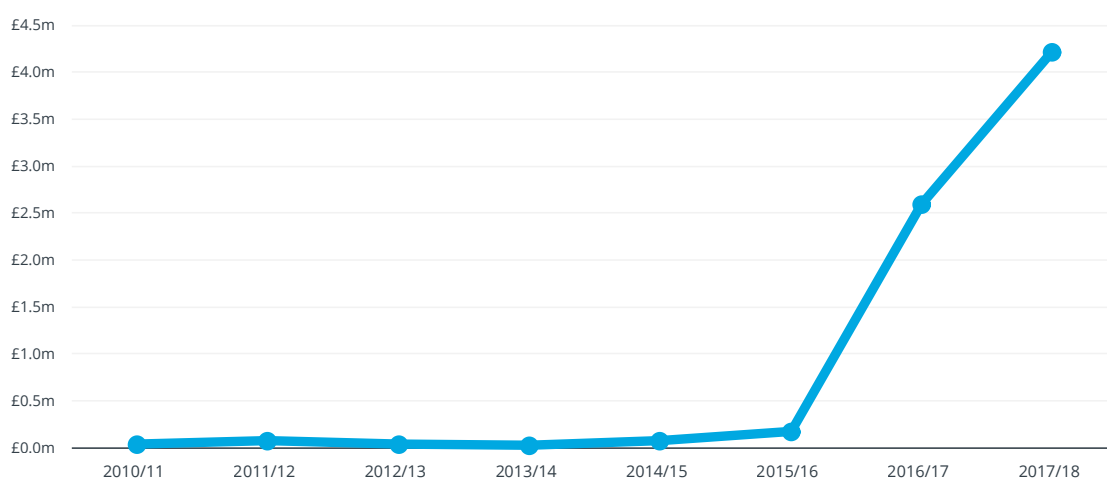
\* This period included two parliamentary recesses during which opposition days could not be scheduled. However, even excluding recesses, no opposition days were scheduled for a period of 86 Commons sitting days.

## 2. Cost

To ensure that they can do their jobs in safety, MPs are able to claim for any security costs they incur. Spending on additional security for MPs has increased substantially over the past three years.

These costs, along with the broader system of expenses for MPs, are administered and paid for by the Independent Parliamentary Standards Authority (IPSA). There are two forms of security assistance for MPs: recommended measures, which are a package offered to all MPs; and further measures, for those MPs who face specific risks or threats. Both are paid for out of IPSA's security assistance budget. Additionally, separate areas of expenses may cover some security-related costs for MPs: for example, the cost of fitting a new door lock may be covered through an MP's office budget.

**Figure 3: Spending by IPSA on security assistance for MPs, 2010/11 to 2017/18 (financial years)**



Source: Institute for Government analysis of data from the Independent Parliamentary Standards Authority.

Since early 2016, a number of factors have combined to significantly increase the cost of MPs' security. At the beginning of 2016, and following threats made to MPs in the wake of parliamentary debates over British military action in Syria, the National Police Chiefs' Council (NPCC) recommended that all MPs adopt a package of security measures.<sup>1</sup> As MPs began to adopt these measures, several tragic events highlighted the very real threats they face. In June 2016, Jo Cox MP was murdered in her constituency, then in March 2017 a terrorist attack killed six people outside the Houses of Parliament, including PC Keith Palmer, a police officer on duty.

In light of these events, and the NPCC's earlier recommendations, spending on MPs' security increased significantly. In the 2017/18 financial year, a total of £4.2m was spent on providing additional security assistance to MPs. This was a more than 60% increase on the £2.6m spent in 2016/17 – and over £4m above the £171,000 spent in 2015/16. Although the details of individual MPs' security claims are not published (to prevent identification), the dramatic increase in costs since 2015/16 indicates that MPs and the police are more concerned about security than in previous years.

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Because many of the security costs that individual MPs claim for are likely to be one-off (e.g. the fitting of new security apparatus), IPSA estimates that the cost of security assistance will fall in the next financial year.<sup>2</sup> At the same time, there is concern among some in Parliament that the take-up by MPs of additional security measures has not been as high as should be expected.<sup>3</sup> Efforts are underway to ensure that MPs are aware of the assistance available to them, and IPSA is clear that it will supply funding for security measures where necessary.<sup>4</sup>

## **MPs continue to face serious threats**

Data and anecdotal evidence show that MPs are facing greater threats to their safety than in recent times. The Metropolitan Police describes the level of threat to MPs as “unprecedented”.<sup>5</sup> According to its data, MPs reported 151 alleged crimes to the police in 2017, rising to 342 in 2018: a 126% increase.<sup>6</sup>

While some of this rise may be due to greater reporting, the Met Police believes that there is “a clearly increased volume” of incidents affecting MPs.<sup>7</sup> A 2019 survey of MPs by the BBC found that over 60% of those who responded had contacted the police about threats received in the previous year.<sup>8</sup> In the 2017–19 parliamentary session alone there have been numerous prosecutions of members of the public for making violent threats to MPs, with one person jailed for having plotted to murder an MP.<sup>9</sup> Police data suggests that female MPs and those from minority backgrounds are disproportionately targeted.

The heightened threat to MPs in recent years has been attributed – at least in part – to the deeply polarised politics surrounding Brexit. The Metropolitan Police told the Joint Committee on Human Rights last year that “Brexit has been a huge driver of some of [the threats], post referendum.”<sup>10</sup> But spending on MPs’ security was already increasing before the 2016 referendum: between 2014/15 and 2015/16, spending rose from £77,000 to £171,000, though this increase was far less steep than what has happened since.

Many MPs also report experiencing persistent abuse, particularly online, which may not always constitute a criminal offence but is nonetheless distressing.<sup>11</sup> The increased use of social media offers more opportunities for direct contact between people and those who represent them – but while this raises the potential for debate, it also gives more scope for abuse and intimidation of MPs, much of it anonymous. The Committee on Standards in Public Life believes that “the widespread use of social media has been the most significant factor accelerating and enabling intimidatory behaviour in recent years”, as it creates “an intensely hostile online environment.”<sup>12</sup>

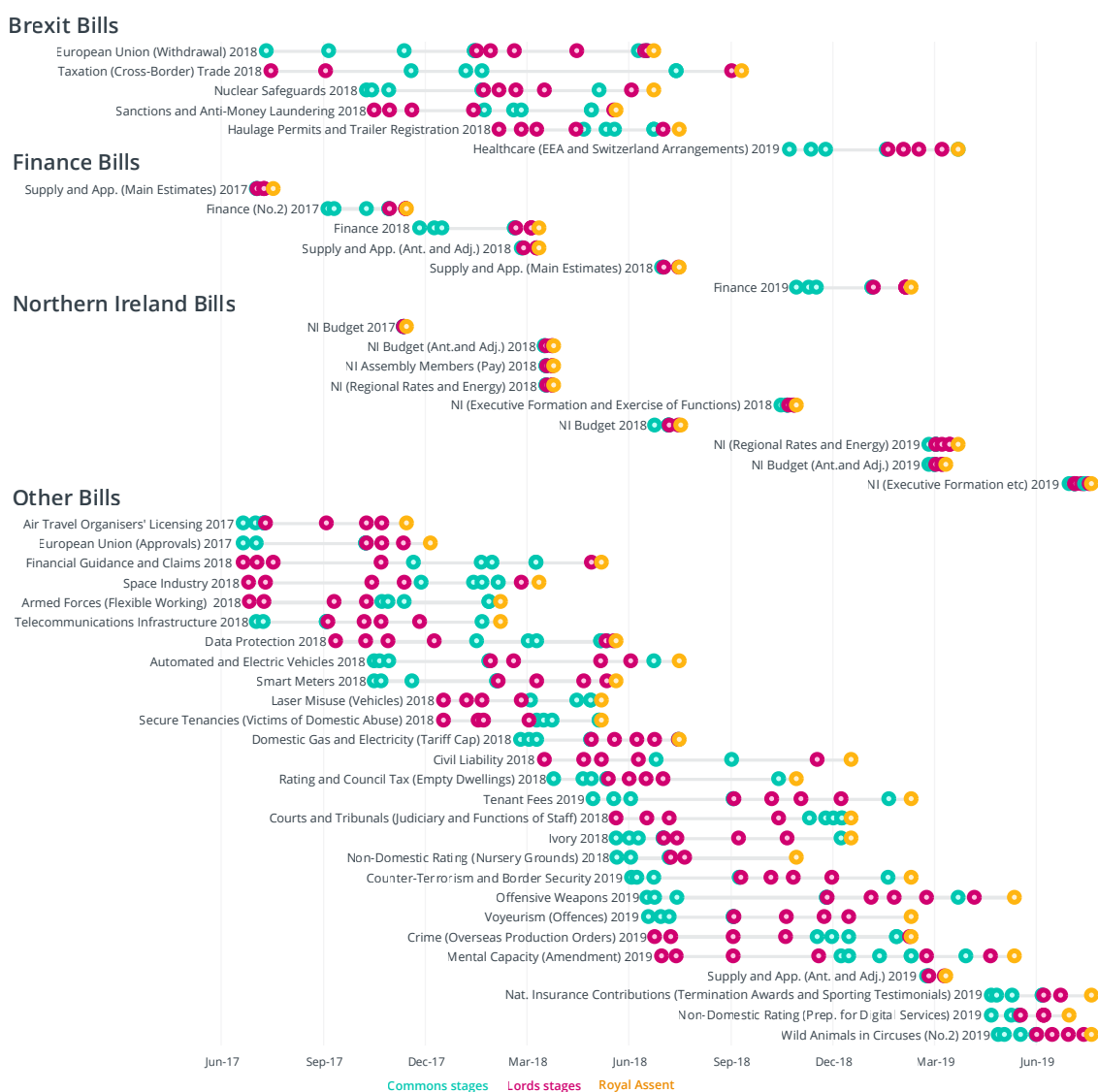
As well as having profound effects on the lives of MPs and those around them, this hostile environment may be constraining political debate, and dissuading would-be MPs from entering politics.

# 3. Primary legislation

Most legislation introduced this session has not related to Brexit – but has not contained big new policy proposals either. The government has passed 48 bills during the 2017–19 parliamentary session, <sup>\*1</sup> only slightly fewer than the average per sitting day in each session since 2010–12.

While we might expect Parliament’s legislative activity to have been dominated by Brexit since 2017, in fact only six of the 48 bills that have made it onto the statute book during the session have directly related to the UK leaving the EU.

**Figure 5: Government bills introduced during the 2017–19 session**



Source: Institute for Government analysis of [Parliament.uk](http://Parliament.uk) on 22 August 2019.

\* As of 25 July 2019. This figure does not include legislation introduced by backbenchers – including any bill aimed at trying to prevent a no-deal Brexit.

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Beyond Brexit, the government's legislative agenda has been limited. Rather than major policy reforms, it has comprised routine money bills that have to be passed (finance bills and supply and appropriation bills), Northern Ireland-specific legislation (needed in the absence of the Northern Ireland executive) and policy-specific legislation on topics as varied as data protection,<sup>2</sup> smart meters<sup>3</sup> and the protection of wild animals in circuses.<sup>4</sup> Many of the government's big manifesto commitments – such as introducing new grammar schools and changes to the funding of social care – had to be dropped in order to secure a 'confidence and supply agreement' with the Democratic Unionist Party (DUP) after the 2017 election.<sup>5</sup>

The government's limited legislative agenda during the 2017–19 session stands in contrast to the last two-year parliamentary session, that of 2010–12. During that session, the coalition Conservative–Liberal Democrat government passed wide-ranging legislation including bills in relation to welfare reform<sup>6</sup> and health and social care,<sup>7</sup> as well as the constitutionally significant [Fixed-term Parliaments Act 2011](#).<sup>8</sup>

### **Northern Ireland legislation has been rushed through Parliament**

The breakdown of power-sharing in Northern Ireland in January 2017 required the UK government to legislate for Northern Ireland; nine of the bills passed this session relate to Northern Ireland. These include budget legislation, measures needed to provide more time for talks to restore power-sharing, and the introduction of powers to allow the UK government and civil servants in Northern Ireland to make day-to-day decisions to keep public services ticking over.

Despite the significant implications of this legislation for Northern Ireland, these bills have received limited scrutiny. The government has scheduled all Northern Ireland-related legislation to go through the Commons in either one or two sitting days – far quicker than most non-NI legislation.<sup>9</sup> Unsurprisingly, Northern Irish MPs have been critical about the limited opportunity for debate.<sup>10</sup>

### **Passing Brexit legislation has been hard**

The two bills which have taken up most parliamentary time, however, have both related to Brexit. The [European Union \(Withdrawal\) Act 2018](#) took 273 hours to pass through both houses, spanning almost a year, while the Taxation (Cross-border) Trade Act 2018 – better known as the Customs Act – took over a year to pass.<sup>11</sup>

The EU Withdrawal Act has significant constitutional implications: it repeals the European Communities Act 1972 on exit day, creates new categories of domestic law and gives the government broad powers to make secondary legislation.<sup>12</sup> Concerns over the scope of the bill, as well as ongoing disagreements about the shape of Brexit and Parliament's role in delivering it, all contributed to the length of its passage. Similarly, the delay to the Customs Act was a result of tricky amendments from backbench MPs that could have required the government to seek to negotiate a customs union with the EU.

The government also delayed returning the Trade Bill to the Commons over fears it would not be able to overturn amendments made by peers in March 2019.

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## Some bills may not make it into law before the session ends

When Parliament is [prorogued](#), bills that have not completed their passage usually fall, meaning they do not make it into law and have to be reintroduced from scratch in the next parliamentary session. However, in some circumstances it is possible for bills to be [carried over](#) to the next session.

While the government has successfully passed some of its Brexit legislation, many of the bills it planned for Brexit have yet to make it onto the statute book. Five Brexit bills are still waiting to return to the Commons.<sup>13</sup> As Brexit tensions have increased, the government has been less and less able to rely on its slim Commons majority to fend off defeats – leading to parliamentary gridlock. The Immigration, Fisheries and Agriculture Bills are all paused at a stage where they are eligible to be carried over to the next session.<sup>14</sup>

However, the two remaining Brexit bills – Trade and Financial Services – cannot be carried over to the next session under current parliamentary rules. Given the government has said it has ‘workarounds’ for the Trade Bill, and is highly unlikely to be able to pass the Financial Services Bill before prorogation, it seems likely that both bills will fall. But legislating on these policy issues cannot be postponed forever: the parliamentary hurdles will have to be faced at some stage in the next session.

Aside from the outstanding Brexit bills, 12 other bills are still making their way through Parliament – including the Restoration and Renewal Bill needed to deliver the long-delayed renovation of the Palace of Westminster,<sup>15</sup> the Divorce, Dissolution and Separation Bill, which will make divorce more straightforward in certain circumstances,<sup>16</sup> and the Domestic Abuse Bill, which is designed to improve the effectiveness of the justice system in providing protection for victims of domestic abuse.<sup>17</sup> The government has not yet indicated that it plans to try and carry over these bills, and it is unclear whether it will re-introduce abandoned bills in the next session.

## If there is an early election, several bills will need to be rushed through Parliament, or abandoned

When an election is called, the government usually attempts to pass outstanding bills in the period before [Parliament is dissolved](#), known as the ‘wash up’.<sup>18</sup> [Fast-tracking legislation](#) in this way will require the co-operation of the opposition parties; some bills, or parts of them, can be dropped to ensure support for others. Passing legislation at speed can also [raise questions](#) about how effective parliamentary scrutiny can be.<sup>19</sup> Any bills that are not passed during the wash up have to be abandoned, as they cannot be carried over between Parliaments.

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\* In some cases, Parliament can be prorogued – or suspended – before it is dissolved. This effectively shortens the length of time available to complete the wash up.

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## 4. Secondary legislation

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The amount of secondary legislation has increased since the EU referendum. To prepare the UK statute book for Brexit, the government has had to pass a large amount of secondary legislation – predominantly in the form of statutory instruments, usually used to make technical legal changes.

Many of these have been passed using powers granted to government in the European Union (Withdrawal) Act 2018. The Act will take a snapshot of large parts of EU law at the moment the UK leaves and, together with EU-related domestic law, create a new category of UK law known as 'retained EU law'. The Act also empowers the government to 'correct' this retained EU law using statutory instruments (SIs) to ensure it continues to work effectively once the UK has left the EU.<sup>1</sup> The scale and timeframe of the legislative task posed by Brexit made extensive use of secondary legislation inevitable, but it has been controversial.<sup>2</sup>

The government has introduced – or laid – slightly more SIs during the 2017–19 session than either of the two previous sessions, with 5.8 laid per sitting day, compared to only 4.8 during 2015–16 and 5.1 during 2016–17. The government has prioritised Brexit SIs over non-Brexit ones, aided by the introduction of a new sub-committee of the Parliamentary Business and Legislation (PBL) cabinet committee to co-ordinate SIs across government; 28.7% of those laid this session have been explicitly Brexit-related.\*

While this figure may seem small, Brexit SIs have tended to be longer than non-Brexit ones, meaning Brexit SIs have made up a higher proportion of the total amount of secondary legislation produced.<sup>3</sup> The government has acknowledged that it has combined Brexit SIs into longer instruments – in an effort to address concerns about the high number originally anticipated.<sup>4</sup> However, simply bundling SIs together does not improve scrutiny, and the extreme length of some SIs has led the House of Lords Secondary Legislation Scrutiny Committee to question how Parliament can effectively fulfil its scrutiny function.<sup>5</sup>

We will look at the length of SIs and what has driven the increase in the next edition of *Parliamentary Monitor*.

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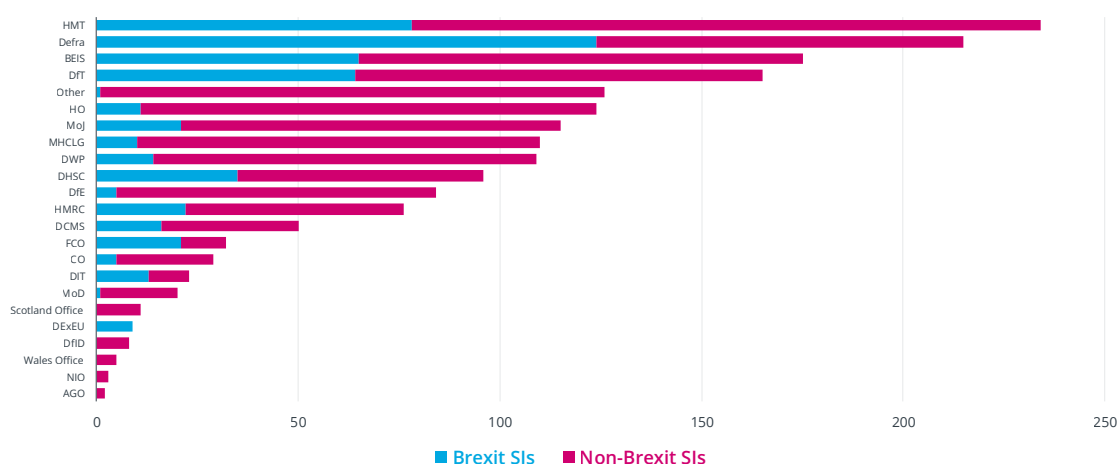
\* For these purposes an SI is considered Brexit-related if its short title contains the term "Exiting the European Union". This naming convention was adopted by the government to improve the traceability of EU exit SIs. Additional SIs may have been enacted as a consequence of Brexit that are not captured by the naming convention.

## The number of SIs has varied between departments

There has been wide variation in the number of SIs laid by different departments, reflecting the differing impact of Brexit across the government as a whole.

Brexit SIs have made up a majority of all those laid by four departments (the Department for Exiting the EU (DExEU), the Foreign Office, the Department for International Trade (DIT) and the Department for Environment, Food and Rural Affairs (Defra)). Other departments have not laid any Brexit SIs at all. These include the territorial offices – such as the Scotland Office – because much of the legislative preparation for Brexit has been undertaken by other government departments, or by the devolved administrations, rather than Westminster.

**Figure 6: Statutory instruments laid by department (21 June 2017 to 13 June 2019)\***



Source: Institute for Government analysis of data provided by the House of Commons, 21 June 2017 to 13 June 2019 inclusive. A list of abbreviations is found at the end of this paper.

While ministries historically responsible for high numbers of SIs – such as the Treasury (HMT) and the Department for Business, Energy and Industrial Strategy (BEIS) – have still introduced large numbers, other departments have seen notable changes in the amount they need to prepare as a result of Brexit. The volume of secondary legislation laid by Defra, for example, has more than doubled, from 0.27 SIs per sitting day in 2015–16<sup>6</sup> to 0.69 SIs per sitting day during the 2017–19 session.

The rate was particularly intense in the second half of the session – driven largely by the number of Brexit SIs for which Defra was responsible: the department laid 1.1 SIs per sitting day between 4 September 2018 and 13 June 2019. In a ranking of departments laying the largest numbers of SIs, Defra jumps from ninth place in the first year of the session to second over the session to 13 June 2019.

\* Includes SIs laid by predecessor departments. The Ministry of Housing, Communities and Local Government (MHCLG) includes SIs laid by the Department for Communities and Local Government (DCLG). The Department of Health and Social Care (DHSC) includes SIs laid by the Department of Health (DH). Excludes SIs withdrawn and proposed negative SIs laid under the EU Withdrawal Act. We exclude SIs laid as proposed negatives to avoid double counting, as these are subsequently laid as negative or affirmative SIs once they have been considered by the parliamentary committees that 'sift' SIs under the EU Withdrawal Act. 'Other' includes instruments laid by the Privy Council Office, Local Government Boundary Commission for England, House of Commons, General Synod of the Church of England and the Government Equalities Office. A list of abbreviations is found at the back of this report.



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Other government departments have seen a drop in the number of SIs they laid per sitting day between 2015–16 and the 2017–19 session. This potentially reflects the volume of Brexit SIs squeezing out non-Brexit ones, and could also illustrate the May government’s limited domestic policy agenda. The Department for Work and Pensions (DWP), for example, saw a decrease in SIs – from 0.46 per sitting day in 2015–16<sup>7</sup> to 0.35 in the 2017–19 session. The Cabinet Office, Wales Office, Northern Ireland Office and the Ministry of Defence (MoD) and have also seen reductions over the same period.

## **Parliament has had to consider most Brexit SIs in just a few months**

Brexit-related SIs began to be laid in July 2018, predominantly using powers created by the EU Withdrawal Act, which only received Royal Assent in June 2018 (having taken a year to get through Parliament). This means Parliament’s consideration of Brexit SIs has been concentrated in the latter half of the session – comprising over 50% of all SIs enacted between July 2018 and June 2019. Even then, Brexit SIs have not been laid before Parliament at even intervals<sup>8</sup> – despite calls from Commons and Lords committees for the government to smooth out the laying of SIs to aid parliamentary scrutiny.<sup>9</sup>

As the original Article 50 deadline of 29 March 2019 approached, the government actively prioritised Brexit SIs over non-Brexit ones,<sup>10</sup> and made several SIs using a fast-track procedure with retrospective parliamentary scrutiny.<sup>11</sup> While the government was confident it had passed the secondary legislation needed for exit on 29 March,<sup>\*,12</sup> some of these SIs have since needed updating, because the EU law they relate to has changed.

The failure to pass some Brexit bills has also [had implications for secondary legislation](#).<sup>13</sup> For example, the government is having to use powers in the Customs Act, rather than the gridlocked Trade Bill, to set up its trade defence function.<sup>14</sup>

## **MPs still spend little time debating SIs, but have pushed more to a vote**

In *Parliamentary Monitor 2018* we found that the average length of debate in Delegated Legislation Committees (DLCs) – during which MPs discuss SIs subject to the affirmative procedure, generally those deemed most important – was just 23 minutes.<sup>15</sup> Our updated analysis (covering SIs laid from the start of the 2017–19 session until 13 June 2019) shows that the average duration of DLCs increased slightly to nearly 26 minutes – still far short of the 90 minutes available for most debates. One notably short DLC lasted just one minute,<sup>16</sup> raising questions about whether DLCs provide an effective forum for genuine scrutiny, a long-standing concern for many parliamentarians.<sup>17</sup>

There has been a significant increase in the number of DLC meetings resulting in a formal vote (known in Parliament as a ‘division’). In the first 12 months of the 2017–19 session, just 5% of DLCs ended with a division. But the data for the whole session to date shows that 14% of DLCs ended in a vote. This suggests that Brexit SIs – which have formed the majority of SIs laid in the latter half of the session – have been more contentious, leading MPs to push them to a vote.

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\* At a keynote speech at the Institute for Government on 17 July 2019, former Leader of the House of Commons, Andrea Leadsom, said that almost all of the SIs needed for no deal had been passed ahead of 29 March 2019, aside from a few regarding tariffs and the single electricity market in Northern Ireland, which needed to be passed using the urgent procedure.

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## 5. Select committees

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The ability to find political consensus is often seen as a strength of parliamentary committees,<sup>1</sup> and can help them have greater impact. Consensus-building has been particularly valuable during the 2017–19 session, given the minority government’s accompanying lack of a majority on most Commons committees.\*

### Select committees still provide a space to build consensus.

Despite the fractious politics of the 2017–19 session, select committees have continued to be a space where MPs from across parties can reach consensus on a range of emotive and politically contentious topics, including the Housing, Communities and Local Government Committee’s post-Grenfell review of building regulations<sup>2</sup> and the Public Account Committee’s Windrush inquiry.<sup>3</sup> The Lords, too, have continued to use committees to reach compromises, including on the thorny issue of social care funding.<sup>4</sup>

Committees have also managed to reach compromises on the most contentious issue of the session, Brexit. Despite publishing several Brexit-related reports, the International Trade,<sup>5</sup> Efra<sup>6</sup> and Home Affairs<sup>7</sup> select committees have all unanimously agreed on the final draft of their reports. Cross-party agreement has also been seen on Brexit in committees in the House of Lords.<sup>8</sup>

Joint inquiries between committees have had success in building cross-Parliament consensus, as have joint committees – comprising of members of both the House of Commons and House of Lords – even on matters relating to Brexit.<sup>9</sup>

### MPs on the ExEU Committee have not overcome their differences

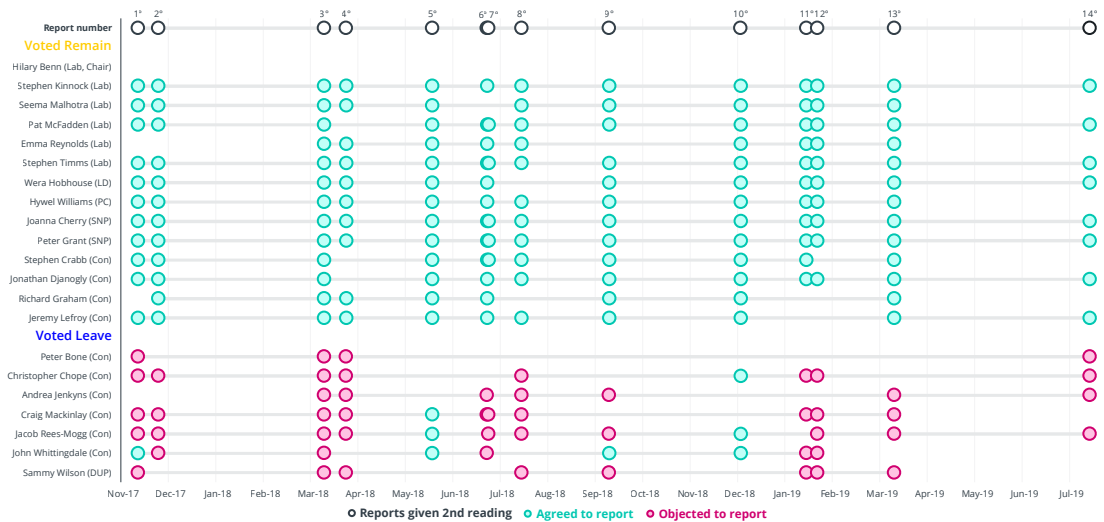
Consensus has proved more difficult to find for the Commons’ Exiting the EU (ExEU) Committee, which inevitably attracted MPs with strong views on either side of the Brexit debate to its membership.

During the 2017–19 session, the committee published 14 reports on the UK’s preparations for leaving the EU. A minority of ExEU Committee members have disagreed with the final drafts of reports, suggesting amendments and prompting formal votes. Whereas votes on select committee reports – when they rarely occur – often reflect party affiliations, the results of divisions on the ExEU Committee frequently reflected MPs’ views on Brexit. That said, the extent to which views on Brexit trumped party loyalty has had its limits, with examples of Leave and Remain-leaning members of the committee voting along party lines in some committee votes.<sup>10</sup>

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\* Combined, the Conservatives and DUP have majorities on the Exiting the European Union and Northern Ireland Select Committees.

**Figure 7: Divisions in the ExEU Select Committee during the 2017–19 session**



Source: Institute for Government analysis of the House of Commons Exiting the EU select committee reports, 2017 parliamentary session (to 19 July 2019).

Following the publication of the committee’s fourth report in April 2018, former ExEU Committee member and Leave-supporter Jacob Rees-Mogg said “select committees’ reports are only influential if they are unanimous” and “dividing on Leave/Remain lines just refights the referendum”.<sup>11</sup>

But while unanimity can increase the influence of select committee reports, the evidence gathered through the select committee scrutiny process still has value – even if MPs cannot agree on the conclusions that should be drawn from it.

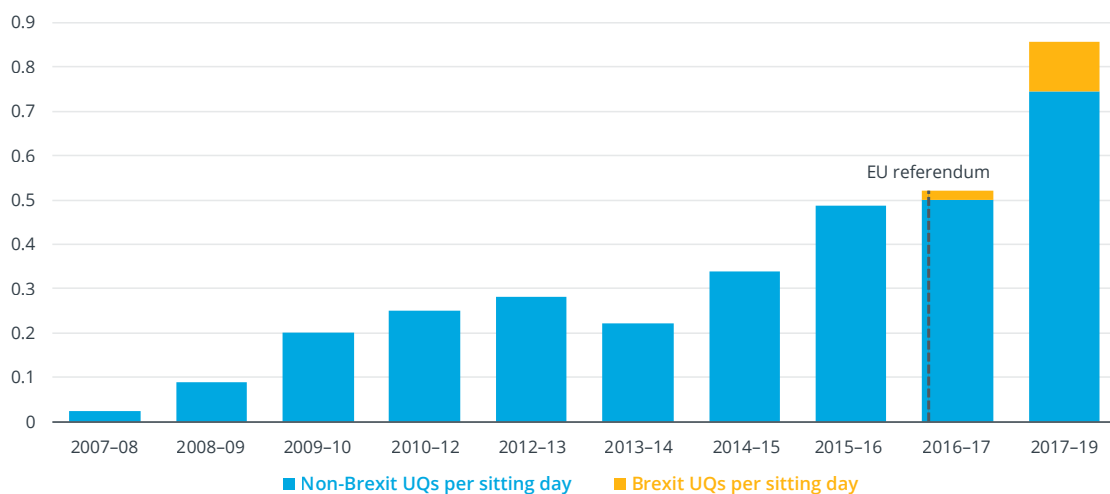
## 6. Backbench procedures

MPs are asking more questions of ministers. The number of 'urgent questions' asked of ministers – those requiring an immediate response – has increased substantially over recent years.

During the 2007–08 parliamentary session, only four 'urgent questions' (UQs) were asked; equivalent to just 0.02 per sitting day. During the 2009–10 session – when the current Speaker, John Bercow, was first elected to the role – this increased to 12 (0.2 per sitting day). In the 2017–19 session, 287 UQs were asked up to the beginning of the 2019 summer recess (0.86 per sitting day), triple the number asked in the last two-year session, that of 2010–12.

As might be expected, the vast majority of UQs in the 2017–19 session have been asked by MPs from the official opposition; Conservative MPs were responsible for just over 11% of UQs. This is slightly fewer than asked by Conservative and Liberal Democrat MPs (representing the coalition) during the 2010–12 session, suggesting that despite clear divisions in the Conservative Party over Brexit there has not been a surge in the proportion of UQs asked by government backbenchers.

**Figure 8: Non-Brexit and Brexit urgent questions per session (2007–08 to 2017–19)**



Source: Institute for Government analysis of House of Commons, Hansard, and House of Commons Library, Number of UQs granted by the Speaker since 1997; House of Commons Order Papers. Data up to 3 September 2019.

### The rise in UQs is only partly driven by Brexit

Figure 8 shows that only a small proportion of UQs relate to Brexit, with just 13% in the 2017–19 session (compared to 4% in the 2016–17 session, during which the EU referendum was held). This may reflect the typically reactive nature of UQs: there have been many other high-profile issues such as the Windrush scandal and Grenfell tragedy that have demanded MPs' attention. The proportion of UQs related to Brexit in the current session compares to 9% related to health and social care and 6% related to welfare (including [Universal Credit](#)).

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Brexit-related UQs have not been evenly spread throughout the session; instead they have broadly tracked the ebb and flow of the Brexit negotiations. For instance, Brexit accounted for 25% or more of total UQs asked in December 2017 – when the joint report on the conclusion of the Brexit negotiations was published – and each month between December 2018 and March 2019, the period in which the government’s Brexit deal was scrutinised by Parliament.

Even excluding Brexit, however, a record number of UQs have been asked during the 2017–19 session, meaning that the dramatic increase has not been driven by Brexit alone. The rise could be the result of MPs requesting a higher number of UQs;<sup>1</sup> alternatively, the Speaker may be granting more requests. This latter view holds water: while data on UQ requests is not released by the Speaker’s office, the current Speaker, John Bercow, has spoken of the “renaissance of the urgent question” – suggesting he is willing to grant more questions than his predecessors.<sup>2</sup>

### **Almost half of urgent questions were asked by frontbench MPs**

The current Speaker has been a vocal supporter of the rights of backbench MPs and it is often suggested that the increase in the number of UQs he has granted has empowered backbenchers.<sup>3</sup> But almost half of all UQs in the 2017–19 session have been asked by members of the official opposition frontbench.\* This illustrates that UQs are not only a way for backbenchers to scrutinise the government but can also be a useful political tool for the opposition.

However, the proportion of UQs asked by members of the opposition frontbench during the 2017–19 session was smaller than in the 2010–12 session – when nearly 60% of questions originated from the opposition frontbench – indicating that backbenchers are still benefiting from the general growth in the total number of UQs.

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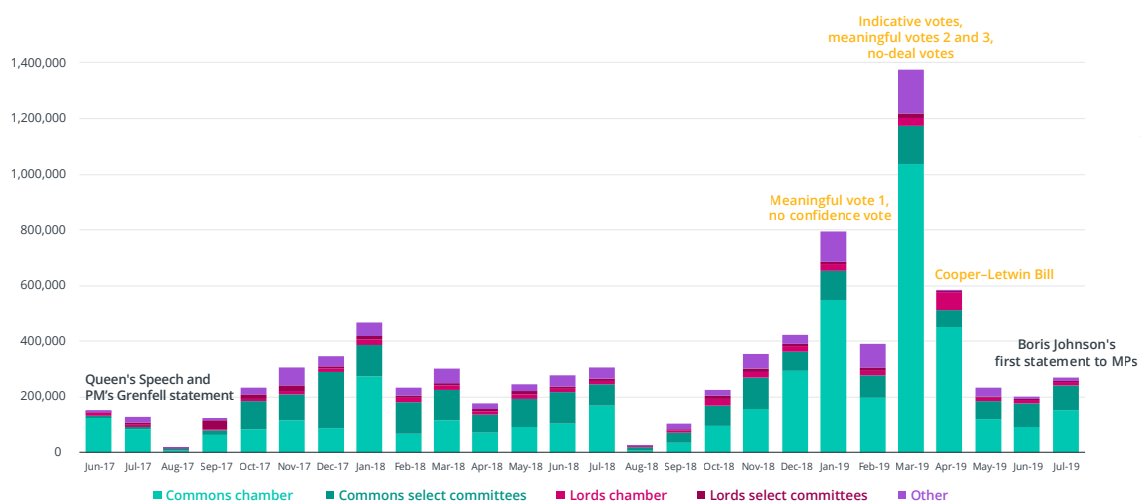
\* The official opposition frontbench includes shadow ministers who are not part of the shadow cabinet.

# 7. Public engagement

More people than ever are watching events unfold in Parliament, as Brexit has raised the profile of the UK’s parliamentary procedures – both domestically and internationally. Once UK–EU negotiations concluded with the agreement of a draft Withdrawal Agreement and Political Declaration in November 2018, attention switched to Theresa May’s attempts to get the deal through Parliament.

The sudden significance of ‘arcane’ parliamentary procedure,<sup>1</sup> a series of knife-edge votes, and the increasing prominence of (and media attention paid to) the [Speaker of the House of Commons](#)<sup>2</sup> have all contributed to a sense of high drama. Viewing figures from [Parliamentlive.tv](#) – Parliament’s official website, which allows the public to watch parliamentary proceedings for free, live and on demand – suggest that the public has taken a strong interest in Parliament during the 2017–19 session, with average daily viewer numbers increasing 237% from 6,545 per day in 2017 to 15,552 per day in 2019.\*

**Figure 9: Parliamentlive.tv viewers by type of parliamentary activity, annotated with selected parliamentary events (June 2017–July 2019)**



Source: Institute for Government analysis of data provided by [Parliamentlive.tv](#).

Parliamentary activity has also had a significant international reach, with 40% of the Parliamentlive.tv audience between January and March 2019 viewing from outside the UK, up from 18% for the same period in 2018.

As figure 9 shows, the rise in Parliamentlive.tv viewer numbers was particularly clear in the first few months of 2019, with significant spikes in viewer numbers during January and March 2019 as a succession of heated Brexit debates, prime ministerial statements and close-run votes played out on the floor of the Commons.\*\*

\* 2019 figures to 19 August 2019.

\*\* The next full edition of *Parliamentary Monitor* will look more fully at the different ways the public engage with Parliament, alongside [Parliamentlive.tv](#).

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At times, the increase in viewing figures has coincided with a reduction in average viewing time, suggesting new audiences are tuning in to watch the outcome of key events – such as Commons votes.\*

MPs have noted the increased interest in Parliament: the then Leader of the House of Commons, Andrea Leadsom, told MPs in April that “more people than ever are watching what is going on in Parliament... we might be facing a very challenging time in Parliament, but the silver lining is a huge increase in democratic participation.”<sup>3</sup>

Despite Parliamentlive.tv viewer figures falling away after April 2019, the change of prime minister in July 2019 led to another upturn. 24,807 viewers watched live coverage on Parliamentlive.tv on 25 July 2019, a figure made up almost entirely of people tuning in to watch Boris Johnson’s first statement to MPs – although this is still far short of the numbers seen at the height of the Brexit impasse in March 2019. Viewer numbers spiked again when Parliament returned from summer recess, with 215,000 viewers watching Parliamentlive.tv on 3 September 2019, the day MPs voted to take control of the Commons’ agenda to pass the Benn–Burt Bill to try and prevent no deal.

The BBC Parliament channel has also experienced an upturn in viewing figures, with an audience reach of 3.5 million per month between January and March 2019 (notably out-rating MTV in January).<sup>4</sup>

## **The House of Commons has dominated viewing**

Figure 9 also demonstrates how the Commons has dominated Parliamentlive.tv viewing figures, with the Commons chamber and select committees accounting for over 80% of total viewers in the 2017–19 session. During recent periods of Brexit high drama, the Commons chamber has driven the increase in viewing figures, accounting for over 75% of viewers in March and April 2019. The dominance during this session stands in contrast to the 2016–17 session, when viewing figures for the Commons chamber and select committees were much more evenly matched. Figure 9 also shows how other key (non-Brexit) events – such as the Queen’s Speech and May’s statement on the Grenfell tragedy in June 2017 – have not attracted the same spikes in Parliamentlive.tv viewers as recent Brexit events.

## **Social media is driving viewing figures**

Social media is also playing an important role in driving viewers to the Parliamentlive.tv website, with the number of webpage views originating from Facebook and Twitter this session peaking in January and March 2019 respectively. Other media outlets are also experiencing high online viewing figures for parliamentary activity. *The Guardian’s* YouTube coverage of the first round of indicative votes on different Brexit options<sup>5</sup> has been viewed over 350,000 times<sup>6</sup>, while *The Sun’s* YouTube video of the votes attracted over 83,000 views.<sup>7</sup>

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\* The average Parliamentlive.tv viewing during the session to March was 24 minutes and nine seconds. However, in March 2019 – at the height of the Brexit impasse in the Commons – viewers tuned in for an average of 17 minutes and 43 seconds.

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## 8. Conclusion

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**Brexit has cast a long shadow over the 2017–19 parliamentary session, with proceedings further complicated by minority government. But the impact of these dual challenges has not been felt consistently across different areas of parliamentary activity.**

In some areas, the effect has been obvious: the government has struggled to pass key Brexit legislation, and has had to curtail its ambitions in other policy areas due to its fragile majority. Parliamentarians have had to scrutinise a large amount of secondary legislation needed to prepare for Brexit. And MPs have experienced ever greater threats to their security as political debate has become increasingly polarised.

But elsewhere, the impact of Brexit and minority government has been less straightforward. Select committees have still provided a space for cross-party consensus on a number of issues, and although backbenchers have demanded that ministers regularly explain themselves to the Commons, this has largely been on subjects other than Brexit. Most time in the Commons chamber has been taken up with issues other than leaving the EU, and MPs have debated, legislated and held the government to account on a range of different policy areas.

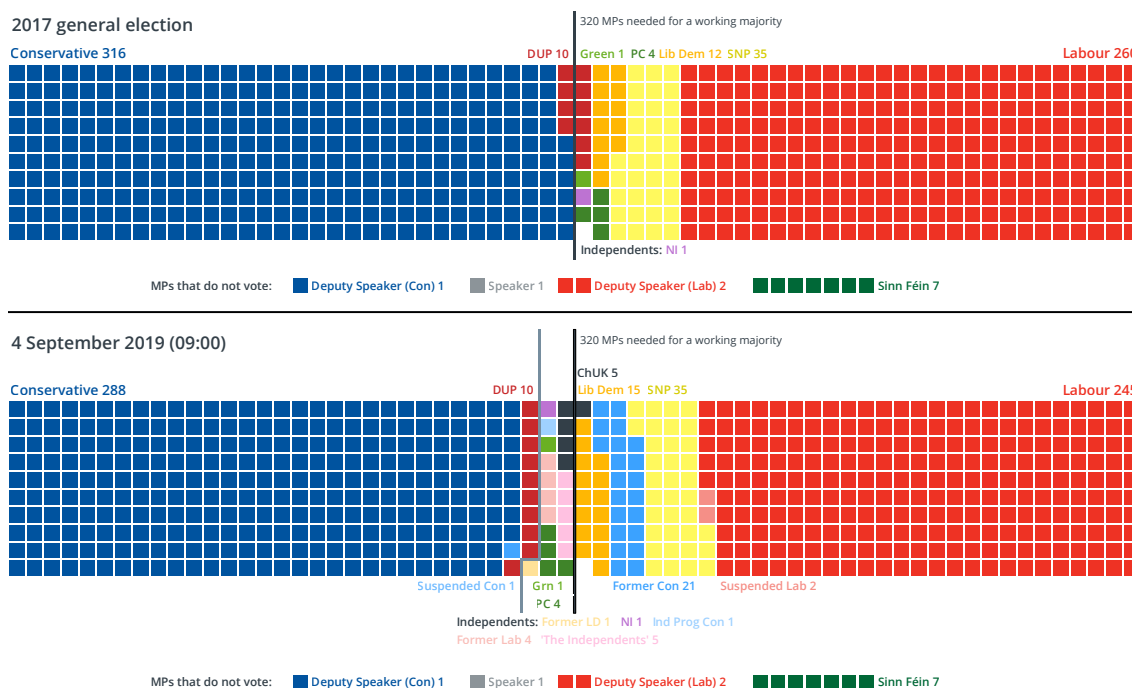
The combination of Brexit and minority government has, however, had a profound effect on the relationship between the government and Parliament during the 2017–19 session. This has deteriorated over the course of the session, culminating in strong criticism from many parliamentarians of Prime Minister Johnson's decision to [prorogue Parliament](#) and begin a new session in the run up to the 31 October Brexit deadline. The timing and the length of Parliament's prorogation has led some to argue that Johnson is attempting to curtail Parliament's ability to shape Brexit events and has shown "no respect for Parliament's democratic role in debating Brexit."<sup>1</sup>

Many of the key themes we have identified from the 2017–19 session illustrate the strained relationship, even mutual mistrust, between the government and Parliament. Control of the parliamentary agenda has been a major battle ground – with the government choosing not to schedule any time for opposition-led debate during key moments in the Brexit process, and backbench MPs using unprecedented tactics to take control of the Commons' agenda against the government's wishes.

The limited scope of much of the legislation passed during the 2017–19 session, and the hurdles the government has faced in getting bills through Parliament, also illustrate how the tense relationship has shaped parliamentary activity. Over the same period, MPs have also shown a growing appetite to hold the government to account, asking ministers a record number of 'urgent questions', and deploying, and sometimes re-interpreting, little-used methods such as the 'humble address' to extract information, and finding the government in contempt of Parliament – for the first time in modern history.



**Figure 10: Composition of the House of Commons, Wed 4 September 2019 (09:00)**



Source: Institute for Government analysis of House of Commons Library election statistics, IfG ministerial database and other sources including parliament.uk and media coverage. Independents shown by current group or most recent party.

On announcing that the parliamentary session would end, the prime minister told Conservative MPs the prorogation was to allow for a new Queen’s Speech and to deliver a “bold and ambitious domestic legislative agenda”. However, the tight parliamentary arithmetic and antagonistic atmosphere surrounding Brexit will make it difficult for the government to make progress with legislation next session. Johnson’s declared stance on Brexit may win over some MPs, at least temporarily, but is likely to alienate others – as will the decision to prorogue Parliament.

With the government losing its working majority (Figure 10) and the 31 October deadline looming, the chances are that the new prime minister will find himself as hamstrung in the current Parliament as his predecessor. This could precipitate an [early general election](#) – but there is no guarantee of it delivering a parliamentary majority for any one party.

In any case, it is clear that Parliament’s role and work will remain in the spotlight. Over time, parliamentary procedure has developed to accommodate majority governments relying on strong party loyalty. The 2017–19 session has challenged these working assumptions with a minority government and, in Brexit, a divisive policy issue that cuts across party lines. As the session draws to a close and the likelihood of an election increases, it is reasonable to consider whether it is time once again to return to questions about whether reforms are needed.<sup>2</sup>

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The debate over Parliament's role as a representative democratic institution is also likely to intensify in the coming months, as MPs continue to grapple with outcome of the EU referendum as an exercise in direct democracy.<sup>3</sup> A recent survey from insight and strategy consultancy BritainThinks found that 74% of the public agree that "the UK political system is currently not fit for purpose", with only 6% agreeing that UK politicians "understand people like me."<sup>4</sup>

With the potential for an early general election – and talk of such a poll being pitched as a battle between Parliament and the people<sup>5</sup> – it is vitally important that MPs think clearly, and communicate openly, about their role.

The Institute for Government will continue to monitor Parliament's activities over the coming months and analyse how effectively the institution is fulfilling its functions. As we prepare the next full edition of *Parliamentary Monitor*, we would welcome thoughts on the most interesting themes from the 2017–19 session and recommendations of the data we should analyse.

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# Abbreviations

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## Government departments and committees

AGO	Attorney General's Office
APPG	All-Party Parliamentary Group
BEIS	Department for Business, Energy and Industrial Strategy
CO	Cabinet Office
DCMS	Department for Digital, Culture, Media and Sport
Defra	Department for Environment, Food and Rural Affairs
DExEU	Department for Exiting the European Union
DfE	Department for Education
DfID	Department for International Development
DfT	Department for Transport
DHSC	Department of Health and Social Care
DIT	Department for International Trade
DLC	Delegated Legislation Committee
DWP	Department for Work and Pensions
ESC	European Scrutiny Committee
ESIC	European Statutory Instruments Committee
FCO	Foreign and Commonwealth Office
HMRC	HM Revenue and Customs
HMT	HM Treasury
HO	Home Office
IPSA	Independent Parliamentary Standards Authority
JCSI	Joint Committee on Statutory Instruments

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MHCLG Ministry of Housing, Communities and Local Government

MoD Ministry of Defence

MoJ Ministry of Justice

NAO National Audit Office

OBR Office for Budget Responsibility

PAC Public Accounts Committee

PACAC Public Administration and Constitutional Affairs Committee

SCSI Select Committee on Statutory Instruments

SLSC Secondary Legislation Scrutiny Committee

### **Other abbreviations and acronyms**

EU European Union

SI Statutory instrument

UQ Urgent question

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