
Pressures, Resistance, and Possibilities in Parliament since 1996

In June 2002, the House of Commons Information Committee received a memorandum entitled ‘The Future? – A Day in the Life of an MP in 2012’. The author was Stuart Hill, director of Stepchange, a British Telecom ‘initiative established to help government meet the challenge of creating a modern, integrated public sector and transform the delivery of public services’.¹ One of the interests of the committee, which was in the process of considering the use of computer technology and how it could support Parliament in performing its functions, was ‘to look ahead and to try to anticipate the kind the information and communication environment that will prevail ten years from now’.² As the title of his evidence suggested, Hill had offered his perspective on this subject. The narrative began:

As you leave your house in the morning you put on your ACTIVE LENS (like a contact lens) and then using VOICE ACTIVATION you can view your diary for the day, your personalised newspaper and even read your briefing papers.

The technology that allows this to happen is in the fabric of your clothes (WEARABLE COMPUTING) and the power is drawn from a combination of new, more powerful types of batteries (ENERGY CELLS) and PARASITIC POWER HARVESTING.

On the way to the House you complete the mundane tasks of the day such as agreeing the flight and hotel details that your PERSONAL INTELLIGENT AGENT has suggested, before it goes and completes the arrangements . . .

Once you arrive at the House of Commons . . . you select the first free desk in the COMMUNAL OFFICE AREA . . . From this desk you carry out a constituency surgery and through the use of AVATAR technology and HOLOGRAPHIC projections both you and your constituent appear and can interact as if you are in the same room even though you are hundreds of miles apart.

¹ House of Commons Information Committee, *Digital Technology: Working for Parliament and the Public*, First Report of Session 2001–02, HC 1065 (Stationery Office, London, 2002), p. 7 and fn. 9.

² *Ibid.*, p. 7.

In the afternoon you attend a session in the Chamber. Your opposite number is speaking and quoting some figures – your support team are also watching the debate and are therefore able to send you a message onto your screen highlighting that the figures are grossly inaccurate so that when you respond you can inform the Chamber what the real figures are . . .

As it is a Thursday afternoon it is time to complete your weekly WEBCAST to update your constituency of the week's activities . . . Through the use of technology you are able to receive feedback on how the WEBCAST was received and what areas people were interested in.

One of your pet topics over the last 10 years has been COLLABORATIVE DEMOCRACY and you are still surprised that it has not been fully adopted, which you believe is due, in part, to the slow process of Parliament and a surprisingly slow uptake by citizens, although participation in democracy has steadily improved . . .

The submission goes on in similar vein. After the MP returns to their residence, it closes by describing how:

As you lie in your bed you try to recall how you managed 10 years ago – the long hours travelling, the inefficient ways of communicating with your office, colleagues and constituents, and the difficulties in trawling for information. Although you initially found it difficult to adopt the new ways of working that the technology allowed, the reasons moved from being convincing then compelling before it was almost compulsory in order to stay on top of things and complete your job. And now, you couldn't do without it – how things have changed!!³

The year 2012 – like 1984 and 2000 – proved, presumably coincidentally, a popular setting for speculation about the future (and even for some form of apocalypse). William Morris, for instance, chose it for *News from Nowhere* (depicting a markedly different outcome to that conveyed by Hill). Like other such scenarios with specific dates attached to them, they were destined to prove at least partially false. While he captured some of the uses for which MPs would increasingly employ the Internet – including virtual participation in meetings and online public updates – Hill overestimated the useable technology that would be available within ten years (or indeed by 2021): holograms, eye inserts, computerised clothing, and so on. An entirely fluid, communal system of parliamentary office provision had not come about and there was resistance, as we will see, to the idea of remote briefing teams supporting MPs while participating in debates. The evidence submission contained deterministic elements – suggesting that MPs, whatever their initial misgivings, would come to use and be reliant upon the technology he described. Indeed, partly because of this tone of

³ Memorandum by Mr Stuart Hill, Director of the BT Stepchange Programme, House of Commons Information Committee, *Digital Technology: Working for Parliament and the Public*, First Report of Session 2001–02, HC 1065 (Stationery Office, London, 2002), Appendix 1, pp. 36–7.

inevitability, the vision Hill presented could as readily be reimagined as the horrifying vision of a Forster, Zamyatin, or Orwell. This alternative narrative could depict humans – communications devices implanted into their bodies and garments – as forced into an unhealthy dependency upon machines, subject to incessant electronic propaganda, their privacy and free will compromised. The experience of the pandemic could add a further unpleasant quality to such an account: that people were forced increasingly into this position by a global health emergency, during which they came ruefully to recall the in-person interactions of the past (though an updated version of the more optimistic Hill account might depict the technology as redeemer, making it possible for MPs to adhere to coronavirus protocols while continuing to perform their democratic functions).

Another notable quality of the Hill text was the reference to ‘collaborative democracy’ being retarded partly by ‘the slow process of Parliament’. It suggests a view that the Internet was suited to forms of public engagement which might come into conflict with more traditional versions of representative democracy: a key theme of discourse around this technology. Yet the parliamentary body in receipt of this paper was relatively positive about its message.

In commenting on the Hill submission, the Information Committee observed that:

Some features of this vision might seem over-imaginative and fantastical now, although that does not mean it should be dismissed. Ultimately, we cannot pretend to have any clear idea either of what will be possible technologically in ten years’ time, or of the extent to which the public will take up such technologies. However, it remains important that the United Kingdom and its Parliament are comfortable in maximising use of changing technologies.⁴

The Committee concluded that: ‘Information and Communications Technologies (ICT) . . . cannot be ignored.’⁵

This chapter explores the dynamics at play in the process of parliamentary adoption of the Internet in the period from 1996 onwards. It focuses in particular on the perspective from within Parliament itself, considering what forces drove it to utilise the technology; who and what drove this usage; the resistance encountered; and the significance of the different options considered, and what they were supposed to achieve. To illustrate some of these themes it includes more detailed studies of the rules applied to use of hand-held devices, the impact of e-tabling of questions, and the relationship between Parliament and the executive, in particular with respect to the introduction of e-petitioning to the House of Commons.

Motives for Adoption

Some within Parliament emphasised the idea of the Internet as possessing exceptional qualities, with important consequences for the functioning of

⁴ House of Commons Information Committee, *Digital Technology*, p. 7.

⁵ *Ibid.*, p. 5.

society. In 2004 the Select Committee on the Modernisation of the House of Commons presented the Internet as different to other technologies, and suggested that its exceptional qualities had important consequences for the operation of the political system:

Digital media have a number of characteristics which determine the way in which they can be used. They are ‘deep media’, containing many layers and types of information, which users can store, retrieve or search for at the level of their choice. Digital media are capable of reaching a small, target audience; they are interactive, capable of conveying users’ feedback; and they do not embody clear boundaries between different types of media, such as television, the press, radio and photography.⁶

This distinctiveness had important implications for the way in which Parliament might seek to use the technology. The Committee recorded being told by Stephen Coleman ‘that it was important to recognise the distinction between connecting with the public as spectators and connecting with them as participants; treating the Internet simply as “television for small audiences” was a mistake’.⁷

Adoption of this exceptional mechanism was more than a one-off exercise. An influence on parliamentary employment of the Internet was the idea of a technology in a continual condition of development, accompanied by changing patterns of usage. Parliament, it was argued, had fully to engage with this process or risk appearing anachronistic. In 2002 the House of Commons Information Committee held that ‘[t]he arrival of the Internet as a mass public network is already having a profound effect on the work of Members. Technologies are developing constantly.’ This shift would ‘increasingly lead people to shop, bank, learn and communicate with one another online’. As a consequence, MPs should be ready for ‘the nature of their work to change significantly over the coming years’. Given proper support, they might achieve gains. But it was ‘important that these opportunities are grasped . . . otherwise Parliament will be open to criticism that it is falling behind’.⁸ As these remarks suggest, a sustained motivating factor for Parliament, urged on it by organisations such as the Hansard Society, was to avoid the perception that it was eschewing the opportunities of the Internet as they unfolded, and was generally slow to adapt as an institution.⁹

Change continued. With the rise of interactive features during the first decade of the twenty-first century (and the advent of what was labelled ‘Web 2.0’) came pressure upon Parliament to adjust its provision accordingly, or

⁶ House of Commons Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, First Report of Session 2003–04, HC 368 (London, Stationery Office, 2004), p. 25.

⁷ *Ibid.*

⁸ House of Commons Information Committee, *Digital Technology*, p. 6.

⁹ House of Commons Procedure Committee, *e-Petitions*, First Report of Session 2007–08, HC 136 (London: Stationery Office, 2008), p. 9.

face irrelevance. In 2009, the House of Lords Communication Committee described being informed by the Hansard Society about the emergence in recent years of ‘a different approach to the internet, one which stresses an architecture of participation, whereby users expect to have opportunities for their voice to be heard’. A communications consultancy firm, Rufus Leonard, warned the Committee that:

[L]ike it or not Parliament and members of both Houses need to move towards two-way communication with the general public and with the specific interest groups who lobby and push for change in key areas of interest. Some of these discussions will still happen face-to-face, but online channels are uniquely well-placed to make these communications prompt, cost-effective and scalable. If you do not embrace this opportunity, then the discussion on key topics will simply take place elsewhere and Parliament will appear marginalized and out of touch.¹⁰

Developments in the dissemination of particular forms of hardware required responses. In 2011, when discussing the proper approach to regulating the use of hand-held devices in the Chamber or in Committees, the Commons Procedure Committee remarked:

it has to be acknowledged that electronic devices are ubiquitous now in a way that even four years ago was not the case. Banning them from the Chamber might make the House appear out of touch with modern life and would mean that those in the Chamber would be the last to know of breaking news widely available on the internet.¹¹

Similar recognition of the constantly changing picture came in the review mySociety conducted for Parliament of its online services, published in 2014. It found that:

[e]xpectations of what is normal on the internet change very fast. What would have counted as an elegant, usable, interesting webpage just five years ago will now come across as clunky, unhelpful and perhaps hard or impossible to read on a smartphone or tablet (devices that did not exist until recently).¹²

Furthermore, mySociety found: ‘The pace of change on the internet in the next five years is almost certain to continue at great speed. It will take major efforts simply to keep up with what is seen as normal.’¹³

¹⁰ House of Lords Information Committee, *Are the Lords Listening? Creating Connections between People and Parliament*, vol. I: *Report* (London: Stationery Office, 2009), HL 138-I, First Report of Session 2008–09, pp. 18–19.

¹¹ House of Commons Procedure Committee, *Use of Hand-Held Electronic Devices in the Chamber and Committees*, Third Report of Session 2010–11, HC 889 (Stationery Office, London, 2011), p. 8.

¹² mySociety, *Review of Parliament’s Online Services: A Strategic Review containing Strengths, Weaknesses and Recommendations*, undated, published online 17 March 2014, p. 17, available at: www.parliament.uk/documents/news/2014/mysociety-report-on-online-services.pdf, last accessed 4 April 2020.

¹³ *Ibid.*, p. 21.

Aside from the qualities of the Internet itself – and their developing nature – the simple fact of large and growing numbers of people being users of this system was a central motivation for parliamentary attraction to it. In October 1996, the chair of the Commons Information Committee, Gary Waller MP, explained the decision to make Hansard available online in the following terms:

Direct access to the Official Report of the House of Commons has been limited in recent times to relatively few people. As an increasing proportion of the public is able to access the Internet, I hope that many will find it useful to be able to see Hansard and other documents for themselves. In my view, this can only benefit the democratic process, and Parliament must take advantage of modern communications technology to ensure that its work is widely known and understood.¹⁴

Advocates of innovations such as the introduction of e-petitioning held that to do so was a necessary acceptance of the increased permeation and public use of this communications medium, into which the legislature would benefit from integrating itself.¹⁵ But such arguments tended to be carefully qualified. The Commons Information Committee noted in 2002 that:

38 per cent of households in the United Kingdom have Internet access, and 51 per cent of adults in the United Kingdom have accessed the Internet either at home, at work, or from a public access point.¹⁶

But, as the Committee noted, there were differentials in popular take-up which any parliamentary engagement strategy must take into account. Identifying – in the terminology of the time – a ‘digital divide’¹⁷ – it described how research conducted ‘in July 2001 found that 35 per cent of the survey sample . . . would be “very unlikely” to use the Internet during the next year’. Furthermore, ‘whereas approximately 70 per cent of households in the highest income decile have home access to the Internet, fewer than 10 per cent of households in the lowest two deciles have such access’.¹⁸ There were also inequalities involving age: at one end of the scale, 89 per cent of 16–24 year olds had used the Internet; while at the other end, for those aged 65 and upwards, the figure was only 12 per cent.¹⁹ Nonetheless, the Information Committee presented the Internet and related devices as a means by which the Commons could:

¹⁴ For an announcement specifically referring to the Commons text, see ‘Hansard on the Internet’, Information Committee Press Notice No. 1 of Session 1996–97, Philip Moon, Clerk of the House of Commons Information Committee, 23 October 1996, captured 23 February 1997, available at: <https://web.archive.org/web/19970223114954/http://www.parliament.uk/commons/selcom/INFOPN1.HTM>, last accessed 14 April 2020.

¹⁵ House of Commons Procedure Committee, *e-Petitions*, pp. 14–15.

¹⁶ House of Commons Information Committee, *Digital Technology*, p. 5.

¹⁷ *Ibid.*, p. 7.

¹⁸ *Ibid.*, p. 6.

¹⁹ *Ibid.*, p. 7.

increase public participation in its work, enabling it to draw on the widest possible pool of experience, including particularly those who have traditionally been excluded from the political and parliamentary process.²⁰

The Speaker's Commission on Digital Democracy recognised similar challenges in 2015, remarking that:

In the past decade there has been a rapid move to delivering commercial and Government services online. For some people, this has made it easier to access information and services, but those who are not online will have benefited less . . . Around a fifth of UK adults lack basic digital skills and 16% are not online.

The Commission found it 'promising to see that the proportion of people who are using the internet has been increasing steadily in recent years. But certain groups are more likely to be "digitally disengaged", including older people, those with disabilities, and people without qualifications.' While the Commission supported measures to make 'Parliament . . . more accessible and open', there was a need to accompany them with 'a strategy for ensuring that the digitally disengaged are not excluded from understanding or engaging with its work'.²¹

The comparative perspective was significant.²² The Commons Information Committee in 2002 referred to the importance of keeping pace with 'Parliaments worldwide (and devolved parliamentary bodies closer to home)'.²³ It hoped to 'share good practice' with these and other outside entities.²⁴ The Canadian House of Commons continued to provide models from which some sought to learn,²⁵ as did the Scottish Parliament²⁶ and the National Assembly for Wales (then both elected for the first time in 1999). A variety of other legislatures – Australian, German, Portuguese, and the European Parliament – were sources of influence, upon which various parliamentary assessments drew.²⁷ Advocacy of more sophisticated parliamentary employment of the Internet could refer to global adoption of the Internet as a significant trend to take into account. Using words which might affect the reader differently since the ascendancy (and subsequent fall) of Donald Trump, the mySociety review published in 2014 noted that: 'Social networks are now used to share large amounts of serious information, as well as large

²⁰ Ibid., p. 8.

²¹ Digital Democracy Commission, *Open Up! Report of the Speaker's Commission on Digital Democracy* (Speaker's Commission on Digital Democracy, London, 2015), p. 52.

²² Jens Hoff, Stephen Coleman, Peter Filzmaier, and Gustavo Cardoso, 'Use of ICT by Members of Parliament', *Information Polity* 9(1–2) (2004): 1–4, 1.

²³ House of Commons Information Committee, *Digital Technology*, p. 5.

²⁴ Ibid., p. 8.

²⁵ e.g. *ibid.*, p. 10.

²⁶ Ibid., p. 11.

²⁷ e.g. House of Commons Procedure Committee, *e-Petitions*, para. 12–14, p. 8; House of Commons Procedure Committee, *Use of Hand-Held Electronic Devices in the Chamber and Committees*, p. 6.

amounts of entertainment and trivia. Around 80% of world leaders are now on Twitter, for example.²⁸

An example of perceived domestic and international trends combining to produce an urge to act can be found in the fourth chapter of the 2009 report by the House of Lords Information Committee, *Are the Lords Listening? Creating connections between people and Parliament*. The title was 'Setting Parliamentary Data Free'. The Committee described how it had:

heard a powerful case that Parliament should make its data more easily available online. Ben Hammersley, Associate Editor of *Wired* magazine, argued that it was 'morally and ethically wrong' for Parliament not to make its data available in a form which could be re-used and analysed by others.²⁹

The Committee discerned a zeitgeist, abroad and at home, with which it concluded it should conform. It referred to 'a general drive to make public data available online for re-use'. At the very outset of his presidency, Barack Obama had 'issued a "Memorandum on Transparency and Open Government"'. It referred to the need to utilise 'new technologies to put information about . . . operations and decisions online and readily available to the public'.³⁰ In June 2009, the UK Prime Minister, Gordon Brown 'had asked Sir Tim Berners-Lee, who is credited with inventing the worldwide web, to help the Government "to drive the opening up of access to Government data on the web over the coming months"'. The then-Leader of the Opposition, David Cameron, had pledged to pursue openness in this area, should he form a government.³¹ The Committee therefore concluded that:

Parliament must not be left behind as others set new standards for online publication and engagement with the public. We recommend that information and documentation related to the core work of the House of Lords (including Bills, Hansard, transcripts of public committee meetings, evidence submitted to committees, committee reports, records of divisions, expenses and the register of Lords' interests) should be produced and made available online in an open standardised electronic format that enables people outside Parliament to analyse and re-use the data.³²

A background perception encouraging internet usage was one of supposedly declining public confidence in the political system in general and Parliament in particular. The Internet, according to such narratives, could help Parliament to address this problem, and was perhaps even essential to its efforts to do so. As the House of Commons Information Committee put it in 2002:

²⁸ mySociety, *Review of Parliament's Online Services*, p. 20.

²⁹ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, p. 22.

³⁰ *Ibid.*

³¹ *Ibid.*, p. 23.

³² *Ibid.*, pp. 23–4, para. 66.

There is concern amongst the public – and indeed amongst Members – that the House appears remote, that it does not respond as well as it might to the public, and that it could do more to hold the executive to account. Public perceptions and expectations of Parliament appear to be changing and there is authoritative evidence to indicate that public participation in the political process appears to be in decline. When the public does engage with Parliament, its perception of it is most commonly formed from a distance, via correspondence and reports of proceedings.³³

The Committee proposed that ‘Information and Communications Technologies (ICT) can play an important role in influencing perceptions and helping to meet public expectations’.³⁴ They were, it judged, a means by which ‘the role and reputation of Parliament can be enhanced’.³⁵

In 2004, the Select Committee on the Modernisation of the House of Commons, in a report which, among other measures, called for innovative digital engagement with the public, referred to a ‘decline in political participation and engagement in recent years, as well as in levels of trust in politicians, political parties and the institutions of State’. A key indicator to which the Committee referred was evidence of ‘fewer and fewer people trusting politicians. Lower levels of trust are translating into a disconnection from the institutions of democracy. The fall in election turnout from a post-war high of 84 per cent in 1950 to 59 per cent in 2001 is the most obvious indicator of this decline. Turnout at elections in the UK is lower than most other European countries.’ This general trend of deterioration, the Committee went on ‘should be of concern to every citizen. But it should be of particular concern to the House of Commons.’ The Committee reasoned that ‘[i]t is here that our laws are made and it is from its Members that governments are formed. The sovereignty of Parliament is the fundamental expression of the sovereignty of the people. It is the apex of our democratic system.’³⁶ One of the questions the Committee had posed as part of its own ‘on-line consultation’ was ‘does Parliament adequately reflect the concerns of ordinary people?’ The Committee concluded that ‘the overall impression was that it did not’.³⁷ With such concerns in mind, the Committee described ‘the purpose of this Report’ as being ‘to make recommendations which will better reconcile the necessary purpose of Parliament with the reasonable expectation of the people to have access to the processes by which we govern ourselves’.³⁸ The Committee judged that ‘[g]etting the

³³ House of Commons Information Committee, *Digital Technology*, p. 5.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ House of Commons Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, pp. 10–11.

³⁷ *Ibid.*, paras. 53–9, p. 21.

³⁸ *Ibid.*, pp. 10–11.

website right is ... probably the single most important thing that Parliament needs to do in this area'.³⁹

One hope attached to the Internet was that it might provide access to a particular social group that tended to be less involved in politics. The Select Committee on Modernisation of the House of Commons put forward proposals the objectives of which included, 'to make greater efforts to engage young people' and 'to encourage better use of information and communication technology'.⁴⁰ A House of Commons Commission review in 2007 proposed 'that the Parliamentary website and the internet generally should be regarded as a key element in fostering close connections between Parliament and the public, and crucially the younger generation, and should be developed and funded accordingly as a priority'.⁴¹ In 2008 the House of Commons Procedure Committee referred specifically back to the two Modernisation Committee goals when supporting the introduction of e-petitioning to the House of Commons, arguing that it would help attain both. In particular, the Committee saw high relative levels of internet usage among the young as creating an opportunity for attracting a group among which the rate of political participation was low. More generally, it felt that mechanisms such as e-petitioning could be an entry point into Parliament and its various activities, raising public awareness, interest, and involvement. The Committee quoted the then-Conservative MP, Douglas Carswell, as arguing that a suitably designed e-petitioning system could mean that 'a lot of people who are otherwise disaffected and disillusioned with the political process – 40 per cent do not vote, people under the age of 30 not only do not vote but have never formed the habit of doing so – would take a greater interest in politics through Parliament'.⁴²

The parliamentary expenses scandal of the following year created reputational problems for the Commons and the Lords. It added impetus to claims that Parliament needed to pursue better relations with the public, and that the Internet offered means by which it could do so. In 2009, the House of Lords Information Committee issued a report entitled *Digital Technology: Working for Parliament and the Public*, in which it held that:

Parliament's public reputation is at a low point. Media coverage about Peers' allowances and MPs' expenses and the suspension of two members of the House of Lords have had a negative impact on people's perception of Parliament. There has been a lot of consequent talk about constitutional reform, but many of the changes under discussion bear little direct relation to the problems that have been revealed. What is needed are reforms within Parliament. The need for

³⁹ Ibid., p. 16.

⁴⁰ Ibid., pp. 10–11.

⁴¹ Sir Kevin Tebbit, *Review of Management and Services of the House of Commons*, House of Commons Commission (Stationery Office, London, 2007), p. 52.

⁴² House of Commons Procedure Committee, *e-Petitions*, p. 16.

Parliament to be open and transparent was apparent before the recent revelations and the need will remain.⁴³

The Committee had commenced its inquiry before the advent of the scandal. But the recommendations it made for enhanced use of digital engagement by the Lords were, it judged, relevant to this episode and its consequences. The publication was intended to 'contribute to making the House of Lords more open and transparent. We want to see better public appreciation of the role and work of the House of Lords. In our view, that can only be achieved once the House has taken further steps to increase public understanding of, and engagement with, the House.'⁴⁴

This contribution suggests that the transformative potential of the Internet was – in relative terms – even greater for the Lords than the Commons. As an unelected chamber, the Lords did not have the same pre-existing systemic link with the public as the Commons. Direct interaction with the population, both mass and targeted, could therefore offer especially significant gains from the point of view of the Second Chamber. The Lords was already developing in significant ways. In 1999, all but ninety-two hereditary Peers were removed. The Second Chamber subsequently took on an increasingly professional and less anachronistic aura. Members of the Lords began increasingly to behave as though, with the ejection of most of the aristocratic component, their institution had become more legitimate, and could resist proposals emanating from the executive and agreed to by the Commons. Yet still the Lords lacked the authority that might come from public elections. Underlying doubts continued about its long-term future and how far it was appropriate for it to exercise its full legal powers. In this context, the attraction of a technology that might add to the progress already made and cultivate public relations is understandable. This general outlook is detectable in this passage from the 2009 House of Lords Information Committee report:

We consider the House of Lords to be an effective, value-for-money second chamber. It makes a substantial contribution to the law-making process; its members' expertise adds value to the process; and it complements the work of the House of Commons. However, it is not enough for the House to perform these functions. People must be able to see that the House performs this role, and our recommendations should help to achieve this end.⁴⁵

As part of this programme, the Committee proposed a series of changes for the Lords involving the use of the Internet. They included YouTube broadcasting of proceedings, electronic alerts services for the public, making published materials accessible for people with disabilities, and enabling members of the public to 'participate in an online debate in parallel to a debate in the Lords

⁴³ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: Report, p. 7.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, p. 8.

Chamber'.⁴⁶ These recommendations demonstrated the degree of enthusiasm for deployment of the Internet that could emanate from within the Lords. It was the same institution that, at times, had taken a lead over the adoption of computers and the analogue broadcasting of proceedings. As the Committee recalled when supporting expansion in the use of webcasting: '[t]he House of Lords has always taken a more relaxed view of cameras in the Chamber than the House of Commons, and in 1985 the Lords was the first Chamber to begin a televising experiment'.⁴⁷ In 2015 the Speaker's Commission on Digital Democracy acknowledged the Lords openness to change, in writing that:

Parliament is made up of two independent bodies, the House of Commons and the House of Lords. Although our recommendations are addressed mainly to the House of Commons, we hope that they will also be of interest to the Lords, and we know that many members of the House of Lords follow digital developments closely.⁴⁸

Advocates of Use

A range of groups and individuals actively advocated enhanced parliamentary employment of the Internet. Some came from the commercial technology sector, such as Stuart Hill and his British Telecom Stepchange programme, cited at the head of this chapter. Others outside Parliament seemed to have an interest in the Internet as a tool for the exertion of political pressure. For them, parliamentary adoption of mechanisms such as e-petitioning could create new means of influencing parliamentarians and by extension government, and perhaps attracting public interest to given causes and objectives. In its 2008 report on the prospects for introducing e-petitioning, the Commons Procedure Committee noted that the idea had support from groups including the Association of Political Consultants and Cancer Research.⁴⁹ Professional communications consultants might also impress upon Parliament the value of the digital medium.⁵⁰ Academic institutions could wield influence. For instance, during the first decade of the twenty-first century, the International Teledemocracy Centre, based at Edinburgh Napier University, encouraged consideration of 'how ICTs can enhance and support the democratic decision-making processes'.⁵¹

An important individual figure, bridging various ideas and groups, was Stephen Coleman. His connection to UK Citizens Online Democracy (UKCOD) – an organisation which itself links to earlier traditions of activism

⁴⁶ Ibid., pp. 8–9.

⁴⁷ Ibid., pp. 29, para. 82.

⁴⁸ Digital Democracy Commission, *Open Up!*, p. 16.

⁴⁹ House of Commons Procedure Committee, *e-Petitions*, p. 14–15.

⁵⁰ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

⁵¹ International Teledemocracy Centre (P13), House of Commons Procedure Committee, *e-Petitions*, First Report of Session 2007–08, HC136 (London: Stationery Office, 2008), Ev. 31.

and US-derived, counterculturally infused attitudes towards the Internet – has already been discussed. During the course of his career, Coleman has worked in universities and in a role at the Hansard Society for Parliamentary Government. He made an early contribution to the sustained efforts of the latter organisation in promoting innovative parliamentary use of the Internet.⁵² It ran a series of experiments in online consultations by parliamentary committees in the late 1990s and early 2000s.⁵³ Coleman oversaw this programme, also serving as specialist adviser to the House of Commons Information Committee inquiry that produced the 2002 report cited in this chapter.⁵⁴

Other than the Hansard Society and UKCOD, various other civil society organisations could wield influence. They included Involve, ‘a non-governmental organisation specialising in public participation’, which was, for instance, cited by the House of Lords Information Committee in its 2009 advocacy of parliamentary online engagement.⁵⁵ Projects such as FaxYourMP and TheyWorkForYou provided a means by which members of the public could engage with Parliament and created a stimulus for more enhanced use of the technology by Parliament itself.⁵⁶ As Richard Allan, the former Liberal Democrat MP, put it in 2006:

These external pressures can cause initial resistance but where the ideas are patently good and driven by a genuine desire to enhance democracy they are politically unstoppable. The response over time is more likely to be one of co-option rather than resistance.⁵⁷

TheyWorkForYou was from 2006 incorporated into mySociety (the parent entity of which was, in turn, a resuscitated UKCOD.⁵⁸) The central figure in the establishment and operation of mySociety was Tom Steinberg. During his tenure, the organisation attained a considerable degree of influence within Parliament and government; and Steinberg himself became an accepted authority on uses of the Internet for political engagement purposes.⁵⁹ A clear illustration of the status mySociety attained was that it was engaged

⁵² House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, Sixth Report of Session 2000–01, HC 373–I (Stationery Office, London, 2001), para. 55.

⁵³ House of Commons Information Committee, *Digital Technology*, p. 15.

⁵⁴ *Ibid.*, p. 6.

⁵⁵ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

⁵⁶ House of Commons Information Committee, *Digital Technology*, p. 10.

⁵⁷ Richard Allan, ‘Parliament, Elected Representatives and Technology 1997–2005 – Good in Parts?’, *Parliamentary Affairs* 59(2) (2006): 360–5, 363.

⁵⁸ Memorandum from mySociety (P 13), ‘Online Petitions at No 10: A Submission to the Procedure Committee’, Tom Steinberg, Director, January 2007, House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, First Report of Session 2006–07, HC 513 (London, Stationery Office, 2007), Ev. 21.

⁵⁹ See e.g. House of Commons Procedure Committee, *e-Petitions*, pp. 16–17.

in 2006 to create the No. 10 online petitions platform,⁶⁰ the technical success and popularity of which helped bring about its transition into a system shared with the House of Commons. As previously discussed, mySociety also produced a report for Parliament on its utilisation of the Internet, published in 2014, that led to a reorganisation of services.

One mySociety initiative aimed directly at parliamentary practice was the 'Free Our Bills!' campaign of 2009. The announcement webpage complained that:

the way in which Bills are currently published out [sic] is completely *incompatible with the Internet* era. As a consequence few people ever get to find out what a Bill says before it becomes law and binds us all. Bills are currently buried within the Parliamentary website, published in a hopelessly old fashioned way that makes them difficult to find, difficult to read and impossible to do anything clever with.⁶¹

The campaign called for various changes that would create transparency around the legislative process, including the impact of proposed amendments.⁶² It generated political traction, and a widely supported Early Day Motion in the House (a device with little significance in its own right, but which can serve as an indicator of parliamentary opinion).⁶³ Parliament has subsequently taken steps to present the passage of Bills in a more coherent and informative fashion, though the full range of innovations mySociety envisaged has not yet been realised.

Support for fuller utilisation of the Internet came from within Parliament itself. An example of such an advocate was Allan, an MP between 1997 and 2005 and a member of the Information Committee (that produced the 2002 report *Digital Technology: Working for Parliament and the Public* analysed here). As Allan noted, MPs who were 'early' users of the Internet often had support from what he termed 'geeks with white hats'. They were 'individuals from the technical community 'who assisted particular MPs with 'websites, text messaging and blogging'. Often, Allan wrote, they came 'through party affiliation and are invaluable to MPs juggling limited resources'.⁶⁴ A later instance of an MP seeking to promote Internet usage came when John Bercow, as Speaker of the House of Commons, convened the Speaker's Commission on Digital Democracy late in 2013.⁶⁵

Parliamentary committees as well as individual parliamentarians could promote the use of the Internet. One instance was the House of Commons

⁶⁰ Memorandum from mySociety (P 13), 'Online Petitions at No 10: A Submission to the Procedure Committee', Tom Steinberg, Director, Ev. 20–1.

⁶¹ 'Free our Bills!', available at: www.theyworkforyou.com/freeourbills/, last accessed 3 July 2020.

⁶² Ibid.

⁶³ See House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, p. 22.

⁶⁴ Allan, 'Parliament, Elected Representatives and Technology 1997–2005 – Good in Parts?', p. 362.

⁶⁵ Digital Democracy Commission, *Open Up!*, p. 76.

Public Administration Select Committee (PASC) which, in its 2001 report *Innovations in Citizen Participation in Government*, insisted ‘There are many ways in which the new technologies could be pressed into the service of parliamentary democracy.’ There was, PASC noted, ‘already evidence of this happening’. But:

[i]n future we look to see a more integrated system with greater facilities for making links between one element and another. The new technologies have major potential implications for Parliament. It is important that they are explored to the full. This requires a long-term strategy for e-access to Parliament to be as easy, attractive and well-used as possible.⁶⁶

When, in response to the various pressures to utilise the Internet, Parliament established internal structures and teams intended to serve this purpose, these entities themselves became forces for enhanced incorporation of the technology.⁶⁷ Impetus could also come from within the executive. Robin Cook, the Labour MP, was Leader of the House of Commons from 2001 to 2003. In this capacity he was chair of the Select Committee on Modernisation of the House of Commons, and was a promoter of enhanced use of new technologies as a means of engaging the public. For instance, the House of Commons Information Committee in 2002 cited his support for change as adding salience to its own recommendations.⁶⁸

Models of Usage

What specific models of internet usage were offered? One was that it might be a means of attaining enhanced institutional performance. As the Speaker’s Commission on Digital Democracy put it in 2015: ‘Parliament has already begun to use digital to work more effectively, increase efficiency and reduce costs.’ It cited examples such as ‘publishing more documents online and reducing the number of paper copies printed’. But, the Commission argued:

there is potential to use digital to bring further efficiency savings and better ways of working . . . For example, much parliamentary information is not created in a format that can be made available to the public as open data. It has to be converted into another format in order to do this, which is costly and time-consuming. These kinds of inefficient processes must be reformed so that information is handled more efficiently and a digital-first approach is taken.⁶⁹

⁶⁶ House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, para. 74.

⁶⁷ Dominic Tinley, ‘The UK Parliament in the Digital Age: A Personal Perspective’ in *Parliaments in the Digital Age*, Forum Discussion Report 13 (Oxford, Oxford Internet Institute, 2008), pp. 45–8, 45.

⁶⁸ House of Commons Information Committee, *Digital Technology*, p. 5.

⁶⁹ Digital Democracy Commission, *Open Up!*, p. 62.

As well as assisting Parliament as an institution, the Internet could be used by individual MPs ‘in organising their work more efficiently’, as the House of Commons Information Committee put it in 2002.⁷⁰ For instance, it could make communication more convenient. The possibility of using ‘video-conferencing’ in place of physical meetings was a subject of interest long before the ‘virtual Parliament’ initiative of 2020. In 2002 the Commons Information Committee presented this practice primarily as a means by which MPs – particularly those who were located far from London – could hold surgeries and other meetings remotely. Providing another (unwitting) echo of Forster, it concluded that:

Although not a perfect substitute for face-to-face discussions within the same room, video conferencing is a valuable tool when time or the cost of travel inhibits contact in person. The House could do more to promote the use of video conferencing by Members. Regular investment may be needed to take account of developments in technology (including ISDN and broadband) which improve picture quality, overall reliability, and opportunities for simultaneous translation.⁷¹

The use of the Internet for surgeries points to an important aspect of its potential: as a means of interaction with members of the public, representing whom was the principal purpose of Parliament.⁷² In 2002, PASC described evidence it took from the academic, Christine Bellamy, who described a range of possible functions, all of which involved facilitating relations with the outside, whether indirectly or directly. Bellamy had:

provided an ascending scale of possibilities, starting with ‘supporting internal business associated with representation and participation’ through ‘the dissemination of information about Government and Parliament’ and the support of communication between MP, Government and individual citizens on matters of individual or consumer concern to supporting the participation of citizens in deliberation/consultation about matters of public (collective) concern.⁷³

In 2002 the House of Commons Information Committee depicted the Internet as potentially helping MPs in ‘maintaining better communications with constituents’; and ‘in their efforts to improve contact between the public and their elected representatives’.⁷⁴ The Speaker’s Commission on Digital Democracy held in 2015 that:

if MPs were better supported in managing their digital communications, this would help them to respond more fully to their constituents. This in turn may

⁷⁰ House of Commons Information Committee, *Digital Technology*, p. 5.

⁷¹ *Ibid.*, p. 11.

⁷² House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, para. 74.

⁷³ *Ibid.*

⁷⁴ House of Commons Information Committee, *Digital Technology*, p. 5.

help to ensure that constituents have a positive experience and are encouraged to engage with their MP or Parliament again.⁷⁵

One aspect to this function was – as the Commons Information Committee put it in 2002 – ‘openness’, allowing ‘the public to have access to its proceedings and papers’.⁷⁶ The idea that the Internet had value as a facilitator of ‘transparency’ was a recurring theme.⁷⁷ Parliamentary plans for the increased use of the technology could appear as part of wider agendas intended to increase the accessibility of the institution across a number of matrices. They might include such items as improving educational outreach, facilitating visits to the physical estate, and providing information to the public. The Speaker’s Commission made a variety of recommendations for enhanced internet usage in 2015, one of the purposes of which was ‘increasing public awareness of the role of Parliament and MP’. They included a better functioning website, the use of more visual images alongside text, simplified language, and more attention to the needs of ‘people with disabilities and sensory impairments’.⁷⁸

The drive to connect with a wider public through the Internet led to a perception that the parliament.uk site was not sufficient in itself, and that Parliament needed to utilise other online services to maximise its reach. As the House of Lords Information Committee put it in 2009:

There is a limit to the level of public engagement Parliament can generate on its own website, because some people may not be drawn to interact directly with the parliamentary website. To counteract that fact, we recommend that the administration work in partnership with already established websites catering for interest groups.⁷⁹

Social media became a particular focus for parliamentary efforts to extend its reach. The Speaker’s Commission on Digital Democracy described in 2015 how during its evidence-gathering:

[a] key message that came through in our discussions with people was that Parliament needed to get better at ‘going to where people are’ to engage with them, by connecting with people in the digital spaces where they spend their time and in the way they like to connect. For example, many people, especially younger people, asked for more video and social media, pointing out that social media platforms such as Facebook and Twitter are where people spend a lot of time.⁸⁰

This observation leads to a question: who, precisely, was Parliament trying to interact with? We have already seen that one group of interest was the young,

⁷⁵ Digital Democracy Commission, *Open Up!*, p. 38.

⁷⁶ House of Commons Information Committee, *Digital Technology*, p. 5.

⁷⁷ House of Commons Procedure Committee, *e-Petitions*, p. 16.

⁷⁸ Digital Democracy Commission, *Open Up!*, p. 8.

⁷⁹ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, p. 18.

⁸⁰ Digital Democracy Commission, *Open Up!*, p. 27.

broadly viewed as both less likely to be politically active and more likely to be using the Internet. In May 2009, the bicameral internal body of officials, the Group on Information for the Public, described in evidence to the House of Lords Information Committee its 'Public Engagement Strategy', of which the use of digital technology was a central component.⁸¹ The memorandum referred to a perceived need 'to reach five different, if overlapping, groups'. The first comprised MPs, Peers, and others working within Parliament. Beyond the institution, the strategy targeted people who were 'professionally engaged with the work of Parliament, including civil servants, NGOs, lobbyists, journalists and others'. Within this category were 'critical intermediaries who interpret what Parliament does to others and therefore condition the understanding that the wider public has of Parliament's work'. Next were those who were 'democratically active', who took part in elections and had 'an interest in politics, policy and current affairs'. Then came what the paper described as 'democratic outsiders'. This term was intended to apply to those who were 'not (yet) interested in politics, policy and current affairs and those who do not participate in the political process'. Lastly, the strategy aimed at 'young people, both within the formal education system and informally'.⁸²

In its 2015 report, the Speaker's Commission on Digital Democracy emphasised the importance of focusing attention on the marginalised. It recommended that the House of Commons should:

pilot and test new online activities, working with national and local partners, to target and engage specific groups who are not currently engaged in democratic processes. These target groups could include, for example: 18–25 year olds not at university, people with learning difficulties, homeless people and people living in communities with very low voter turnout.⁸³

In its quest to reach people, the view developed within Parliament that to deploy the Internet only as a means of disseminating information to the outside world was an overly restrictive approach. We have already noted that an attraction of the Internet was that, for communications purposes, it was more sophisticated than other media. As the Select Committee on the Modernisation of the House of Commons put it in a 2004 passage that was reminiscent of the hopes Brecht once expressed for the radio: '[t]he internet is more than a medium for publishing documents and broadcasting proceedings in Parliament; it is an interactive medium that allows genuine two-way

⁸¹ 'The Public Engagement Strategy in Parliament since 2006', Memorandum on behalf of the Group on Information for the Public, Elizabeth Hallam Smith, Director of Information Services and Librarian, House of Lords and John Pullinger, Chairman, Group on information for the Public and Librarian and Director General, Information Services, House of Commons, House of Lords Information Committee, *Are the Lords Listening? Creating Connections between People and Parliament*, vol. II: *Evidence* (London: Stationery Office, 2009), HL 138-II, First Report of Session 2008–09, pp. 117–18.

⁸² *Ibid.*

⁸³ Digital Democracy Commission, *Open Up!*, p. 52.

communication between politicians and the people they represent'.⁸⁴ In such analysis, the technology could facilitate an interactive communication loop between Parliament and public. The former could transmit messages to the latter, which could in turn respond, and vice versa. Considering the possible value of the introduction of e-petitions in 2008, the Commons Procedure Committee argued that:

it would create an opportunity for interaction. It could enable petitioners and signatories to receive emailed responses to their petitions. These might simply be information about the progress of the petition or other associated parliamentary proceedings. They might also include messages from the petitioner's constituency Member of Parliament.

The critical point made to the Committee in evidence was that the Internet was 'a conversation medium' as opposed to 'a broadcast medium or a post office'. It created the possibility of 'a meaningful dialogue with people'.⁸⁵ The following year, the House of Lords Information Committee reported being informed in its inquiries that parliament.uk was 'to a large degree, a traditional information delivery website'. Evidence-givers had urged 'that online communication should mean two-way communication and that Parliament should use the parliamentary website not just to provide information but also to listen to the public'. The Committee took the view that, '[w]hilst Parliament does well at using its website to inform people, it needs continually to develop the way in which it uses the internet actively to engage with people'.⁸⁶

By this point, Parliament had in fact been exploring online interactivity for more than a decade, developing processes into which it could directly incorporate members of the public. As previously discussed, ideas in this area were a product of wider thinking about participatory mechanisms. Advocates of this school supported the use of techniques that enabled more developed democratic involvement, beyond practices such as voting. As PASC put it in 2001, 'the period since the middle 1990s has seen an explosion of interest in involving the public more frequently, more extensively, and in much more diverse ways in the conduct of decision-making within the public services'.⁸⁷

This approach found an outlet via digital technology in the form of 'online consultations'.⁸⁸ Indeed, a number of parliamentary inquiries into possible uses of digital technology cited in this chapter made use of such processes. They were, therefore, experimenting in the very area they were examining,

⁸⁴ House of Lords Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, paras. 53–9, p. 21.

⁸⁵ House of Commons Procedure Committee, *e-Petitions*, paras. 33–42, p. 16.

⁸⁶ House of Lords Information Committee, *Are the Lords Listening?*, vol. 1: *Report*, pp. 18–19, paras. 46–51.

⁸⁷ House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, para. 75.

⁸⁸ House of Commons Information Committee, *Digital Technology*, p. 6.

using methods they would advocate. Innovative use of the Internet was legitimising and helping facilitate more of the same. The PASC inquiry held ‘an on-line discussion forum on the participatory possibilities offered by the new electronic technologies’. Facilitated by the Hansard Society, it was a ‘new departure for a House of Commons Select Committee’.⁸⁹ Following on from PASC, the Commons Information Committee ran an ‘online forum’ as part of evidence-gathering leading to its 2002 report.⁹⁰ The 2004 Select Committee on the Modernisation of the House of Commons report described how:

[w]e conducted our own on-line consultation as part of this inquiry, both to canvass public opinion on the issues we were examining and to explore the consultation process itself. We devised the list of key questions that we wanted participants to address and the Hansard Society designed, maintained and moderated the site. The exercise generated a total of 152 responses from a wide range of people ranging from those with a long-standing interest in or connection with Parliament to those with no special interest in Parliament at all. It is highly unlikely that we would have received such a volume and range of responses to a traditional ‘call for evidence’ inviting interested parties to submit memoranda in writing to the Clerk.⁹¹

The House of Lords Information Committee 2009 report referred to a ‘web forum’ it had run.⁹²

The Commons Information Committee suggested in 2002 that these mechanisms were a means by which Parliament could make ‘full use of the insights to be gained from public experience and expertise, with no sector or social group being ignored’.⁹³ It also suggested that other material on the parliamentary website, such as the electronic version of Hansard, could include a feature allowing members of the public to make remarks on specific content which would then be forwarded on to relevant people and offices.⁹⁴ Influenced by its specialist adviser, Coleman, the Committee stressed that such techniques had potential value provided they were approached with certain principles in mind. There was a need for clarity from the beginning about the objectives and parameters of the exercise. Those taking part had to be made aware that, while they could contribute to decisions, they could not actually make them. It was necessary to incorporate people or groups with actual ‘experience and expertise’ to contribute. A neutral intermediary should distil the inputs to the consultation. Processes should be evaluated to ensure that they were beneficial both to participants and those who

⁸⁹ House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, para. 3.

⁹⁰ House of Commons Information Committee, *Digital Technology*, p. 6.

⁹¹ House of Lords Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, p. 21.

⁹² House of Lords Information Committee, *Are the Lords Listening?*, vol. I: Report, p. 11.

⁹³ House of Commons Information Committee, *Digital Technology*, p. 14.

⁹⁴ *Ibid.*, pp. 15–16.

instigated them; and there should be ‘feedback’ to those who took part on the results of the exercise. Crucially, there needed to be regard for the so-called ‘digital divide’. Careful attention should be given to soliciting the inputs of people without internet access, lacking skills in using the technology, and who did not have organisations to represent them.⁹⁵

In 2004, the Select Committee on Modernisation of the House of Commons endorsed these stipulations, and the general idea of online consultation. It referred to evidence from Coleman stating that:

On-line policy consultations are something that you have in fact pioneered, and have done better than any other parliament in the world. There is quite a lot of data suggesting that these consultations have had an effect on the fairly small minority of people who have engaged in them – because they have been deliberative, because they have been expansive over a period of a month, and because you have taken people seriously.⁹⁶

The Committee concluded that ‘greater use of on-line consultation is a good way for Parliament to take account of the views of the wider public’. Such exercises, it held, had ‘generally been successful and have proved effective as a way of engaging members of the public in the work that we do and of giving a voice to those who would otherwise be excluded’. The Committee urged ‘select committees and joint committees considering draft legislation to make on-line consultation a more regular aspect of their work’.⁹⁷ The employment of internet forums to scrutinise draft legislation in particular received further support from the House of Lords Information Committee five years later. It held that this application was particularly appropriate, more so than using it to consider a bill proper that was passing through Parliament. The Lords Information Committee noted that: ‘bills are considered by the House; draft bills are considered by a committee. This distinction is important, because a committee can more easily put in place a transparent process for dealing with the comments it receives.’ (Indeed, such an exercise had already been carried out, by the Joint Committee on the Draft Communications Bill in 2002.)⁹⁸ Yet a more regular use of such consultations on draft bills did not come about. This is a subject to which we will return.

Resistance and Complications

Adoption of the Internet often benefited from support outside and goodwill within Parliament, attached to specific ideas about how it should be put into practice. But there was also resistance of various forms. Change was not

⁹⁵ Ibid.

⁹⁶ House of Lords Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, paras. 53–9, pp. 20–1.

⁹⁷ Ibid., paras. 53–9, p. 21.

⁹⁸ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, p. 21.

necessarily easy to bring about in an institution that in some senses dated back to the medieval period. Various potentially obstructive customs and rules existed. For instance, understandings of what were the proper roles and privileges of Members – and the tendency for them to be highly protective of what they believed them to be – could create a barrier.⁹⁹ It was natural that the prospect of their disturbance might be approached with some caution, entail complications, and generate objections. A 2008 Commons Procedure Committee report on e-petitioning revealed complicating factors of this type. Under the traditional method of hardcopy petitioning, individual Members accepted petitions and presented them to the House. The Committee anticipated that it would apply this principle to an electronic system. This approach might appear archaic. On the surface it would seem to make more sense simply to make the Commons or Parliament as a whole the direct recipient. But such a procedure, the Committee suspected, would inflame sensitivity about the bypassing of Members.¹⁰⁰ This concern was eventually overcome, but that it was deemed to require such careful handling was revealing regarding the nature of the environment within which change took place.

Entrenched rules could be a constraint upon the employment of the Internet. Early on, for instance, the prospect of online publication of parliamentary materials raised issues about copyright and licensing that needed to be addressed.¹⁰¹ Later, in 2015, the Speaker's Commission on Digital Democracy discussed means of bringing about greater public involvement in the legislative process, in the broader context of digital engagement. It considered whether it would be possible to:

change the way that amendments are written and debated. They could be written in plain English, and this would enable MPs to focus on the effect of the amendment rather than on technical drafting. Amendments could be voted on in the usual way, with technical drafting then being provided by legal experts.

While the Commission was 'attracted by this suggestion . . . we also recognise that it would be a radical departure from the current system. Careful consideration and piloting would be required before it could be taken forward.'¹⁰²

The Commission found customs and tradition a limitation on the potential exploitation of internet technology in another area. When considering the possibility of electronic voting by MPs, it stressed that 'Members value the chance to meet Government Ministers and other MPs during votes, as this

⁹⁹ See e.g. Allan, 'Parliament, Elected Representatives and Technology 1997–2005 – Good in Parts?', p. 361.

¹⁰⁰ House of Commons Procedure Committee, *e-Petitions*, pp. 9, 11–12.

¹⁰¹ House of Lords Select Committee on Science and Technology, *Information Society: Agenda for Action in the UK*, Fifth Report of Session 1995–96, HL 77, paras. 3.53–4, available at: <https://publications.parliament.uk/pa/ld199596/ldselect/inforsoc/ch3.htm#3.48>, last accessed 14 April 2020.

¹⁰² Digital Democracy Commission, *Open Up!*, p. 22.

gives them an opportunity to raise important issues with one another.¹⁰³ But in sufficiently urgent circumstances, major modification of established principles was possible: specifically, in response to the coronavirus emergency in 2020. Under the arrangements introduced at this time, Members were able – using internet technology – to take part in proceedings without physically being present. On 20 April of this year, the Procedure Committee conveyed the historic importance of the measures that were taken (albeit temporarily), in its report entitled *Procedure under Coronavirus Restrictions: Proposals for Remote Participation*. It explained:

[a] basic principle of the House's procedure and practice is that a Member is required to be present in the Chamber in order to participate in any proceeding of the House. The right of Members to attend the House without obstruction, in order to participate in its proceedings, is an ancient and unchallenged privilege of the House. While some ancillary elements of participation, such as the tabling of questions and motions or of amendments to bills, have long taken place outside the Chamber for administrative convenience, a Member has to be present in the Chamber to present a bill, to put an oral question to a Minister and to participate in a debate. Only very recently has the House consented to a pilot scheme whereby new parents are able to vote by proxy in divisions.¹⁰⁴

The temporary introduction of remote participation in 2020 provided a bald illustration of a potential source of reluctance regarding the employment of the Internet. Not all parliamentarians were as willing to adapt swiftly to change as others, and uses of the technology could, for some, conflict with their perceptions of their constitutional role. The Commons Procedure Committee conveyed the divergence that had appeared, explaining that:

[m]any colleagues . . . have no choice but to be absent from Westminster while restrictions continue. Of those who do have the choice, many believe they ought to undertake their duties to the best of their abilities while following the restrictions which are being applied across the country, since to do other than to observe the restrictions imposed on the general public could have a negative impact on the reputation of the House and might undermine attempts to promote 'stay at home' and social distancing messages . . . Others consider that they ought to be seen to be present in the Chamber, thereby demonstrating to their constituents that the work of the House on their behalf and on behalf of the nation continues despite the extraordinary conditions which all are experiencing.¹⁰⁵

This new use of the Internet in 2020 raised questions of principle, with testing procedural implications. They included the need for a hybrid of remote and physical participation to be reconciled with the principle of 'parity of

¹⁰³ Ibid., p. 64.

¹⁰⁴ House of Commons Procedure Committee, *Procedure under Coronavirus Restrictions: Proposals for Remote Participation*, First Report of Session 2019–21, HC 300 (House of Commons, London, 2020), p. 5.

¹⁰⁵ Ibid.

treatment'.¹⁰⁶ Achieving this goal meant in practice a levelling down: all MPs – whether taking part in Westminster or digitally – had to be subject to more restrictions on their participation than they would otherwise. The purpose was to ensure that MPs present in the Chamber (limited to fifty) were not at an advantage over those who were not there. Rules were applied to the effect that 'spontaneous supplementary questions were disallowed, interventions on all contributions were not permitted, all requests to speak on any urgent question or statement and in any debate had to be submitted in advance, and no points of order could be accepted unless by prior arrangement'. Naturally, a number of Members felt that there was deterioration in the overall standard of proceedings as a consequence.¹⁰⁷ Complaints included that:

Assertions made during debate and in response to questions have been allowed to pass unchallenged; Members have been unable to follow up swiftly on matters of concern to them; and debates have become recitals of prepared texts rather than lively exchanges of view.¹⁰⁸

A more general objection connected to online debates was that they did not make it possible in a traditional sense to 'take the sense of the House' or to 'read the room'.¹⁰⁹

A further challenge from the point of view of full exploitation of the Internet was connected to the bicameral nature of Parliament. The mySociety review of 2014 found a 'degree of tension between the Houses over the issue of how online services are delivered'. Staff working in the Lords told those conducting the review that the existing system did not properly provide for the needs of their House. The problem, mySociety judged, was the lack of a clear single strategy that protected digital activities from day-to-day interference, skewing the work of staff towards the needs of one House over the other.¹¹⁰

Employing the Internet could create practical difficulties that in turn had further problematic consequences. In 2001, PASC noted that '[w]hether or not e-mail is a qualitatively different form of communication from letter-writing, it certainly encourages voluminous correspondence'. It had taken evidence from the academic Helen Margetts 'that UK Members of Parliament are not currently equipped to deal with the quantity of representations they may now expect'.¹¹¹ Dealing with the same subject, the Information Committee argued in 2002 that:

¹⁰⁶ See further Allan, 'Parliament, Elected Representatives and Technology 1997–2005 – Good in Parts?', p. 361.

¹⁰⁷ See House of Commons Procedure Committee, *Procedure under Coronavirus Restrictions: The Government's Proposal to Discontinue Remote Participation*, Third Report of Session 2019–21, HC 392 (House of Commons, London 2020), p. 12.

¹⁰⁸ See *ibid.*, p. 13.

¹⁰⁹ See *ibid.*, p. 15.

¹¹⁰ mySociety, *Review of Parliament's Online Services*, p. 27.

¹¹¹ House of Commons Public Administration Select Committee, *Innovations in Citizen Participation in Government*, para. 71.

[t]he ease with which constituents and others can send e-mail is seen by Members as both an opportunity (in that databases of constituents and correspondence can be created and maintained with comparatively little effort) and as a threat, in that it could generate a demand that Members cannot meet with existing structures and resources . . . One issue of concern to Members is the use of e-mail by pressure groups for mass campaigns. Publicising an e-mail address to the full membership of an organisation can prompt mass posting of a standard e-mail to any one Member. The Member and his or her staff will then have to deal with each e-mail. A Member may decide to delete each one without reading it first; but care will need to be taken to identify and preserve mail from constituents.¹¹²

The 2014 mySociety report suggested the existence of various internal barriers to the more effective employment of the Internet by Parliament. It described how staff seeking updates to content on parliament.uk relied on a Web and Intranet Services team the performance of which was poor. The review stated that '[n]umerous people we spoke to expressed the view that if they were to lodge a request with WIS, then there is a high probability that they would not see their project delivered in a timely fashion, or indeed at all'. Some staff told the reviewers that, as a consequence of previous unsatisfactory experiences, they avoided engaging with WIS at all if possible.¹¹³ The mySociety paper found that one reason for this weakness was a lack of 'access to enough appropriately skilled computer programmers to meet the online service needs of Members, the public or staff. It noted that while Parliament had an allocation of six, mySociety itself – 'a small social enterprise' – had twelve. Noting – as an illustration of larger difficulties – two specific shortcomings in the way users were able to access information on the website (discussed in Chapter 2), the review held that:

The question to consider is not . . . 'How do we resolve these two problems?' Instead it is 'Why were these problems not resolved some time ago?' Neither of them is technically insuperable. There is no strong mitigating circumstance that explains why an institution of Parliament's size and resources would be operating services with these issues.¹¹⁴

To address such concerns, the key mySociety recommendation – adopted by Parliament – was for the formation of a single Digital Office under a Head of Digital.¹¹⁵

In 2008 the Commons Procedure Committee, in a discussion of the merits of an e-petitioning system, advanced a series of possible problems it might bring, some of which had wider applicability. One was the prospect that it might lead to Parliament receiving such a quantity of submissions as to be

¹¹² House of Commons Information Committee, *Digital Technology*, p. 9.

¹¹³ mySociety, *Review of Parliament's Online Services*, p. 9.

¹¹⁴ *Ibid.*, p. 17.

¹¹⁵ *Ibid.*, p. 22.

difficult to manage. Furthermore, it would absorb scarce financial resources – the exact extent of which might be difficult to predict – that could otherwise be employed for other engagement purposes.¹¹⁶ The Select Committee on the Modernisation of the House of Commons had made a similar point four years previously. It had complained that:

[u]nlike some other organisations, the House cannot easily make savings in other areas to pay for web development. Web publication does not replace the need to provide printed documents for internal and external use (in particular, for libraries); nor does the development of the Explore Parliament website replace expenditure on the school visits programme; nor webcasting replace televised broadcasting; nor on-line consultation replace conventional consultation by committees. The House authorities have had to consider plans to expand and enhance the website alongside a range of other pressures on the administration budget.¹¹⁷

This point is a reminder that, however rapid and extensive the penetration of the Internet was, it did not replace other forms of communication, and they required continued parliamentary attention. The prospect of e-petitioning generated further apprehensions. The Procedure Committee expressed in 2008 the fear that such a system might raise unrealistic public expectations regarding the potential to wield influence and be taken seriously by political authorities. Damaging disappointment might follow. An exercise intended to enhance engagement with Parliament would have had the opposite effect.¹¹⁸

Mistakes and malfunctions were another significant concern. The Commons Procedure Committee feared that, because of human error, personal details of signatories of petitions were likely to leak at some point.¹¹⁹ Technical issues generated unease. The Committee found that:

there are relatively few e-petitions systems currently established, and none, as far as we are aware, with the features we might be looking for. If the House introduced a system which then went wrong, it could do significant reputational damage. Our witnesses agreed that failures in the ICT systems, so that the public could not access or submit e-petitions, would undermine public confidence in the system as a whole.

As these remarks suggested, an underlying apprehension arose from the very possibility of failure and what it might mean. Not all MPs would want to take part, the Committee judged. They might regard the process as a distraction, and – depending on the volume of submissions generated – an excessive burden. If a significant number of MPs declined to participate, the whole

¹¹⁶ House of Commons Procedure Committee, *e-Petitions*, pp. 9, 11–12.

¹¹⁷ House of Commons Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, p. 18.

¹¹⁸ House of Commons Procedure Committee, *e-Petitions*, pp. 10–11.

¹¹⁹ *Ibid.*, pp. 12–13.

initiative might be doomed.¹²⁰ Furthermore, proper public involvement was not guaranteed. As the Procedure Committee put it:

If we cannot be confident that we can establish an e-petitions scheme which Members and the public find easy to understand and straightforward to use, which is responsive and meets their reasonable expectations and which is reliable and technologically robust, we might be better not proceeding with a scheme at all.¹²¹

As we have seen, alongside petitions, another potential tool for parliamentary engagement was the use of online forums. From the late 1990s onward, there were a variety of these exercises and a significant degree of support for their use in interested circles. However, some doubts and questions were also raised, as revealed by the House of Lords Information Committee in its 2009 report. The Committee noted that – alongside the advocates – ‘a number of people were sceptical about the potential for Parliament’s website to host constructive public policy debate’.¹²² One concern raised was that participation levels in previous parliamentary initiatives of this type had been relatively low. A further issue involved resource-effectiveness. The Committee recalled being informed by the Labour MP Tom Watson, who at the time he gave his evidence was Minister for Digital Engagement, that:

[w]hen you have any conversation it has to be moderated, so if Parliament took the decision to have a kind of giant conversation with the nation there would be a very large resource issue there because if you are going to do it at scale you need people who will moderate the conversation and stop people doing the sorts of things they can get up to online. So the decision really would be a cost-benefit analysis and the truth is I do not know the answer about whether we would gain, as parliamentarians, great wisdom through that route.¹²³

In 2015, the Speaker’s Commission on Digital Democracy expressed similar concerns regarding digital forums and suggested a further factor that could act as a brake upon parliamentary exploitation of the Internet: a sense that the technology had not yet reached the necessary level of sophistication required of it to execute a particular task satisfactorily. The Commission described how it had received evidence about ‘online forums’ to the effect that they were not easy to use with large-scale public consultations. It recounted the view of ‘some experts . . . that although technology is “excellent at gathering information”, it is still not very good at large-scale deliberation. One person said that public forums “can be a mess”.’ A means of circumventing this problem was ‘to factor in “substantial human activity” to

¹²⁰ Ibid., pp. 9, 12–13.

¹²¹ Ibid., p. 13.

¹²² House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

¹²³ Ibid.

support the process, for example by moderating online discussions and analysing the contributions received'. However, 'the resource implications of this would place a limit on how many large-scale forums could be offered'. A further option was 'to enable those who take part to manage the process themselves, debating ideas and voting on or rating the best ones, so that the most popular are given greater prominence'. While the Commission was 'confident that online participation by the public in the work of Parliament will be increasingly important', it 'deliberately set out a cautious approach to this, at least initially, to avoid early experiments being crushed by the weight of expectations'. Yet the Commission anticipated 'a need in the relatively near future for Parliament to build or better still adapt existing tools to support large-scale online participation'.¹²⁴

The reference Watson made in evidence to the Lords Information Committee to the requirement to 'stop people doing the sort of things they can get up to online'¹²⁵ touched upon a dilemma more fundamental than issues around resource allocation, important though they were. Opening up Parliament to participation from outside carried with it a risk. Those taking advantage of the opportunity to participate might behave in ways that went beyond what was, from the point of view of the institution, acceptable. Online consultations or forums were considered vulnerable in this way, including by their advocates. For instance, in 2004, the Select Committee on Modernisation of the House of Commons acknowledged this concern, albeit while asserting that it need not be a serious problem for Parliament:

Professor Coleman told us that these consultations had generally been successful, drawing on public expertise, treating the public with respect and encouraging a respectful attitude. It was notable that Parliamentary consultations did not attract the actionable or offensive contributions which accounted for 20–25% of those submitted to Government departments' on-line forums.¹²⁶

Comparable concerns arose in relation to petitioning. In 2008, the Commons Procedure Committee had noted that petitions might be designed as jokes rather than as attempts seriously to engage with policy issues. Drawing on the experience of the No. 10 platform, the Committee recalled that: '[o]ne of the five most signed petitions in the first part of 2008 was a petition to make TV presenter Jeremy Clarkson Prime Minister'. It was difficult to devise satisfactory ways of preventing such activity. As the Committee remarked:

What appears trivial to one group of people may be very important to another and a rule which in the end depends for its implementation on largely subjective

¹²⁴ Digital Democracy Commission, *Open Up!*, p. 49.

¹²⁵ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

¹²⁶ House of Lords Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, p. 21.

judgements can easily become not only discredited but grounds for suspicion of a deliberate campaign to exclude particular groups or issues.¹²⁷

Technological development, in this instance in the form of the Internet, had once again helped raise a dilemma, recurring in different forms, involving free expression and its consequences. On this occasion the Committee expressed fear regarding the possibility of efforts at control raising more difficulties than they resolved. Yet – like Milton – even though it generally opposed such regulation, it held that there needed to be some limits. The Committee noted that:

Alongside the relatively frivolous and the mischievous, however, there may also be e-petitions with a more mischievous or even sinister purpose. There is a risk that people may attempt to use e-petitions to demonstrate support for offensive or even illegal causes.¹²⁸

The Committee took the view that ‘[i]n principle . . . such petitions should not be allowed’. It held that it would be possible to take preventative measures, while acknowledging ‘a risk that, despite the best efforts of all concerned, not every such e-petition would be spotted and rejected’.¹²⁹

Accompanying concern that people might abuse the opportunities that online engagement created was another reservation: that they might lack the motivation to take part at all. The Committee on Reform of the House of Commons formed in 2009 with the Labour MP, Tony Wright, in the chair. The tone of its report, *Rebuilding the House*, was sceptical regarding the need for further online initiatives (though it was not entirely dismissive and held they could have value.) It argued that: ‘Members of the public . . . participate in proceedings in the House as witnesses in select committee and public bill committee hearings. Furthermore, online forums are now frequently used by select committees to garner experience directly from the public on specific topics.’¹³⁰ But it observed that ‘[t]here are varying views about the prospects for greater public participation. Recent research from the Hansard Society conveyed in its submission to us warns that the level of public desire for direct involvement may be low and falling.’¹³¹

Around this time, others were also recommending caution. Nigel Jackson, an academic specialising in communications, referred to potential shortcomings in parliamentary use of the Internet in evidence to the House of Lords Information Committee. This Committee referred in 2009 to his warning regarding possible failure to establish ‘a clear, defined and measurable purpose

¹²⁷ House of Commons Procedure Committee, *e-Petitions*, p. 10.

¹²⁸ *Ibid.*, p. 10.

¹²⁹ *Ibid.*

¹³⁰ House of Commons Reform Committee, *Rebuilding the House*, First Report of Session 2008–9, HC 1117 (Stationery Office, London, 2009), p. 66.

¹³¹ *Ibid.*, p. 67.

for adopting the internet'. He took the view that any efforts at providing information and interacting with the public should be directed towards assisting the legislative process and with oversight of the executive. Jackson held that online initiatives that did not serve these purposes would be 'window dressing. It will not help the House of Lords, or individual Peers, function better and more importantly online users will come to recognise this and disengage.' He was wary of unthinking efforts to embrace Web 2.0, warning that '[j]ust because new technologies, such as social networking sites, exist is a poor reason alone for adopting them'.¹³² Along similar lines, in 2015, the Speaker's Commission on Digital Democracy referred to the 'perceptive' advice it had received from Involve. The organisation had told it to:

[l]et the purpose, not the tools, be the driver. As with any effort to improve citizen engagement (whether digital or offline) it is critical to clarify the purpose first and then find the right tools to achieve it . . . the essential first step is to determine *why* citizen voice is desired within a particular process, and what citizens add that actors already in the process don't already bring.¹³³

Day-to-day Work Routines: Hand-Held Devices and e-Tabling

Some challenges and controversies involved the incorporation of internet-related technology into the regular work of MPs and Peers within Parliament. A consideration of a House of Lords Administration and Works Committee report from late January 2011, *Use of Electronic Devices in the House*, gives an idea of the complex concerns that could require resolution. In defining terms, the Committee held that 'it is important to avoid too much detail because the rules would rapidly be overtaken by new technology – as has happened with the current rules'. It stated that '[i]t has become clear that the rules regulating the use of mobile telephones and other electronic devices . . . in the House are incomplete, outdated and contradictory'. The existing position, established by the Committee itself four years previously, was that '[m]obile telephones must be silent in the Chamber, Prince's Chamber, Peers' Lobby, division lobbies during divisions, the Moses Room and committee rooms during committee meetings'. This rule also applied to 'the Library, the Salisbury Room, the Writing Room, and all bars and restaurants. Elsewhere they may be used with discretion.' Meanwhile, '[i]n the Chamber and in committee rooms, pagers or other electronic devices must not be used to transmit messages to members of the House for use in proceedings'.¹³⁴

¹³² House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

¹³³ Digital Democracy Commission, *Open Up!*, p. 49.

¹³⁴ House of Lords Administration and Works Committee, *Use of Electronic Devices in the House*, HL 92 (London, Stationery Office, 2010–11), pp. 3–5.

The Committee found fault with its own regulations, both because they contained internal tensions and because they were anachronistic. Requiring mobile telephones to be 'silent' suggested that it was permissible to use them 'in silent mode to send text messages or check emails and the internet'. Yet at the same time the stipulation about their use in other places 'with discretion' implied 'that they may not be used at all (even in silent mode) in the restricted areas'. Furthermore, 'the reference to pagers is outdated' and there was no consideration of 'other devices such as iPads and laptops' except in as far as there was a prohibition on 'transmitting messages for use in proceedings'.¹³⁵

The central concern of the report was whether and, if so, how Members could 'use electronic devices while in the Chamber or Grand Committee'. On the subject of 'the use of electronic devices to send or receive messages for use in proceedings', it noted the different sides of the argument. There was not a ban on 'officials sending handwritten notes to Members (generally front-benchers)' while in the Chamber or Grand Committee. On this basis it might be held that electronic devices could be deployed for the same purposes. However, the Committee argued that 'there is a profound difference of scale'. A question already raised in this book had asserted itself. Might the technology merely make it possible to carry out existing practices with greater ease, or was a qualitative change in prospect (in this case because of the volume of activity that might come about)? The Committee leant towards the latter interpretation. It concluded that it might be detrimental 'to good debate to allow Members to send or receive streams of messages to and from researchers or advisers outside the Chamber or Moses Room'. On these grounds the Committee advocated maintaining the existing prohibition on the use of electronic devices 'to send or receive messages for use in proceedings'.¹³⁶ The Committee had considered an important question. Did the use of a device connected to the Internet for a pre-existing activity alter that activity to such an extent that it changed in its nature? In this instance, the issue was whether an increase in the quantity of messages on the scale anticipated, were the ban lifted, would entail a qualitative alteration in the way a key feature of the business of Parliament operated. The Committee decided that it would, and that the transformation itself would be undesirable.

The report demonstrated more sympathy for the idea that members might use electronic devices to 'access . . . documents relevant to the business before the House'. These texts might include 'the Order Paper, Hansard, texts of bills or explanatory notes, white papers or other Government publications, and reports by external bodies'. The dependence on hard copies would thereby be reduced. However, the Committee was concerned regarding the possibility that 'internet access could be abused'. For example, it opposed the idea 'that Members participating in proceedings should be permitted to use electronic

¹³⁵ Ibid., p. 3.

¹³⁶ Ibid., pp. 3–4.

devices to search the Web speculatively in the hope of finding information for use in debate which is not generally available to other participants'. Ultimately, it would be difficult to prevent or even precisely to define in advance inappropriate activity. 'Policing the use of the internet, and in particular distinguishing between appropriate and inappropriate use, would be difficult.' There would be a need to rely heavily upon 'self-regulation, and on the common sense and self-restraint of individual Members'. Nonetheless the Committee advocated 'a one-year trial period' in which Members taking part in debates could use electronic devices in the way it had already suggested was appropriate. The recommendation, however, applied only to 'hand-held devices' and not 'conventional laptops'.¹³⁷

The Committee further proposed that, while they were not speaking, Members should also be able to employ devices 'in silent mode, for any purpose not related to the proceedings before the House or Grand Committee, provided they do not distract other Members'. Nonetheless, 'as a courtesy to other Members', the Committee opposed 'repeated use of such devices'. The report noted further that Members were using electronic devices 'in place of paper notes' when making speeches. 'At least one Member has made a speech in the Chamber using his iPad in recent weeks.' The Committee found no problem with this practice, though it was at the time forbidden in the House of Commons. There was 'no qualitative difference between using a pad of paper for speaking notes and using an iPad or other device'. The existing ban on 'reading speeches', however, would remain in place. The Committee at this point proposed a further, associated, innovation. The Editor of Hansard had agreed to receive speaking notes via email, if they were stored on electronic devices, a change of practice that the report supported. The Committee acknowledged that the same standards did not apply to meetings of select committees, which were 'different in atmosphere from proceedings in the Chamber'. It proposed no limitations on electronic devices, even laptops, in these forums, except that they should be silent and their employment or otherwise should be subject to the 'discretion of the Chairman'.¹³⁸

Once again, the Lords proved to be a parliamentary pathbreaker in its handling of technology. The House of Commons Procedure Committee issued its own report on the use of hand-held devices shortly after the Lords, in March 2011. The existing Commons rule, dating from October 2007, was that MPs could use such technology in the Chamber 'to keep up to date with emails . . . provided that it causes no disturbance'. They could not, however, use it as a 'prompt' when taking part in proceedings or speaking.¹³⁹

¹³⁷ Ibid., pp. 4–5.

¹³⁸ Ibid.

¹³⁹ House of Commons Procedure Committee, *Use of Hand-Held Electronic Devices in the Chamber and Committees*, p. 5.

Technological change and social patterns in usage in the period since 2007 had created the need for reassessment. As the Committee put it:

the availability of new technology and the use of that technology both within and outside Parliament have increased dramatically. There are many new devices, including portable 'tablet' computers such as iPads or smartphones, which were not known to the Modernisation Committee which drew up the report which led to the House's resolution [providing the basis for the existing rule]. There are also new uses of technology, for example Twitter, which were similarly unknown but on which the Speaker and the Chair of any committee may be expected to rule.¹⁴⁰

The issue was divisive, in a cross-party fashion, and became more so. As the Committee noted, 'around 225 Members . . . tweet, coming from all parties in the House'. Tweeting, then, created particular challenges:

As an example of a practice which could not have been predicted by the Modernisation Committee in 2007, tweeting could hardly be bettered. The use of Twitter by Members is very popular and its use in the Chamber or Westminster Hall has caused comment from Members themselves and from the public. Many different views have been expressed, from those who believe that it is a threat to the dignity of parliamentary proceedings to those who argue that it brings Parliament to a whole new audience.¹⁴¹

The Committee identified some of the main objections present within the Commons to the use of electronic devices. They were that Members should be focused on taking part in proceedings, not on their device, and that they should not 'distract others' in the process. Some members of the public had expressed objections when noticing MPs using such technology. A fundamental constitutional point was 'that transmitting messages in and out of the Chamber might allow others to influence the course of a debate which could constitute interference in parliamentary proceedings'.¹⁴² The Committee depicted a worst-case outcome that was similar to a scenario that Stuart Hill (in his evidence to the House of Commons Information Committee in 2002 quoted at the head of this chapter) had predicted would come about within ten years. It involved:

Prime Minister's Question Time being conducted by instant rebuttal teams briefing the principals on what they should say, whilst all other Members were bombarded with messages from the public and others commenting on and attempting to offer contributions to the debate.¹⁴³

¹⁴⁰ Ibid.

¹⁴¹ Ibid., p. 11.

¹⁴² Ibid., pp. 7–8.

¹⁴³ Ibid., p. 9.

The Committee was aware of the difficulties of regulation in this area, since in such a fast-developing context they would be likely soon to become dated.¹⁴⁴ Ultimately it proposed:

[t]hat hand-held electronic devices (not laptops) may be used in the Chamber, provided that they are silent, and used in a way that does not impair decorum; that Members making speeches in the Chamber or in committee may refer to electronic devices in place of paper speaking notes; and that electronic devices, including laptops, may be used silently in committee meetings, including select committees.¹⁴⁵

Other internal uses of digital communications technology gave rise to concerns and complications. In 2002, a mechanism whereby MPs could electronically submit questions for written responses became operational. It made the task easier, since MPs were otherwise required to fill out a physical form and submit it in person to Table Office. In this sense, digital network technology was enabling MPs to perform more efficiently in contributing to executive accountability to Parliament. However, the e-tabling system came to cause concerns. They were connected partly to its association with a rise in the total volume of written questions, which by 2011 had reached record levels. One objection was resource-related. As of 2011, each written question cost the Commons £80 and the government £154. A further issue was that the more questions were asked, the less likely it was that MPs rather than their staff were closely involved in their drafting. As the House of Commons Procedure Committee put it in 2011:

there is a perception that some questions, especially those submitted electronically, are devised and tabled by Members' staff without always the explicit approval of Members which in itself reduces the significance of the process.¹⁴⁶

Moreover, a rise in the overall number, some felt, might have the effect of engulfing better-devised questions in their mediocre equivalents. In the words of the Commons Procedure Committee: '[f]or Members, the danger is that good sharp questions may get swamped by the sheer volume of questions published'.¹⁴⁷ Finally, if MPs were not present in the Table Office to submit them, there was a greater likelihood that there would be problems with the wording or content of questions that they might then need to resolve in person. However, the introduction in 2011 of a cap on the number of e-tabled questions to five per day for each MP was not successful in reducing the

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., p. 10.

¹⁴⁶ House of Commons Procedure Committee, *Improving the Effectiveness of Parliamentary Scrutiny*, Second Report of Session 2010–11, HC 800 (Stationery Office, London, 2011), p. 16.

¹⁴⁷ Ibid., p. 17.

total number submitted, with MPs proving willing to attend the Table Office in person rather than reduce their frequency.¹⁴⁸

This episode demonstrates the difficulty – when analysing the impact of networked computing on Parliament – of establishing causality. e-Tabling was certainly helpful to MPs wanting to submit questions. Yet they proved able and willing to use more traditional means if need be. Perhaps the availability of digital facilities had encouraged them to table more questions in the first place. But if it did, it led to their acquiring a habit that was self-sustaining, irrespective of their having the same level of access to the technology that had first stimulated it. Ultimately, we are in the realm of speculation. But what is certain is that the Internet and associated internal communications systems had forced Parliament to change, scrutinise, contemplate, and revise the way in which it went about one of its fundamental activities: posing questions to the executive in order to hold it to account.

The concern about the impact of e-tabling upon the nature of the overall system highlighted a further important concept already discussed above in relation to the employment of hand-held devices inside Parliament. The use of a technology for the purposes of carrying out an established activity more efficiently, rather than to facilitate a new practice, might nonetheless have had (possibly unforeseen) transformative effects. A quantitative increase in questions for written answer could – so the concerns raised suggested – have qualitative consequences, by lessening the direct involvement of MPs in drafting, and smothering contributions of higher calibre. Whether or not one accepts that such effects were actually taking place and, if so, that they were attributable to the use of a given technology, such concerns were present as theoretical possibilities. Some within Parliament took them seriously and this credence influenced their attitude towards the use of digital communications.

Government-Parliament Relations

The relationship between the executive and legislative branches of the constitution is complex, and a consideration of parliamentary usage of the Internet reflects this quality. On the one hand, a purpose of the Internet could be to enable representatives in the Commons and the Lords better to hold government to account.¹⁴⁹ The Commons Procedure Committee described in 2008 being told by Carswell that ‘if we were bold about it and we were really willing to allow the Internet to change our political system for the better, we

¹⁴⁸ See *ibid.*; House of Commons Procedure Committee, *e-Tabling of Parliamentary Questions for Written Answer*, Eighth Report of Session 2010–12, HC 1823 (Stationery Office, London, 2012); House of Commons Procedure Committee, *e-Tabling of Written Questions*, Third Report of Session 2012–13, HC 775 (Stationery Office, London, 2012).

¹⁴⁹ House of Commons Information Committee, *Digital Technology*, p. 5.

could allow it to help Parliament to hold the Executive to account'.¹⁵⁰ The following year, the Lords Information Committee described a core objective of online activity by Parliament as being to support it in 'scrutinising the Government'.¹⁵¹ On the other hand, significant changes in Parliament in practice generally require the support of the executive. For instance, as discussed above, Robin Cook, as Leader of the House of Commons, provided motivation for change. In 2002 the Commons Information Committee cited Cook's statement from December the previous year in a memorandum to the Modernisation Committee that the Commons had 'opportunities' to:

harness the new technologies to connect with the wider electorate and with civil society. The Internet, for example, gives opportunities for two-way communication and could be used more systematically for consultation with the public by Select Committees.¹⁵²

In 2009, after setting out a proposed open data programme, the House of Lords Information Committee noted that:

The vision we have outlined . . . cannot be achieved without Government collaboration. The Government needs to share our commitment to use fully open standards for data. The Government should work with Parliament to implement common standards for the categories of information we mention in this paragraph, so as to improve the flow of information between Government and Parliament and to enhance the public's ability to re-use that information.¹⁵³

In 2020, the ability of Parliament to introduce and then sustain remote working procedures during the coronavirus pandemic were, in effect, reliant on executive co-operation. Tension developed between the two constitutional branches at this time, most notably after the government, when introducing a recovery strategy on 11 May, exhorted Parliament to 'set a national example of how business can continue in this new normal . . . it must move, in step with public health guidance, to get back to business as part of this next step, including a move towards further physical proceedings in the House of Commons'.¹⁵⁴

The process by which e-petitioning came into use, the form it took, and the use made of it, help to illustrate the nature of the relationship between Parliament and executive. It exhibits its conflicting aspects, and the part that the Internet could play within them. A major change such as a shift to an e-petitioning system would be dependent upon the executive, given its numerical strength in the Commons and control over its agenda. For this

¹⁵⁰ House of Commons Procedure Committee, *e-Petitions*, p. 15.

¹⁵¹ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 18–19, paras. 46–51.

¹⁵² Cited in House of Commons Information Committee, *Digital Technology*, p. 14.

¹⁵³ House of Lords Information Committee, *Are the Lords Listening?*, vol. I: *Report*, pp. 26–7.

¹⁵⁴ See House of Commons Procedure Committee, *Procedure under Coronavirus Restrictions: The Government's Proposal to Discontinue Remote Participation*, pp. 9–10 and generally.

reason, the emergence of the system was protracted and took place in a form that failed fully to accord with the model favoured by many of its proponents.

Responding to a recommendation from its Procedure Committee, the Commons first approved in principle the idea of an e-petitioning mechanism on 25 October 2007.¹⁵⁵ A full system with a specific Petitions Committee to support it appeared nearly eight years later, at the outset of the 2015 Parliament. Along the way compromise had been judged necessary to achieve this outcome. The process was one of difference and occasional coincidence of interest between Parliament and government. An initial tension came about because the Prime Minister's Office acquired its own e-petitions system before Parliament, in 2006. This initiative represented a threat to the status of Parliament as the principal representative of the public. Being the repository of petitions was among its oldest functions. The executive was seemingly employing a new technology to operate a system that circumvented the legislature in the performance of its core role.¹⁵⁶ This development could be held to imply a downgrading of the system of parliamentary democracy itself. The Internet was therefore associated with constitutional destabilisation, with unfavourable connotations for Parliament. From the point of view of those who favoured the introduction of e-petitioning to the Commons, this same technological application might reverse a tendency they judged unwelcome. It could, they argued, utilise the growing popularity of the Internet to strengthen the operation of traditional parliamentary mechanisms.¹⁵⁷

Subsequently, impetus came from the UK government to establish a system in the Commons. When Gordon Brown succeeded Tony Blair as Labour Prime Minister in mid-2007, he presented constitutional reform as the central part of his agenda. Unveiling a programme with the general title 'The Governance of Britain', it proposed a range of changes, including that the Commons needed to adopt 'up-to-date procedures for considering petitions' (it had similar plans for local government level as well). Making reference to the petitioning feature on the Prime Minister's Office website, the UK government held that 'people should be able to petition the House of Commons with as much ease as they are currently able to petition the Prime Minister'. Government support for a Commons e-petitioning system therefore appeared firm, even to the point of urging swift progress.¹⁵⁸

In April 2008, the Commons Procedure Committee recommended that the Commons introduce an e-petitioning system, setting out a model for how it could work. The Labour administration responded positively the following July. But by the end of the same year, it became less enthusiastic and stalled implementation of the project. The main issue the government raised – in a

¹⁵⁵ House of Commons Procedure Committee, *e-Petitions*, p. 9.

¹⁵⁶ *Ibid.*, p. 14.

¹⁵⁷ *Ibid.*, p. 9.

¹⁵⁸ *Ibid.*

time of international economic downturn – involved the costs it had projected for the system the Procedure Committee envisaged. It believed that the initial outlay would be £500,000, and £840,000 per year thereafter. The Committee held that accurate predictions of this type were difficult, because there was no other project it could identify internationally ‘of comparable scale and ambition’. It nonetheless acknowledged that substantial outlay at some level would be involved both in guaranteeing security and ensuring that the system functioned satisfactorily from the outset. However, it denied the validity of comparisons to the cost of the No. 10 system, which seems to have been substantially lower (though there were problems with establishing precise figures). Unlike this established version of e-petitioning, the mechanism the Committee envisaged for the Commons would be fully integrated into parliamentary proceedings, and provide a role for individual Members. These intentions brought with them resource implications. On this analysis, to function appropriately in a parliamentary context, e-petitioning would of necessity cost more than the No. 10 system. The Procedure Committee urged ‘the Government to think again’.¹⁵⁹ The House of Commons Reform Committee then considered e-petitions as part of its remit. But in its 2009 report it made no firm recommendation in this area other than calling for discussions within the Commons to secure clear consensus around a way forward.¹⁶⁰ This goal was not achieved; and no progress was made in advance of the 2010 General Election and the changeover from a Labour to a Conservative–Liberal Democrat coalition.

The coalition agreement had contained a commitment to make petitions with 100,000 or more signatories ‘eligible for formal debate in Parliament’. In July 2011, the government relaunched its system, moving it from No. 10 to the remit of the Leader of the House of Commons. Petitions reaching the 100,000 figure could be submitted (via individual MPs) to the House of Commons Backbench Business Committee (an entity formed in 2010 – in response to the findings of the House of Commons Reform Committee – that was responsible for allocating non-government time in the Commons), with a request that it try to create space for a debate.

The executive had unilaterally imposed an arrangement upon Parliament, whereby the latter in effect became responsible for petitions directed to the former. In this sense, through employment of the Internet, it was encroaching upon an activity that had been part of the business of Parliament since medieval times. Seeking to reassert what the Procedure Committee described as ‘the House’s historic role as the principal recipient of public petitions’,¹⁶¹ in May 2014 the Commons passed without division a motion stating that:

¹⁵⁹ House of Commons Procedure Committee, *e-Petitions: Call for Government Action*, Second Report of Session 2008–09, HC 493 (London, Stationery Office, 2009), pp. 3, 6.

¹⁶⁰ House of Commons Reform Committee, *Rebuilding the House*, p. 73.

¹⁶¹ House of Commons Procedure Committee, *e-Petitions: A Collaborative System?*, Third Report of Session 2014–15, HC 235 (London, Stationery Office, 2014), para. 16, pp. 8–9.

this House supports the establishment, at the start of the next Parliament, of a collaborative e-petitions system, which enables members of the public to petition the House of Commons and press for action from Government; and calls on the Procedure Committee to work with the Government and other interested parties on the development of detailed proposals.

Eventually, after the 2015 General Election, this proposal was put into practice, with a specific Petitions Committee formed to oversee the system. (It was at this point that there was a move to petitioning the Commons directly, rather than via individual MPs.) However, while the Commons had managed to achieve an arrangement more in line with its objectives than had previously been the case, this sequence of events also illustrated some of its weaknesses with respect to the executive. An effort at innovation had been delayed by some years. Change, when it did occur, was initially forced upon Parliament by the government. Furthermore, even the system as it operated from 2015 was a source of controversy among many advocates of parliamentary e-petitioning. Ideally, they would have liked a specific parliamentary mechanism, rather than one that was shared with the government. There was dissent among them about whether it was worth conceding this point in order to avoid the public confusion that might arise from the simultaneous existence of two different e-petition sites.¹⁶²

A consideration of e-petitioning also makes possible some more general observations about parliamentary adoption of the Internet, and the constitutional consequences of this process. When the introduction of such a system was under consideration, views differed about the extent to which it would be compatible with the position of Parliament within a representative democracy. Carswell submitted evidence to the Commons Procedure Committee in November 2007 arguing in favour of a mechanism by which, if a defined number of members of the public supported it, a legislative proposal could receive a parliamentary Second Reading, at which MPs (assuming the vote was taking place in the Commons) would be given the opportunity to approve or reject the measure in principle. This idea went beyond the mechanism that was ultimately introduced, in that it entailed a firm procedure by which petitions would feed into legislative processes. But despite the power it would grant to external forces, Carswell held that '[g]iving people the power to e-petition and initiate Parliamentary debates online would not diminish the role of elected MPs. On the contrary, it would ensure that more people took a greater interest in what happened in the House of Commons.' He argued that it would stimulate responsible political engagement, and judged that – on a basis of international evidence – it would not necessarily lead to illiberal proposals such as restoration of the death penalty.¹⁶³

¹⁶² For a narrative of these events, see *ibid.*

¹⁶³ Mr Douglas Carswell MP (P10), 'e-Petitions and Initiative: Open Politics in the Age of YouTube', House of Commons Procedure Committee, *e-Petitions*, First Report of Session

In contrast, the Labour MP Graham Allen – whose early advocacy of internet-related technology we encountered in Chapter 6 – submitted evidence to the Commons Procedure Committee in January 2008 raising concerns about e-petitioning. Allen described the system as coming within ‘the referendum/populist category of e-democracy’, and suggested the Committee give consideration to a process of online participation in pre-legislative scrutiny ‘which invites people into the world of representative democracy’ in a considered and informative fashion. As a representative of a constituency that had the lowest level of educational attainment in the UK, he suspected that the practice would ‘inevitably be skewed away from my constituents who have lower PC use, are less literate and include a high percentage of the elderly’. Furthermore, Allen’s experience of email was that it was ‘often more reactive and less considered than the comments and problems which I receive in letters’. Such a tendency would spill over into e-petitioning. The system would be open to manipulation by ‘the 24/7 media’, that would have ‘no compunction in launching media e-campaigns’. All forms of petitioning, he recognised, were vulnerable to abuse. But the rapid potential reach of the Internet accentuated the risks. Furthermore, Allen doubted whether e-petitions would generate meaningful responses from the government.¹⁶⁴

These divergent perspectives illustrate some of the complexities involved in the wider subject. Carswell and Allen were both firm supporters of the parliamentary use of the Internet as a means of democratic engagement. But they held conflicting views of the form it should take. That which the former regarded as a means of strengthening Parliament through public involvement, the latter perceived as a manipulative threat. Adoption of the technology was the beginning, not the end, of a debate. The Internet had prompted much parliamentary self-reflection and reorientation by the institution. It had encouraged examination of fundamental questions about the legislature and its external relationships, especially with the people it represented and the government that was both formed out of it and which it held to account. Both Houses were involved. Long-established principles of operation were challenged. New practices were developed and old ones revived in adjusted form.

A powerful force for change was a sense of democratic deterioration, supposedly with especially grave consequences for Parliament, that the Internet might assist in correcting. Belief in this tendency provided particular motivation for innovations such as online consultations and e-petitions. Yet, as we have seen, ideas about decline had precursors, as did the suggestion that a communications medium – such as television – might help address it. Enthusiasts for parliamentary use of the Internet often failed, it seems, to

2007–08, HC 136 (London: Stationery Office, 2008), Ev. 12–14, submitted for committee oral evidence session held on 28 November 2007.

¹⁶⁴ Mr Graham Allen MP (P21), House of Commons Procedure Committee, *e-Petitions*, First Report of Session 2007–08, HC 136 (London: Stationery Office, 2008), Ev. 60–1.

recognise this point. As noted above, Robin Cook, in his role as Leader of the House of Commons, generated impetus for more extensive use of the technology early in the twenty-first century. In a diary entry for 17 July 2001, he discussed what he regarded as the need for parliamentary reform or ‘modernisation’. Cook depicted Parliament as appearing anachronistic to the public ‘in the age of the world wide web’. Increasing numbers of people, he held, lacked a feeling of ‘ownership of their parliamentary democracy’.¹⁶⁵ For Cook, television (or at least the particular way it had been utilised) was part of the problem. He wrote:

Two hundred years ago, Byron complained that MPs were more formidable as an audience than they were as speakers. But now we are on television. Or, more precisely, our most vituperative, bad-tempered exchanges make it on to television. Broadcasting loves the party political mud-wrestling of contests such as Prime Minister’s Questions because for entertainment value it rivals any theatre. However, the kind of drama that gets the Commons air time with the broadcasters also gets it a bad name with the public.¹⁶⁶

The ‘widening gulf’ between Parliament and public that Cook identified seemed, in his account, to be a relatively recent problem, at least in intense form.¹⁶⁷ But it appears remarkably similar to the phenomenon that Aneurin Bevan – as described in Chapter 5 – had discerned four decades previously. Bevan referred in 1959 to ‘a considerable gulf growing between this House and the nation’. Like Cook, Bevan saw communications technology (then, newspapers and broadcasting) as part of the problem, but also of the potential solution, if deployed differently. He called for a specialised parliamentary channel as a means of ‘re-establishing intelligent communication between the House of Commons and the electorate as a whole’. Admittedly, Bevan disliked the idea of the edited highlights incorporated into more general coverage to which Cook specifically objected. In this sense it was a particular use of a device rather than the mechanism itself that was at issue. But it is notable that the programme for parliamentary use of the Internet that Cook supported would attach some of the same expectations to this newer technology that earlier reformers such as Bevan had once invested in the very practice, broadcasting, that Cook saw as contributing to the difficulties it was hoped networked computers could help address.

Some kind of adoption of the Internet would presumably have taken place with or without this particular motivation. Moreover, that there was concern among parliamentarians about trends in electoral turnout, and that they might consider ways of responding to them, is entirely understandable. But it is notable that transition to a technology encompassing many of the internal and

¹⁶⁵ Robin Cook, *The Point of Departure: Diaries from the Front Bench* (Pocket Books, London, 2004), diary entry for Tuesday 17 July 2001, p. 25.

¹⁶⁶ *Ibid.*, p. 26.

¹⁶⁷ *Ibid.*, p. 25.

external functions of Parliament occurred partly on the basis of premises about decline and the potential of communications devices, the veracity of which was open to debate, but that did not seem to receive the degree of scrutiny they merited, especially from an historical standpoint. Questions that might have been asked included: how do the supposed problems of today differ from those that came before; how effective were previous responses to them; and what are the implications for the likely success of present proposals?

Not only were the grounds on which the institution embraced the technology to some extent questionable. As the interventions of Carswell and Allen show, those who were firm supporters of the Internet as a means of democratic enhancement could disagree seriously about the precise uses to which it should be put and the likely consequences of decisions made. Indeed, uncertainty was considerable. The concerns about possible abuse of online forums, for instance, demonstrated that embracing particular uses of this communications technology entailed acceptance on the part of Parliament that it could not exercise complete control over the outcome. There might be consequences for its reputation with which it was not wholly comfortable. It had faced similar dilemmas previously: notably with printing, radio, and television. In each case it eventually came to accept that a trade-off was, to some extent, necessary or even worthwhile. The Commons Procedure Committee made such a calculation in its deliberations about the suitability of Commons e-petitions in 2008. It had reservations about them. But it also sensed the possibility of significant gains, in particular the potential for meaningful and wide public engagement. The Committee concluded: 'introducing e-petitioning is something of a gamble, possibly an expensive gamble, but a gamble which in our opinion is worth taking'.¹⁶⁸ Parliament has sometimes been depicted – including by those working within it – as an institution within which conservative inclinations predominate. But the technological and political context enabled such instincts to be overcome. The next chapter considers the outward-looking aspects, including parliamentary perceptions of the social impact of the technology, and the policy recommendations it promoted.

¹⁶⁸ House of Commons Procedure Committee, *e-Petitions*, p. 49.