



The Report of the Select Committee on Reform of the House of Commons, *Rebuilding the House*

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On 10 June 2009 the Prime Minister announced that the Government would support a proposal from Tony Wright, the Chairman of the Public Administration Select Committee, to establish a time-limited committee on reform of the House of Commons. Following some disagreement on the exact terms of reference for the committee, the House of Commons agreed to establish the Committee on 20 July 2009. The Committee published its report on 24 November. Its main recommendations were that:

- Chairs of departmental and similar select committees should be directly elected by secret ballot of the House. Members of select committees would be elected within party groups.
- Backbench business should be organised by a Backbench Business Committee, responsible for all business which is not strictly Ministerial. That Committee would then join with the representatives of the Government and Opposition in a House Business Committee which would be obliged to come up with a draft agenda for the week ahead. This agenda would then be put to the House for its agreement.
- The Procedure Committee should become for a trial period a 'Procedure and Petitions' Committee dealing with petitions under the current rules. At the same time, there should also be a number of changes designed to give petitions a higher profile in Parliament, including taking forward urgently further discussions on the introduction of e-petitions.

On 20 January 2010 Gordon Brown said that the Government would accept "many" of the Committee's recommendations. The next day, the Leader of the House of Commons announced that the Government intended to bring the matter to the House for debate and decision on 23 February. On 28 January the Leader of the House confirmed that 21 of the Committee's recommendations would be put to the House. She said that they would be tabled as a series of non-amendable motions which would fall if a single Member objected. The date of the debate has since been brought forward one day, to 22 February. The Government motions relating to the Report appeared on the Remaining Orders and Notices on 8 February; a Written Ministerial Statement was published the next day.

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1 Introduction

On 10 June 2009 the Prime Minister announced that the Government would support a proposal from Tony Wright, the Chairman of the Public Administration Select Committee, to establish a time-limited committee on reform of the House of Commons. The House of Commons agreed to establish the Committee on 20 July 2009.¹

Before the Committee's remit was agreed, there was considerable "to-ing and fro-ing" behind the scenes. The Government's original proposal attracted a number of amendments and was withdrawn to allow discussions to incorporate the sense of some of the amendments. The evolution of the motion is reviewed in the separate Standard Note, SN/PC/5140, *Establishment of the Select Committee on Reform of the House of Commons*.

The terms of reference as agreed by the House were to consider and make recommendations on:

- the appointment of members and chairmen of select committees;
- the appointment of the Chairman and Deputy Chairmen of Ways and Means;
- scheduling business in the House;
- and enabling the public to initiate debates and proceedings in the House.

The Committee had 18 members, was to be chaired by Tony Wright, and had to report to the House by 13 November 2009.²

2 The Committee's Report, *Rebuilding the House*

The Select Committee on the Reform of the House of Commons agreed its report, *Rebuilding the House*, at its meeting on 12 November 2009.³ It was published on 24 November 2009.⁴

2.1 Principles

The report begins by setting out general principles. The Reform Committee's key principle was that the "Government should get its business, the House should get its scrutiny and the public should get listened to". The guiding principles which followed on from this were that:

¹ HC Deb 20 July 2009 c694

² HC Deb 20 July 2009 c719

³ House of Commons, *Votes and Proceedings*, 12 November 2009, Item 28

⁴ House of Commons Reform Committee, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09

(a) We should seek to enhance the House of Commons' control over its own agenda, timetable and procedures, in consultation with Government and Opposition, whilst doing nothing to reduce or compromise such powers where they already exist;⁵

(b) We should seek to enhance the collective power of the Chamber as a whole, and to promote non-adversarial ways of working, without impeding the ability of the parties to debate key issues of their choosing; and to give individual Members greater opportunities;⁶

(c) We should seek to enhance the transparency of the House's decision making to Members and to the public, and to increase the ability of the public to influence and understand parliamentary proceedings;⁷

(d) We should recognise that the Government is entitled to a guarantee of having its own business, and in particular Ministerial legislation, considered at a time of its own choosing, and concluded by a set date;⁸

(e) We should recognise that time in the Chamber, Westminster Hall and committees is necessarily limited, and therefore should work broadly within the existing framework of sitting days and sitting hours;⁹

(f) Changes should be devised with sensitivity to real-world political constraints, and in a way which maximises the likelihood of achieving majority support in the House.¹⁰

2.2 Deputy Speakers

The Committee explained that it had not considered this matter in detail, as the Procedure Committee had carried out its own inquiry into the matter. The Procedure Committee had announced its inquiry on 16 July 2009, and published a report on 2 November 2009 which had set out key principles for the election of the Deputy Speakers.¹¹ The Reform Committee was supportive of the Procedure Committee's conclusions, and itself recommended that:

It must in our view be right that a transparent means be found for the House as a whole to elect the House's three principal office-holders below the Speaker. As we have discovered in our examination of the appointment of members and Chairs of select committees it is not easy to find a generally acceptable and fair procedure. It is now for the House to consider the Procedure Committee's Report.¹²

2.3 Select Committees: Election of Members and Chairs

The Reform Committee's main recommendation on select committees was that select committee chairs should be elected by secret ballot of the whole House, using the alternative vote system. Committee members should be elected by party groups, using a system which

⁵ *Ibid*, para 22

⁶ *Ibid*, para 24

⁷ *Ibid*, para 26

⁸ *Ibid*, para 29

⁹ *Ibid*, para 31

¹⁰ *Ibid*, para 33

¹¹ Procedure Committee, Fourth Report of Session 2008–09, Election of the Deputy Speakers: Principles, HC 1080. It had reported on the subject in 2002, Second Report of 2001-02, HC 770, Appointment of Deputy Speakers

¹² House of Commons Reform Committee, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, para 40

had the approval of House authorities. The names would then be put forward to the House for approval.¹³

The Committee had considered a number of variations in how to select members and chairs of committees, and set out some of their reasoning in favour of their preferred option in the report. They first considered the following options:

- Maintaining the current system but with democratic safeguards: meaning transparent intra-party elections of select committee members by secret ballot conducted under the auspices of the House authorities, and a secret ballot within the committee for election of a Chair from a party openly identified in advance.
- Creation of a “selectorate” committee of senior members to whom application for a select committee place could be made, who would present their proposals to the House, based on Members’ “expertise” and demonstrable interest in the committee’s subject area.
- Election by secret ballot of the House of members of select committees and/or of Chairs.¹⁴

The Committee first ruled out the use of a selectorate as such a system would not meet the current mood of the House. Instead the Committee considered four options based on the use of elections:

- election of Members and Chair of select committees by secret ballot of the whole House;
- election of Members of select committees by secret ballot of the whole House, with the Committee then electing their own Chair from amongst their number;
- election of Chairs of select committees by secret ballot of the whole House, with the election of committee members through party groups;
- election of Chairs and members of select committees through party groups.

The Committee favoured the election of chairs by secret ballot of the whole House, with the election of committee members through party groups. It was felt that this would be a transparent process which would operate effectively in a chamber which might have a large number of new Members after a general election. They concluded, for chairs, that:

We recommend an initial system of election by the whole House of Chairs of departmental and similar select committees, and thereafter the election by secret ballot of members of those committees by each political party, according to their level of representation in the House, and using transparent and democratic means. The committees within this system should be those appointed under SO No 152 [the departmental select committees] together with the Environmental Audit Committee, the Public Administration Committee and the Committee of Public Accounts. We have concluded that of the four options we considered this is the system most likely to demonstrate the determination of the House more effectively to hold the executive to account, to give more authority to the scrutiny function of Parliament and at the same time to preserve the effective functioning of select committees. We also believe that it is likely to command widespread support in the House as a major step forward, but short of more radical proposals. It should give a major boost to these select

¹³ For more information see Library Standard Note, SN/PC/3719, [Nominations to Select Committees](#)

¹⁴ *Ibid*, para 76

committees, help establish the position of their Chairs, and increase the standing of their elected members.¹⁵

For the first running of the new system, the Committee recognised that the House may prefer to rely on party managers coming to an agreement on the distribution of chairs on the basis of established conventions but with the results of this distribution announced to the House by the Speaker.¹⁶

They concluded, for membership of select committees, that:

We propose that in the new Parliament members of departmental and similar select committees should be elected by secret ballot within party groups, by transparent and democratic processes, with the outcome reported to and endorsed by the House. Party groups would in effect be acting on behalf of the House as electoral colleges. They would therefore expect to act under some constraints as to the methods used to elect committee members. We do not think it necessary that the House should interfere so far as to lay down one particular method of election rather than another. But the method chosen should be one approved by the Speaker, following independent advice, as transparent and democratic: "kite-marked" as legitimate in effect. Officers nominated by the Speaker would be obliged to assure themselves that the processes followed by each party, as notified by its Leader, were indeed in accordance with these norms. And each party would be obliged to publish the method it had adopted.¹⁷

The Committee also recommended that the system should be reviewed after two years, and that this would be an appropriate time to see whether the system should be extended to other select committees.¹⁸

The Committee briefly considered the membership of the Intelligence and Security Committee, and stated that:

It is unsatisfactory that any reforms we recommend to the system of election of members and Chairs of the House's select committees cannot be applied at the same time to the Intelligence and Security Committee. We recommend that the Committee be regarded as one whose chair is held by convention by a Member from the majority party; that candidates wishing to stand for election by the House to the chair of the Committee should be obliged to seek in advance of the ballot the formal consent of the Prime Minister for their candidature, to be notified in writing; and that thereafter the procedure should be as for other departmental and similar select committee chairs.¹⁹

The Committee also suggested that there should be a review of the means of selection of public bill committee members.²⁰

The Committee also made several other recommendations in relation to the operation of the select committee system:

- under any system, the principal select committees should be nominated within no more than six weeks of the Queen's Speech and that this should be laid down in Standing Orders and capable of being enforced by the Speaker;²¹

¹⁵ *Ibid*, para 80

¹⁶ *Ibid*, paras 80-82

¹⁷ *Ibid*, paras 87-88

¹⁸ *Ibid*, para 6

¹⁹ *Ibid*, para 59

²⁰ *Ibid*, para 60

- the House should adopt the practice the Committee was following of the use of the gender-neutral term ‘Chair’ to denote the individual chairing a committee, and ‘chair’ to denote the office held, save where a particular officer is meant, such as the Chairman of Ways and Means;²²
- the new House of Commons should reduce the size of its standard departmental committees to not more than 11. Members in individual cases could be added to specific committees to accommodate the legitimate demands of the smaller parties;²³
- the practice of appointing parliamentary private secretaries and front bench Official Opposition spokesmen should cease;²⁴
- there should be clear consequences for unreasonable absence from select committees;²⁵
- the House should seek to reduce the number of committees, ending overlapping or duplicate remits;²⁶
- that the Liaison Committee should re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands made of Members as their role grows.²⁷

2.4 Business in the House

In brief, the committee recommended that there should be a Backbench Business Committee with responsibility for backbench business, which would join with Government and Opposition representatives to form a separate House Business Committee. The House Business Committee would be chaired by the Chairman of Ways and Means (the Deputy Speaker) who would move the Business Motion in the Chamber. The House would be able to amend and vote on the Business Motion, but given the method of agreeing it through more open means, it would not necessarily be divided on every week.²⁸

Business Motion

The Committee argued that the House should determine its own agenda, and therefore a motion should be put to the House on its business on a set day and time each week. The motion would:

- set out the basic details of the agenda in the House for the week ahead, including the next Thursday in Westminster Hall;
- be available for inspection by Members by the middle of the previous day;
- be open to amendment, subject to the Chair’s powers of selection;
- be put formally to the vote after the elapse of a period set out in Standing Orders, such as 45 minutes;

²¹ *Ibid*, para 56

²² *Ibid*, para 37

²³ *Ibid*, para 55

²⁴ *Ibid*

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ *Ibid*, para 59

²⁸ For more information about proposals for a Business Committee please see the Library Standard Note, SN/PC/5269, [Proposals for a Business Committee for the House of Commons](#)

- if an amendment were selected, give rise to a debate with specific speaking time limits following the 45 minute question and answer session, and would if need be end in a non-deferrable decision.²⁹

Although it would be possible to divide on the motion, there is no reason why there should as a rule be a vote on it, as it would have been subject to wide discussion and have been seen in draft as the Committee also recommended that a draft agenda for the second week should also be announced at the same time as the formal agenda motion. The motion would take the place of the current Business Questions.

Backbench business

The Committee recommended that backbenchers should schedule backbench business.³⁰ The Committee stated that:

...it is in our view time for Members of the House, through a committee of their elected colleagues, to take some responsibility for what the House debates, when and for how long; and also for what it does not wish to debate, either at all or at its current length.

...

We therefore recommend that a Backbench Business Committee be created. It should be comprised of between seven and nine members elected by secret ballot of the House as a whole. The Chair would also be elected by ballot of the whole House. Frontbench members of all parties and PPSs would be ineligible for membership of the committee. The committee would have its own secretariat, provided by the Clerk of the House. To ensure that it was fully informed on a range of considerations affecting the scheduling of debates, such as the availability of Ministers, it might wish to invite the attendance of the Government's business managers for part of the meeting. The committee would meet weekly to consider the competing claims for time made by select committees and backbenchers in groups or as individuals for the protected days and or time/slots (see below) available in the two weeks ahead, and then to come to a firm view on the backbench business in the week immediately ahead.³¹

Later in the report, the Committee looked at the time available for the Backbench Business Committee to fill.³² They stated that from the figures available, one day a week could be devoted to backbench business, leaving enough time for ministerial business. The Committee considered various options available. Firstly, a particular weekday could be set aside every week. The Committee suggested that if a particular day were to be protected, it should be on Wednesday, with Thursdays again becoming a main day for debate on Government legislation or other Business. However, to avoid rigidity in the timetable, it would also be possible to leave the selection open to the process of regular discussion and negotiation through the House Business Committee. The Committee noted that the backbench time could be split into smaller amounts than full days – either in half-days or smaller packets. This could ensure some backbench business on most days but might be unduly diffuse. It could also be possible to ensure a total number of days a session, as is currently the case for Opposition Days, or to have quotas for specified types of business. Whichever way was chosen, the Committee recommended that the total amount of time should be equivalent to one day a week.

²⁹ *Ibid*, para 169

³⁰ *Ibid*, para 176

³¹ *Ibid*, paras 178-180

³² *Ibid*, p63-64

Ministerial and Opposition Business

The Committee stated that:

Ministers should continue to have first call on House time for Ministerial business, meaning Ministerial-sponsored primary and secondary legislation and associated motions, substantive non-legislative motions required in support of policies and Ministerial statements on major policy issues.³³

The Committee also recommended that Opposition parties should continue to have a pre-emptive right to their fixed number of days, to be spread evenly through a session, but that there was a case for Opposition parties to be given more say on when they can take a day or half day. In addition, the Committee suggested that a wider range of business could be taken on such days. Lastly, on Opposition Days, it was recommended that the subjects of Opposition Day motions should be laid down with at least two days' notice.³⁴

A House Business Committee and a Backbench Business Committee

The Reform Committee argued that there should be two committees:

The task of assembling a draft agenda to put to the House should be undertaken by a unified House Business Committee comprised of representatives of all parts of the House with a direct interest: backbenchers, Government and Opposition. The members of this committee would comprise the elected members of the Backbench Business Committee, together with frontbench Members nominated by the three party leaders. We would expect the Leader and shadow leaders to be among these nominees. The House Business Committee should be chaired by the Chairman of Ways and Means (the Deputy Speaker), who would have been elected by the House as a whole to that office with this function partly in mind. It would have a secretariat combining the House officers who support the Backbench Business Committee and the Government officials who currently support the usual channels.³⁵

Report Stage

The Committee recommended a number of changes to the report stage public bill procedure. They concluded that this was "the single greatest cause of dissatisfaction" they had detected with current scheduling of legislative business.³⁶ The Committee argued that:

Effective scheduling of business at report stage would often require nothing more than the allocation of a sufficient total time. It is too often insufficient at present. The House Business Committee which we recommend below will be a forum for agreeing the length of time to be devoted to a report stage in order to fulfil the scrutiny function adequately. But that is not enough in itself. Because effective scrutiny of legislation is of fundamental importance to the role of the House, the detailed use of that time must be a matter of concern. We believe that the time should be set so that the House should if it wishes be able to vote on new Clauses and amendments in every group, if and when they are selected for separate division by the Chair; and that there should be a presumption that no major group should go undebated. The House of Commons would then be able to exercise the same rights as the House of Lords.

This is precisely why we will have a House Business Committee. It will decide where, if at all, knives should fall bringing debate to an end on each group of selected new

³³ *Ibid*, para 182

³⁴ *Ibid*, paras 188-190

³⁵ *Ibid*, para 200

³⁶ *Ibid*, para 109

Clauses and amendments. As now, priority would be given to Government new
Clauses and amendments...

...

In order to ensure that this system can work, without using up too much time and to avoid attempts to “talk out” full debate, we recommend the introduction of a regime of speaking time restrictions at report stage. We have gone beyond the issue of scheduling total time for report stage because we recognise that unless the current problems in this area are resolved then there will continue to be dissatisfaction and a sense that the House is failing to perform one of its core duties. In those circumstances we will have failed in one of the primary parts of our mission. Our recommendations outlined above as part of the general reform which we propose below of the scheduling of business are intended to ensure that the House itself decides what matters is debated and decided at report stage of a Ministerial or Private Members’ Bill.³⁷

Select Committee debates

The Committee pointed to current difficulties in debating select committee reports in the House of Commons. For example, it argued that debates were not held until a Government Reply was received, which could take two months or more to compile. Where there were debates, there was no opportunity for a committee to test its conclusions in a vote of substance. The Committee recommended that:

Select committees, including those concerned with the House’s own affairs, deserve greater access to the agenda, so that they can have their reports debated and decided upon a substantive motion, at a time which best suits them and the House.³⁸

Later in the report, the Reform Committee suggested that select committee Chairs could be able to make a short speech in the Chamber on publication of a report.³⁹

Individual Member initiatives and Private Members’ Bills

The Committee recommended that any revised system “must respond to the widespread sense that the right should be restored to Members to get a substantive motion put to the House and decided”. In the section on public participation, the Committee went on to make a recommendation for a form of such a procedure (see below). On Private Members’ Bills, the Committee noted that the proposition that they should be taken on Wednesdays enjoys some support, as do proposals that there should be some sort of automatic guillotine to constrain the ability of a handful of members or a Minister to “talk a Bill out”. The Committee recommended that “The House should be responsible for ensuring that merely procedural devices cannot obstruct Private Members’ Bills, and that they are brought to a decision”.⁴⁰

Related matters

Although the Committee did not make detailed recommendations about a number of related matters, it did make suggestions about the way in which time in the House should be used:

³⁷ *Ibid*, paras 116-118

³⁸ *Ibid*, para 191

³⁹ *Ibid*, para 221

⁴⁰ *Ibid*, para 194

- the new Parliament should be asked to decide the issue of September sittings, along with other sitting issues, sufficiently early in its life to be able to decide whether to sit in September 2010;⁴¹
- it may be time to re-examine the need for annual sessions, and greater use of carry-over of Bills could have a significant effect on scheduling business in the House;
- it endorsed the Liaison Committee's proposals⁴² for increasing from 3 to 5 the number of Estimates Days and in particular its suggestion that the type of debate on such days be widened to allow substantive opinion motions for future years;⁴³
- Estimate Day debates could also cover substantive motions on departmental annual reports, and recommendations in select committee reports which in the view of the Liaison Committee have not been adequately addressed by the Government's response;⁴⁴
- there could be different procedures to give an opportunity for more thorough parliamentary scrutiny of ministerial statements, and statements could be given at a different point in the parliamentary day;⁴⁵
- one way of restoring Thursdays as a proper day for business would be to return Prime Minister's Questions to that day – the Chief Whips should pursue this suggestion;⁴⁶
- different forms of backbench business could be brought forward, perhaps including substantive motions moved by backbenchers; some categories of non-Government bills could be given priority over or equality with those presented following the ballot; the presentation of a select committee report in the chamber by the Chair and one or two Members; alternative uses of the 10-minute rule bill slot, or its extension to Monday and/or Thursday; periods for short miscellaneous speeches not expecting a Ministerial reply.⁴⁷

2.5 Involving the Public

The Committee's general view was set out in the statement that:

The primary focus of the House's overall agenda for engagement with the public must now be shifted beyond the giving of information towards actively assisting the achievement of a greater degree of public participation.⁴⁸

Petitions

The Committee noted that many proceedings initiated by Members in the House originated with constituency concerns, and that much constituency work is carried out by Members not through the proceedings of the House but through private correspondence. However, the most direct means available to the public to initiate proceedings was through petitions. The

⁴¹ *Ibid*, para 100

⁴² Liaison Committee, *Financial Scrutiny: Parliamentary Control over Government Budgets*, HC 804 2008-09, para 116

⁴³ House of Commons Reform Committee, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, para 137

⁴⁴ *Ibid*, para 138

⁴⁵ *Ibid*, para 187

⁴⁶ *Ibid*, para 213

⁴⁷ *Ibid*, para 221

⁴⁸ *Ibid*, para 232

Committee set out the background to the current petitions procedure and the recent work of the Procedure Committee on e-petitions.⁴⁹ The Committee recommended that there should be:

...urgent discussions among all those involved in the e-petitions scheme, with a view to bringing to the House in the early part of 2010 a costed scheme which enjoys the support of the Member bodies engaged: that is, the Finance and Services and Procedure Committees, and the House of Commons Commission.⁵⁰

The Committee noted that it was important that the focus on e-petitions did not displace concern with the “standard” petitions, and made several recommendations for reform:

- the Procedure Committee’s terms of reference should be broadened and its title changed to Procedure and Petitions Committee, so as to enable it to exercise scrutiny of the petitions process, on an experimental basis, from January 2010 until the end of this Parliament;⁵¹
- there should be a trial in 2009-10 of debates on petitions, subject to the presentation of petitions of sufficient significance;
- the House should ensure that petitioners are informed of recent relevant House proceedings;⁵²
- it would slightly enhance the status of petitions if notice was required to present petitions, and if it appeared on the House’s Order Paper at the appropriate place;⁵³ and
- it would be more dignified if, as is the case with Bills presented to the House by a backbench Member, the front sheet of the petition presented was taken to the Table, and an appropriate announcement read by the Clerk.⁵⁴

Early Day Motions and Motions for House debate

The Committee then considered the current system of Early Day Motions and recommended a new form of motions for House debate which could respond to public concerns:

We consider that it would be wiser to leave the existing system of EDMs to fulfil its present functions, and create alongside it a bespoke system of producing Motions on subjects which a number of backbenchers genuinely felt required *debate* – as opposed to, for example, unexceptional motions praising an organisation, or purely political partisan motions. Members could be constrained to signing one “*Motion for House Debate*” over a period of, say, a month. At the end of that period, the number of signatories could be weighted by party grouping to create an order of priority, and a selected motion from among the most heavily supported could be given a guaranteed debate slot in the House or Westminster Hall by the Backbench Business Committee.

It would be open to the public to seek such debates through Members and to lobby individual Members to sign such an application. Members would have to choose from a number of options. The responsibility would rest with backbench Members,

⁴⁹ See *Ibid*, para 246-254 and Library Standard Note SN/PC/4725, [Proposals for an e-petitions system for the House of Commons](#)

⁵⁰ *Ibid*, para 254

⁵¹ *Ibid*, para 263

⁵² *Ibid*, para 265

⁵³ *Ibid*, para 266

⁵⁴ *Ibid*, para 267

accountable to their constituents. There would no doubt be some “game-playing”. The system would have to allow Members to switch their signatures in the event of a more “attractive” Motion being tabled later in the period. We recommend that a scheme to this effect be worked up by the House authorities for piloting in the new Parliament.⁵⁵

Legislative Process

The Committee considered proposals for the public to be more involved in the process of legislating. It stated that the legislative process was already significantly influenced at all stages by public opinion, often organised through pressure and interest groups. However, the opportunities for individual involvement was limited to the possibility of submitting evidence either to a select committee on a draft bill, or to an evidence taking public bill committee. In practice, there were few individual submissions.

The Committee commented that there have been recent proposals for a ‘public reading stage’ after second reading.⁵⁶ The Committee concluded that:

Opening up the process of legislation and giving a real opportunity to the public to influence the content of draft laws should be a priority for consideration in the next Parliament. That is an issue for Parliament and not for Government.⁵⁷

Petitions requiring debate

Lastly, the Committee considered proposals that the public should be able to directly initiate debates in Parliament in the same way as they will be able to do so in local authorities once the relevant provisions in the *Local Democracy, Economic Development and Construction Act 2009* are brought into force. In short, under the legislation, local authorities in England and Wales will have a duty to receive and respond to petitions (including e-petitions), and petitions receiving a high degree of support would automatically result in a debate in the council. The Committee recommended that:

...the House commission an investigation of the practicalities of applying at a national level the procedures applied to local authorities for “petitions requiring debate”, drawing on local and international experience, including the appropriate thresholds to be applied.⁵⁸

2.6 Divisions in the Committee and the Minority Report

Two Members of the Committee, Natascha Engel and Peter Atkinson, proposed a minority report, which in summary, suggested that the key areas the Committee had been concerned with should be explored more thoroughly in the next Parliament. The minority report also recommended that a future Parliament should look “at the wider role of parliament and Members of Parliament, to start an open and honest debate about what it is that Members of Parliament do and how the constituents that we represent can better influence our work and decisions”.⁵⁹ The minority report did not receive the support of other Committee members.

Dr Phyllis Starkey proposed that paragraphs 57-59 of the report, on the Intelligence and Security Committee, should be left out. This amendment was negated.⁶⁰

⁵⁵ *Ibid*, paras 271-272

⁵⁶ See Speech by William Hague MP to Conservative Party Conference, 5 October 2009

⁵⁷ House of Commons Reform Committee, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, para 276

⁵⁸ *Ibid*, para 286

⁵⁹ *Ibid*, p96

⁶⁰ *Ibid*

Dr Starkey also proposed that the words “House-wide” be removed from the recommendation on the process of election of chairs of select committees. The Committee divided, and along with Dr Starkey, Clive Betts, David Clelland and Natascha Engel supported the amendment. 10 Members voted against the amendment.⁶¹

Natascha Engel proposed that the paragraphs in the report relating to the House Business Committee should be removed (paragraphs 196-205 of the report). Peter Atkinson and David Clelland supported the amendment, and 10 Members voted against it.⁶²

2.7 Committee proposals for next steps

A debate is due to take place on motions relating to the Committee’s report on 22 February 2010. The Government motions were tabled on 8 February and are discussed in full in section 5 below. In their report, the Reform Committee stated that:

It is conventional that a select committee report receives a written Government reply within two months. This is because most select committee reports, although formally made to the House, contain conclusions and recommendations directed at Government. This report is rather different. It is addressed to the House, Ministers, and backbenches alike. We do expect a Government reply on some points. However this is essentially a matter for the judgement and will of the House. What we would now expect is a debate within the next two months when a House majority can freely determine the outcome. To make it easier to be reached, and to avoid any doubt about what is being agreed, we have drafted a resolution to put to the House.

The proposals which we make must only be implemented with all-party agreement, and not imposed on the House by a Government majority. They will inevitably need implementation in stages. Some changes can take effect in the course of this session of this Parliament, such as some of the changes to petition procedures we recommend. Others can only come into effect in a new Parliament, such as the changes relating to select committee Chairs and members, and the scheduling of business. The necessary Standing Orders can and should be passed in this Parliament so that the new Parliament can start with new procedures and practices. As we recommend... they can be reviewed after a couple of years.

This Committee remains in being for the rest of this Parliament. We do not intend to revisit our conclusions, or to undertake a further body of work, but we will reconvene as required to consider progress on our recommendations. We also recognise that this report is the start of a process of change which will take more than a Parliament to complete, and on a wider front that considered here.⁶³

The Draft Resolution is published as Annex to the report:

That this House welcomes the First Report from the House of Commons Reform Committee, *Rebuilding the House*, HC 1117;

looks forward to the full implementation of its proposals in the next Parliament, subject to agreement in this session of the necessary Standing Orders, and to implementation in the current session of some proposals;

acknowledges the need for Government to retain the first call on House time for Ministerial business and the House’s collective ownership of its time;

⁶¹ *Ibid*

⁶² *Ibid*, p97

⁶³ House of Commons Reform Committee, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, paras 15-17

welcomes its proposals for enhanced access to the House agenda for select committees and backbenchers;

endorses its proposal for an elected Backbench Business Committee to schedule non-Ministerial business, and to join with Government and Opposition representatives in a House Business Committee in drafting a weekly agenda to be put to the House for decision;

welcomes its conclusions on the House's sitting patterns and on the need for improved procedures at the report stages of bills;

supports its recommendations for the election by the whole House of Chairs of departmental and similar select committees, and the election of members of such committees by secret ballot of parliamentary parties;

endorses its recommendations on the size and number of committees, and the timetable for their establishment;

welcomes the proposals designed to help the House connect more strongly with public concerns, and enhance opportunities for public involvement in proceedings, including the proposed shift in the House's engagement agenda towards facilitating public participation and opening up the process of legislation; and

endorses its proposals on petitions, e-petitions and a petitions committee scrutiny function.

3 Liaison Committee Report, 27 January 2010

The Liaison Committee's report, *Rebuilding the House: Select Committee Issues*, was published on 27 January 2010.⁶⁴ The objective of the report was "to inform the House as it considers the Reform Committee's recommendations", relating to select committees.⁶⁵ It noted that:

Many of the Committee's recommendations are four-square with recommendations we have made in the past, often repeatedly. Some will not, however, command universal and unqualified support, even within the Liaison Committee.⁶⁶

3.1 Election of Chairs and members

The Liaison Committee supported the proposal that the division of Chairs between the parties should be based on the current system of agreement between the party managers, but with a greater degree of transparency.⁶⁷

It also endorsed the proposal for the election of Chairs by the whole House, with a review after two years. Before reaching this conclusion, the Committee made the following observation:

We recognise that election by the whole House could remove the suspicion of patronage from select committee Chairs and enhance their status both within and without the House. We do not believe that, in practice, Chairs of select committees have considered themselves beholden to the government or to their party. However,

⁶⁴ Liaison Committee, *Rebuilding the House: Select Committee Issues*, 27 January 2010, HC 272 2009-10

⁶⁵ *Ibid*, para 3

⁶⁶ *Ibid*, para 4

⁶⁷ *Ibid*, paras 5-6

the proposal for direct elections is something of a leap in the dark, and could turn out to have unforeseen and unintended consequences.⁶⁸

An amendment to the report was proposal to remove the endorsement of the election of Chairs by the whole House. The amendment was lost with six in favour and seven against.⁶⁹ An amendment to the report was agreed without division to remove a paragraph which had agreed with the Reform Committee that, at least in the first phases, the election of chairs should apply only to the departmental select committees, the Committee of Public Accounts, the Public Administration Committee and the Environmental Audit Committee (or their equivalents under any new structure).⁷⁰

The Liaison Committee also supported the following proposals from the Reform Committee:

- that provision should be made for instances when members of a committee lost confidence in their Chair;⁷¹
- that party groups should be responsible for electing their share of members to committees, using a system of election validated by the Speaker;⁷²
- that select committees should be set up within six weeks of the opening of a new Parliament⁷³
- that Ministers, opposition frontbenchers (except possibly for the smaller parties) and Parliamentary Private Secretaries should be ineligible for membership of select committees.⁷⁴

The Committee suggested how the Reform Committee's proposal to remove members with poor attendance could be implemented:

The Reform Committee recommends that there should be "clear consequences for unreasonable absence from select committees" but is not more specific. We agree with the principle and propose that, **to fit in with the proposed new system of elections, any member of a select committee whose cumulative attendance during a Session is below 60% should be automatically discharged at the end of that Session on the basis of a report made by the Clerk of Committees to the Speaker. The Speaker would have discretion to waive the application of the rule in cases such as ill-health, etc. New elections should be held to fill the vacancies so created within two weeks of the opening of the next Session.**⁷⁵

3.2 Size, number and role of select committees

The Liaison Committee supported the proposal to reduce the average size of select committees. It commented that "on a committee of fourteen it is well-nigh impossible for all members to participate effectively in the examination of witnesses; and even in private deliberation the influence of each is weakened".⁷⁶

⁶⁸ *Ibid*, para 7

⁶⁹ *Ibid*, Formal Minutes, p19

⁷⁰ *Ibid*

⁷¹ *Ibid*, para 8

⁷² *Ibid*, para 11

⁷³ *Ibid*, para 12

⁷⁴ *Ibid*, para 13

⁷⁵ *Ibid*, para 16

⁷⁶ *Ibid*, para 18

It also supported the Reform Committee's recommendation to rationalise the number of select committees. It argued that any rationalisation should adhere to "One of the fundamental tenets of the departmental committee structure is that there should be a one-to-one "marking" of government departments by committees". However, it expressed concerns that machinery of government changes affected the House's ability to do this. The Liaison Committee concluded that "no proposal for changing the Standing Orders relating to select committees should be able to be moved by a Minister unless the Liaison Committee had been consulted and given time to report its views on the proposals to the House".⁷⁷

3.3 Setting the agenda

The Liaison Committee welcomed and endorsed "the proposals for the creation of "House time" controlled by a backbench business committee as a major opportunity to change the balance of power between Parliament and the Executive".⁷⁸ It also welcomed the Reform Committee's support of its own recommendation to increase the number of Estimates Days from three to five. It was attracted to the Reform Committee's proposal for opportunities for the "brief presentation of committee reports in the Chamber by the Chairman and one or two Members, 'without it engaging instant rebuttal by Ministers'". However, it endorsed the Reform Committee's rider, saying that "An arrangement within a more confrontational framework in the Chamber that encouraged ill-considered responses could bring an undesirable element of Punch and Judy politics to the work of select committees. It would be for the backbench business committee to monitor any such experiment carefully".⁷⁹

3.4 Involving the public

The Liaison Committee noted that the public were already engaged with select committees and their inquiries but accepted that "no doubt they could do it even better given the time and resources and the opportunity to have the ear of the House".⁸⁰

On petitions, the Committee observed that:

There is no common view within the Liaison Committee on how far their engagement with petitions, for example by formal referral, can be taken further forward effectively. There is some scepticism about previous attempts to involve the select committees more in the treatment of petitions. Any scheme implemented should not impose substantial extra duties on departmental select committees, but we are confident that the Procedure Committee could exercise appropriate discretion in this respect. We would expect the select committees to give the experiment proposed a fair wind.⁸¹

4 Proposals for a debate

A debate is scheduled to take place on the Committee's report on 22 February 2010.⁸² This date is a day earlier than that originally announced by the Leader of the House. Some concern has been raised that unamendable motions that will fall if a single member objects will be put to the House. The Leader of the House published a Written Ministerial Statement

⁷⁷ *Ibid*, paras 21-25

⁷⁸ *Ibid*, para 30

⁷⁹ *Ibid*, paras 29-34

⁸⁰ *Ibid*, paras 35-36

⁸¹ *Ibid*, para 38

⁸² Business Statement, 4 February 2010

on 9 February which indicated that for any Motions opposed, time would be made for further debate and, if necessary votes. The provisional date for this second day is 4 March 2010.⁸³

4.1 Initial calls for a debate

In the weeks following the Committee's report, a number of questions were put to the Leader of the House on the timetable for a debate and decision on the Committee's proposals. On 20 January 2010 the Prime Minister was asked:

Mr. Michael Meacher (Oldham, West and Royton) (Lab): The Reform of the House of Commons Committee proposed that the House should have the opportunity to debate and vote on its recommendations within two months, and that period has elapsed. Will my right hon. Friend arrange a debate very soon? Since he also said—quite rightly—that this is entirely a matter for the House alone, will he also ensure that the House can have a free vote, both on the package as a whole and on each of the main recommendations?

The Prime Minister: First, I know my right hon. Friend is a reformer who wishes to see improvements in the way the House operates. We are grateful to the Committee for making proposals for reforming the Committee system. The Government will make time available for a debate and the House will have an opportunity to decide on the Committee's recommendations. The Government want the House to agree a way forward, and we will therefore propose accepting many of the Committee's recommendations, including electing Chairmen and members of Select Committees, scheduling non-Government business and strengthening the role of Back Benchers to hold the Government to account.⁸⁴

The following day, 21 January 2010, the Leader of the House of Commons, Harriet Harman, told the House that:

...the Government propose to accept a large number of the recommendations of the Wright Committee's report, including the election of Chairmen and members of Select Committees, a House Committee for scheduling non-Government businesses, and allowing Back Benchers to initiate debates on motions that will be voted on by the House. We intend to bring the matter to the House for debate and decision on 23 February.⁸⁵

Tony Wright welcomed the Government's announcement of a secure date and endorsed her hope that the House would operate on a consensual basis.⁸⁶ Peter Bone expressed a concern that:

...the consensus will be between the Executive and the shadow Executive, and that it will not take the views of Back Benchers into account. The consensus must be across the House, and not just between the two executives.⁸⁷

Martin Salter, who had served on the Wright Committee, asked:

Martin Salter (Reading, West) (Lab): I am sure that the Leader of the House remains a committed reformer of Parliament, but the Prime Minister made the incredible commitment yesterday that he would implement all three tranches of the Wright Committee report. Will she assure the House that there will be an immediate vote as

⁸³ HC Deb 9 February 2010 cc45-47WS

⁸⁴ HC Deb 20 January 2010 c297

⁸⁵ HC Deb 21 January 2010 c431

⁸⁶ *Ibid*, c455

⁸⁷ *Ibid*

well as a full debate on 23 February on the resolution that the Wright Committee prepared, rather than any other device?

Ms Harman: Actually, there are four tranches, as follows: the Chairs of Select Committees to be elected by the House, the membership of Select Committees, private Members' motions that can be brought to the House to be debated and voted on, and the question of the House Committee. We want to take the opportunity to debate those matters and then adopt resolutions to give them effect. If, as I hope and expect, there is consensus in the House on those four areas, we want to get work under way. The point is to make a start on those matters over which there is the widest possible agreement.⁸⁸

Natascha Engel, a member of the Committee, asked for a guarantee that:

...none of the proposals will be introduced without a full debate on every issue? I do not share the consensus on election the Chairs and members of Select Committees, or on the establishment of a House business Committee. I have deep concerns about these proposals, and I want a full debate on them.⁸⁹

4.2 Concerns about the procedure

At Business Questions on 28 January 2010, Sir George Young raised concerns about the way in which any Government motions might be tabled:

We are due to debate the Wright report on 23 February. Despite the Prime Minister's warm words at Prime Minister's questions last week, there is now widespread suspicion that the Government have adopted an approach that is simply designed to fail. Today's edition of *The Times* reports that we will be voting only on an unamendable order, which could be clocked by a single Member. Is that consistent with the spirit of consensus to which the right hon. and learned Lady has constantly referred? The last time a similar package of reforms was debated in the House, in 2002, we had a debate and then we voted on a series of resolutions on the recommendations of the Modernisation Committee. Why is that not an appropriate precedent for the Wright Committee? Will the House be able to vote on the resolutions of which the Government approve as well as on those that they do not?⁹⁰

Harriet Harman responded as follows:

...he should not be suspicious because we are trying to be very straightforward about this. The Government have been very positive about reforming and improving how the House of Commons works, and we have a clear record of bringing to the House of Commons reforms that have then been accepted by it. We are keen to continue that reform by taking forward the recommendations in the Wright Committee report. The Government's preference for reaching decisions on these reforms is that we proceed on the basis of consensus, and proceed as quickly as possible. We would like to recommend to the House no fewer than 21 of the Wright Committee's recommendations. We thought it would help the House to have a full day's debate, as the right hon. Gentleman said, we have given a provisional date of 23 February for that – at the end of which we will place all 21 before the House under the Remaining Orders of the Day. I hope some of them will go through without objection, as I know that there will be consensus in the House. That will probably not be the case for all of them, but let us hope that it will be for as many as possible. If there are objections, we are committed to bringing back to the House those motions that have been objected to.

⁸⁸ *Ibid*, c454

⁸⁹ *Ibid*, c456

⁹⁰ HC Deb 28 January 2010 c948

Resolutions will then be tabled that can be amended. At the point at which they are amendable, any recommendation from the Wright Committee's report can thereby be attached.⁹¹

She continued by stating there was not a consensus on all the Committee's proposals:

The Liaison Committee issued a report yesterday about the election of Chairs of Select Committees, and we are in favour of the Wright Committee's proposals on that – we want the House to be able to elect those Chairs by secret ballot – but the Liaison Committee was split down the middle. It agreed to support the Wright Committee's proposals, but only by seven votes to six votes. If the right hon. Gentleman is trying to convey the view that there is consensus and that we are trying to oppose it, that is wrong. There are different views and we are trying to get consensus...⁹²

During the Liaison Committee's evidence session with the Prime Minister on 2 February 2010, Tony Wright questioned the Prime Minister on the way in which any motions will be put to the House:

Q39 Dr Wright: You mentioned just now the Commons reform proposals and I see again in the speech today - and I welcome this very much - that you have put your authority four-square behind them. Can I just clear up this issue that is floating around there which is that, as I understand it, these proposals are to be put to the House in a form that anybody who wants to shout "object" to any of them will sink them, there and then, and some people think that this is a rather clever way of sinking the whole project. Could I just have it from you that if that is how it is to be done that the Government then will find time immediately to bring these proposals back to the House for substantive votes?

Mr Brown: Yes, we would bring the proposals back but let us be realistic. If we have to go through line by line, dot and comma on each of these proposals then we will not have the parliamentary time to be able to do that. What we are really trying to say is we prefer there to be progress as quickly as possible, we prefer there to be progress by consensus. If we can get an agreement of all the parties and all Members of the House that this is the right way to go forward then that is something which will ensure that these major proposals can be agreed as soon as possible. But if it so happens that people object - and I wish they would not because my view is we want to make progress - then we will have to start looking at this line by line and of course there is a limited amount of parliamentary time to do that, and we must be realistic about it. I want these proposals through and I want us to vote for them. We are putting proposals that I think most people who have looked at this issue would be prepared to agree with and I hope that there will be no objection to them.

Q40 Dr Wright: Just so that we are clear, I am sorry I have to press you because it is the only chance I have got, if a single person shouts "object" to any of these proposals the whole thing collapses. I want to know is if that is what happens, and some of us think that is almost bound to happen ---

Mr Brown: Well I hope not.

Q41 Dr Wright: Well I hope not but I think it will. --- is the intention then to find time, pretty much immediately, to bring these proposals back?

Mr Brown: Our intention is to find time but I have to say to you these are complicated proposals that have been agreed in a very detailed manner both by the select

⁹¹ *Ibid*, c949

⁹² *Ibid*,c950

committee and now by the parties. If we have to go through them line by line it will be very difficult to make progress. My invocation to people is to support these proposals because the vast weight of opinion is behind them.⁹³

There has been some pressure from outside groups for the Select Committee's proposals to be put the House on substantive and amendable motions. Democratic Audit, the Hansard Society, the Constitution Unit, Unlock Democracy, the Electoral Reform Society, Power 2010 and the Better Government Initiative stated:

We are writing to you - as Leader of the House with a record spanning two decades as a reforming and modernising MP - to urge that you do all you can within Government to ensure implementation of the Wright Committee's recommendations for reform of the House of Commons before the general election. The proposed procedural approach to implementation currently puts this at real risk.

When the Prime Minister established the Wright Committee in June 2009 he made clear his personal commitment to reform in principle and as an antidote to the problems faced by Parliament and MPs as a result of the expenses scandal. Those problems have not gone away. The reputation of MPs, of Parliament and that of the Government itself will be further eroded if, having established a clear direction for reform, a procedural roadblock is now erected as the end is in sight.

We therefore urge you and the Government to reconsider the proposed procedure for the 23rd February debate. The introduction of non-amendable resolutions can – and therefore almost certainly will – be blocked by the objection of just a single member. It is surely right in principle that MPs have the opportunity to amend and then vote on changes to the rules affecting the House. This approach has been used consistently in the recent history of Commons reform. It has proven to be the most effective way of developing consensus around a given set of proposals, whilst respecting the right of all members to set out their views.

For example, when sittings of the House (May 1999), the programming of bills (November 2000), Select Committee changes (May 2002), reform of sitting hours (January 2005) and the establishment of regional Select Committees (November 2008) were considered, members had an opportunity on each occasion to debate and amend the resolutions before them. The best way of ensuring implementation of the Wright Committee recommendations before the general election is clearly to offer MPs that same democratic opportunity to debate and amend the proposals. If this opportunity is not provided, on or soon after 23rd February, the proposals will simply die.

If the Government continues with the proposed approach on 23rd February, we therefore urge you to make clear now the date on which the House will revisit any resolutions that are objected to. You have previously indicated that time will be made available 'as soon as possible' thereafter to take any such decisions. However, without a clear commitment to a date in the parliamentary timetable the danger is that time will run out: after 23rd February, there may be no more than four parliamentary sitting weeks left before dissolution for the general election.

The Prime Minister, yourself and other members of the Government have previously expressed support for the principles of reform enshrined in the Wright report. Members of the Select Committee worked expeditiously over the summer to deliver the proposals in time for implementation by the general election. Every effort should now be made to facilitate time for proper consideration of the proposals and **if you do not**

⁹³ Uncorrected transcript of Oral Evidence taken before the Liaison Committee, The Prime Minister, 3 February 2010, Q39-40

change the procedure we therefore urge you to confirm that the House will consider any outstanding issues within a week of the 23 February debate.

Each of our organisations has a significant interest in parliamentary and constitutional reform. We do not always see eye to eye, and have different agendas, interests and perspectives. But we are united in our belief that the Wright Committee proposals for reform of the House of Commons are essential, sensible, and practical and must be implemented before the general election. That is why we are writing to you collectively on this issue, and copying this letter to the Speaker, other ministers and opposition spokespersons, as well as members of the media.

This Parliament, more than any other in recent memory, needs to reform itself. This reform could be your legacy as Leader of the House. But almost three months have now passed since the Wright Committee proposals were published – further delays preventing their implementation before the general election would be unforgivable.⁹⁴

The Business Statement given on 4 February 2010 brought forward the date of the debate by one day – to Monday 22 February.

On Friday 5 February the Mr Speaker gave a speech to the Oxford Union in which he stated:

There is, it should be acknowledged, some concern about the precise procedural device by which the House will be asked for its opinion. Without imposing too much tedium on this audience, I will summarise the situation as one which means that not only a majority, or even a cross-party consensus but unanimity is needed in order for reforms such as the election of select committee chairs by the whole House to be accepted. If there were a sense that a clear majority in the House had been frustrated because of the politics of process, then I sense there would be an extremely large number of exceptionally dissatisfied customers across all political parties. In anticipation of this, Harriet Harman, the Leader of the House of Commons, pledged last week that if resolutions fell because of procedural failure, the Government would bring those measures back via a series of straightforward votes shortly afterwards. And on Tuesday, the Prime Minister himself declared that “the proper role of parliament is, indeed, to scrutinise the executive and it should be given all the necessary tools to do so”. This is a very welcome promise but it would be a matter of profound disappointment, to put it mildly, if the reforms required to hand the House of Commons those tools were not to happen before the general election is upon us.⁹⁵

5 Government motions

The Government motions on the Reform Committee’s report were published in the Remaining Orders and Notices section of the Order Paper on 8 February 2010. A Written Ministerial Statement was published the following day which set out the Government’s arguments for not tabling certain recommendations from the Wright Committee – most notably no motion has been tabled by the Government in support of the Committee’s proposal for a House Business Committee and the Committee’s draft resolution, published in *Rebuilding the House* has not been tabled by the Government.

Amendments to the motions were tabled to two of the Government motions by committee members, and these were accepted following the evidence session held with the Leader of the House and her Shadows on 10 February. Since then, a further amendment has been tabled by 131 Members in support of a House business committee. The Committee’s own

⁹⁴ [Open letter to Harriet Harman](#), 2 February 2010

⁹⁵ [Speaker Addresses Oxford Union Society](#), 5 February 2010

resolution has also been placed in the Remaining Orders and Notices section of the Order Paper by members of the committee.

This section starts by quoting the Written Ministerial Statement in full before considering the Government motions and amendments to them. Finally, it covers further comments made on the process of bringing forward the motions for debate and decision.

5.1 Written Ministerial Statement

On 9 February 2010 the Leader of the House of Commons issued a Written Ministerial Statement which stated that:

The Government welcomes the Report of the Select Committee on Reform of the House of Commons. The Government fully supports 21 of the recommendations and conclusions in the report and has tabled 16 motions which are required to give effect to these recommendations. Some of the report's other recommendations do not require motions to be brought before the House at present.

The House will have an opportunity to debate the Report on Monday 22 February, on a general motion. The House will then be asked to approve individual Motions. This debate provides a real opportunity for a positive decision by the House to ensure that there is immediate progress on many of the measures included in the report.

For any Motions which are opposed, we will make time for a further debate and, if necessary, votes. We are considering providing a day to do this no later than the week following the debate, provisionally at the sitting on Thursday 4 March. This will be confirmed during the business statement in the normal way.

The Government supports the Committee's recommendation for the election of select committee chairs by secret ballot of the whole House. We have tabled two Motions for new Standing Orders, one to provide for the ballot and one to allow elected chairs either to resign voluntarily, or to be removed if they have lost the confidence of their committee.

The Government supports the election of select committee members by each party, and believes that each party should be free to devise its own arrangements, whether by secret ballot or otherwise. To enable this now to go forward, we have tabled a Motion to take note of the committee's recommendation. We have also tabled a Motion to approve the Committee's recommendation that select committees ought to be appointed within six weeks of the beginning of the new Session following an election.

We have also tabled a Motion to approve the recommendations relating to the development of a system of Private Members' Motions for debate and decision of the House.

The Government accepts the recommendation for the establishment of a backbench business committee, to schedule non-Government business. This was one of the central areas that the Prime Minister invited the Committee to look at. We welcome the Committee's proposals and believe that more work is required, both to clarify the scope of backbench business and to give further consideration to the Committee's proposals relating to procedure in the committee. We have therefore tabled a Motion to approve the recommendation in principle, with further consideration in the next Parliament.

We do not believe that the time is right to take forward proposals for a House business committee, particularly in advance of having the benefit of considering how the backbench business committee will work in practice. However, we will listen to the

views of Members on this issue during the debate on the 22 February, and will consider further in light of the views expressed.⁹⁶

The Statement then explained that the Government had also tabled a number of other motions to approve some of the other recommendations from the Reform Committee's report:

amendment of Standing Orders to replace the word "chairman" with the word "chair" throughout, and to change the name of the Chairmen's Panel to "Panel of Chairs". This gives effect to the Committee's recommendation on terminology (recommendation 3);

amendment to Standing Order No. 152, which would standardise the size of departmental select committees at 11, with the exception of Northern Ireland Affairs, which will retain its membership of 13 (recommendation 9);

examination by the Liaison Committee of the role, resources and tasks of select committees (recommendation 11);

a vote on September sittings in next parliament (recommendation 31);

a more open approach to scheduling public bill committee evidence; more opportunities for the public to influence draft legislation (recommendations 38 & 42);

investigation by the house of a system of petitions requiring debate (recommendation 43);

more work on e-petitions (recommendation 44);

trial of debates on petitions (recommendation 47);

provision of more information for petitioners by House authorities (recommendation 48); and

notice of petitions to be given on the Order Paper (recommendation 49).

5.2 Select Committees

A number of motions have been tabled on select committees. The first motion tabled is on the use of the term 'chair' instead of 'chairman' in certain instances. The Committee had used the term "Chair" to denote the individual chairing a committee and "chair" to denote the office held, save where a particular officer is meant, such as the Chairman of Ways and Means". The Committee expressed a hope that the House would soon follow this practice. The Government motion makes changes to Standing Orders to this effect. Sir Patrick Cormack and Sir Nicholas Winterton have tabled an amendment to change the Motion to decline to approve the relevant recommendation of the Wright Committee.

The Government tabled motions allow for the election of select committee chairs by the whole House, as recommended by the Reform Committee. Although the Committee had not made a specific recommendation on the resignation or removal of chairs of select committees they had commented that:

A Chair elected by the House would remain in office for the Parliament. A Chair who wished for whatever reason to step down from an office now to be conferred by the House would formally notify the Clerk of the House, and a by-election would be held,

⁹⁶ 9 February 2010, WMS No. 8

on the same terms and conditions as the original election. It will also be necessary to provide for the situation, should it ever arise, of a Committee where the members altogether lose confidence in the elected Chair. It would be open to a Committee, subject to a qualified cross-party majority of its members, and with due notice, to make a special report to the House and thereby trigger a fresh election.⁹⁷

The Government has tabled a motion to allow for the resignation or removal of chairs of select committees. Amendments have been tabled to change references to 'chairs' to 'chairmen'.

The motion on election of Select Committee members as first tabled by the Government differed from the proposal of the Wright Committee. The Reform Committee had recommended that members should be elected by secret ballot within party groups, by transparent and democratic processes (Recommendation 6). The Government motion as first tabled did not specify the way in which parties should nominate members, simply stating that it should be a matter for each party to determine:

85 ELECTION OF MEMBERS OF SELECT COMMITTEES

Ms Harriet Harman

That this House takes note of recommendation 6 of the First Report of the Select Committee on Reform of the House of Commons of Session 2008–09 (HC 1117) and considers that the system for nominating members to select committees should be a matter for each party to determine.

Members of the Reform Committee tabled an amendment to the Government motion as follows:

Line 2, leave out from 'and' to end and add 'endorses the principle that parties should elect their own members of select committees in a secret ballot by whichever transparent and democratic method they chose.

The Committee questioned Harriet Harman on this point when she appeared before them, along with Sir George Young and David Heath, on 10 February 2010:

Q 57 Chairman: The motion that you have put down simply says... that this is essentially a matter for the parties to do themselves without mentioning anything about secret ballots or democratic processes. Either this is just an omission or you are taking a different view from the Committee, in which case we would be rather worried about it.

Ms Harman: No, we actually say in our written ministerial statement that we are supporting this, but obviously each party would have to work out their own process of nomination. I do not think there is any disagreement on that. If you want to suggest an amendment to our resolution, we would happily look at that because I do not think that we disagree with what you are actually saying.

Q 58: I put an amendment down on that and I am happy that you will take it - - -

Ms Harman: That is now by magic going to be a Government resolution. Your resolution is now our resolution.⁹⁸

⁹⁷ Select Committee on Reform of the House of Commons, *Rebuilding the House*, HC 1117 2008-09, 24 November 2009, para 86

⁹⁸ Uncorrected Transcript of Oral Evidence taken before the House of Commons Reform Committee on Wednesday 10 February 2010, To be published as HC 372-i

The motions on the Order Paper for 22 February now endorses the principle that parties should elect members of select committees in a secret ballot by whichever transparent and democratic method they chose.

As recommended by the Reform Committee, the Government motions specify that the principal select committees should be appointed within six weeks of the beginning of the Session at the start of a new parliament, and that departmental select committees should have a maximum of 11 members.

The Reform Committee had recommended that the Liaison Committee should re-examine the role of select committees, their resources and tasks. The Government has tabled a motion in support of this.

The Government motions are silent on the issue of the number of select committees, and the appointment of parliamentary private secretaries and front bench Official Opposition spokesmen to committees.

There is no motion on the membership of the Intelligence and Security Committee. During the evidence session on 10 February, in response to a question from Andrew Tyrie the Leader of the House said:

...The Intelligence and Security Committee is a statutory body not a select committee of the House...

She continued:

It is obviously a special case and we need to consider any proposal for changes to the selection of its chair very carefully. It might require primary legislation, although there are ways of implementing it without. We would like to see how the direct election of select committee chairmen works for chairmen of other committees, should we get that through, which I hope we will, before considering extending the new system to the Intelligence and Security Committee. What we are basically saying is that it is slightly different and it has statutory edges and there may be implications for other statutory committees as well, like the Speaker's Committee on the Electoral Commission and on IPSA.⁹⁹

5.3 Scheduling of business in the House

The main difference between the Reform Committee recommendations and the Government motions on Business in the House is that the Government only proposes a backbench business committee, not a House business committee. This leaves the majority of the Committee's recommendations and conclusions on the scheduling of business in the House without associated Government motions. In addition, rather than establishing a backbench business committee itself, the original Government motion referred the matter to the Procedure Committee in the new Parliament:

89 BACKBENCH BUSINESS COMMITTEE

Ms Harriet Harman

That this House approves recommendation 17 of the First Report of the Select Committee on Reform of the House of Commons of Session 2008–09 (HC 1117) and looks forward to the further consideration by the Procedure Committee in the next

⁹⁹ *Ibid*, Q51-53

Parliament of the establishment of a new category of backbench business, the composition and chairmanship of the backbench business committee, and the procedure in the committee.

Members of the Reform Committee tabled an amendment to the Government motion which stated that:

Line 3, leave out from 'to' to end and add 'the House being offered the opportunity no later than 31 July 2010 to establish a backbench business committee and a new category of backbench business, in the light of further consideration by the Procedure Committee'.

During the evidence session on 10 February Harriet Harman was asked about this:

Q 54 Chairman: ...We are slightly worried about the motion at the moment because it is a bit of a long grass thing. It goes off to the Procedure Committee one day to come back. I think you are accepting that we can do better than that. The whole point of this Committee was to have a certain momentum to the process. We do not want to lose that.

Ms Harman: No, we do not.¹⁰⁰

A new version of the Government motion has been tabled for Monday 22 February which takes account of the Committee's view. It now states:

That this House approves recommendation 17... and looks forward to the House being offered the opportunity within 10 sitting weeks of the beginning of the next session of Parliament to establish a backbench business committee and a new category of backbench business, in the light of further consideration by the Procedure Committee.

As noted above, there is no Government motion on a House business committee. The Government's Written Ministerial Statement explained:

We do not believe that the time is right to take forward proposals for a House business committee, particularly in advance of having the benefit of considering how the backbench business committee will work in practice. However, we will listen to the views of Members on this issue during the debate on 22 February, and will consider further in light of the views expressed.

The Leader of the House and her Shadows in both the Conservative and Liberal Democrat parties were questioned on their views on this by the Committee. In particular, the Chairman put it to the Leader that "surely, it is for the House to decide whether it wants to approve a resolution containing a reference to a House Business Committee and not for Government business managers".¹⁰¹

Sir George Young stated the Conservative Party's position that:

...We think there should be a Backbench Business Committee. I would like to see that up and running at the beginning of the next Parliament, whoever wins. I would like it to set the debate for the first topical debate in the next Parliament. I would like it progressively to have more influence over the 15 days. Once that is up and running I think we should move towards a more collaborative and transparent system of dealing with House business as a whole.... I think the bit at the end, the House Committee, is

¹⁰⁰ *Ibid*, Q54

¹⁰¹ *Ibid*, Q2

what comes at the end when the other bits of the jigsaw are in place. I certainly do not rule out a House Committee along the lines of that proposed.¹⁰²

David Heath argued that the fact that the Committee's own resolution had not been put to the House because of the disagreement over the House Business Committee:

...illustrates the entire problem that this Committee has faced and the House faces: the assumption that this is a matter for political parties to decide; and more than it is a matter for political parties to decide rather than individual Members of the House, it is for the front benches, it is for the Government, for the Executive to determine what is right for Parliament to discuss, and for the other front benches to cosily do a deal as what might be appropriate to put before the House.¹⁰³

An amendment has been tabled to the Government's motion by Committee members which has attracted the support of a total of 131 Members which would add the following words to the end of the Government motion on the Backbench Business Committee:

... and approves the establishment during the course of the next Parliament of a House Business Committee comprising the backbench business committee and representatives of Government and Opposition which, while guaranteeing that the Government has the time and first choice of dates to get its legislative programme through, and to make whatever statements it wishes, would improve scheduling of business to ensure more effective scrutiny of legislation at Report Stage and consideration of Lords Amendments.

Amongst the signatures are those of Sir George Young and David Heath.

The Government motions include one which supports the Reform Committee's recommendation for an early decision in the new Parliament on September sittings. There is also a Government motion in support of the Reform Committee's recommendation on public consultation on draft Bills.

5.4 Public initiation of proceedings

Most of the Reform Committee's recommendations on public involvement have been matched by Government Motions. However, the Reform Committee had recommended that the Procedure Committee's terms of reference be broadened, and its title changed to 'Procedure and Petitions Committee', so as to enable it to exercise scrutiny of the petitions process, on an experimental basis from January 2010 until the end of the Parliament, and that it make a report of its experience before the end of this Parliament. This recommendation does not appear to have been accepted by the Government.

5.5 Process for debate and decision

During the evidence session held on 10 February, the Leader of the House was pressed on her reasons for tabling motions in such a way that a single objection would lead a proposal to fail. Ms Harman said:

Those resolutions that do not get through on the 22nd – and we do hope that some resolutions will get through on the 22nd – if everybody is in favour of motions from backbench Members being able to be brought to the House, debated and voted on, it would be perverse for people to be objecting to them. I hope that people will not cut off their noses to spite their faces and do a procedural huff... Bearing in mind that some

¹⁰² *Ibid*, Q5

¹⁰³ *Ibid*

things will then not be approved and will be objected to, those things that are objected to will come to be voted on 4 March, that is the provisional date, and those motions will be amendable. As far as we the Government are concerned we are tabling for the House's approval what we believe there to be a consensus of support on...¹⁰⁴

It emerged that Sir George Young had written to Harriet Harman urging her to reconsider the handling of the Committee's reports. He wrote:

Having looked at the motions that have been tabled on the Remaining Orders, it is now clear that you have not only prevented the House from having a say on all of the Committee's recommendations but you have also kicked some of the key proposals into touch.

You say "we do not believe the time is right to take forward proposals..." but this contradicts the Government's commitment, as stated publicly by you, to "facilitate progress" and to ensure that the Government does not "dictate to the House" on reform. The decision on taking forward the proposals should be for the House and not for the Government....

He ended the letter by stating that:

The solution to these problems is to table as amendable motions all of the Committee's recommendations so the House can come to an early decision on the reforms that can be implemented now to allow the next Parliament to start with a clean sheet.¹⁰⁵

During the evidence session Ms Harman stated:

I do not want there to be confusion about the Government's position. Those motions are amendable anyway so it is in the House's hands what it votes on. We have facilitated the opportunity and really the only question is whether the Government tables that amendment to enable the House to reach that decision on things on which it does not agree or whether we allow backbenchers to table that amendment.¹⁰⁶

Ms Harman has also clarified that any divisions will be free votes.¹⁰⁷

5.6 Written parliamentary answer

On 8 February a Written Parliamentary Question set out the steps being taken to consider implementation of the Reform Committee's proposals:

Dr. Tony Wright: To ask the hon. Member for North Devon, representing the House of Commons Commission if he will make a statement on steps taken by staff of the House in taking forward work arising from the recommendations and conclusions of the House of Commons Reform Committee in its First Report of Session 2008-09, Rebuilding the House, HC 1117. [316600]

Nick Harvey: Upon publication of the report in November, the Clerk of the House set in hand work on the possible changes to procedures and practices which would be required were the House to endorse some or all of the recommendations and conclusions, including possible changes to Standing Orders and changes to procedures and practices.

¹⁰⁴ *Ibid*, Q4

¹⁰⁵ Letter from Sir George Young to Harriet Harman, as appears on [Tory Politico](#) on 9 February 2010.

¹⁰⁶ Uncorrected Transcript of Oral Evidence taken before the House of Commons Reform Committee on Wednesday 10 February 2010, To be published as HC 372-i, Q27

¹⁰⁷ *Ibid*, Q12

Some recommendations and conclusions proposed specific work by the House. A progress report on these is set out as follows.

Recommendation 38- Piloting of a more open approach to the scheduling of public bill committee evidence sessions and production by the relevant authorities of a report for the appropriate committee in the new Parliament:

Attempts have been made over the past two months to develop a more open approach to public bill committee evidence scheduling, in co-operation with all concerned. A Scrutiny Unit report is therefore in the process of preparation, with a view to presenting it to the appropriate select committee in the new Parliament.

Recommendations 41 and 42-Shift in the primary focus of the House's public engagement agenda towards greater degree of public participation, and opportunity for the public to influence the content of draft laws:

Discussion at official level is under way on the future pattern and direction of the House's public engagement effort, in the light of these two recommendations. Thought is being given to approaches which would give "a real opportunity to the public to influence the content of draft laws". Decisions would require to be taken by the proper authorities, including the House of Commons Commission and possibly the House itself, in the new Parliament.

Recommendation 43-Commissioning of investigation of practicalities of a national equivalent of "petitions requiring debate":

The Parliament and Constitution Centre in the DIS is looking further into the agenda initiative issue, as part of its general research effort. The results of the research, which should be completed by the start of the new Parliament, will inform future debate and decision on the practicalities of any sort of agenda initiative at national level. The study will course make no assumptions about what view the House may take in future.

Recommendation 44-Urgent discussions on a new costed scheme for e-petitions:

The urgent discussions recommended by the Committee have taken place. A revised outline scheme is being prepared which is likely to be cheaper than the scheme proposed in April 2008. It will in due course be for the House in this or the next Parliament to decide whether or not to proceed.

Recommendation 48-Information for petitioners of relevant House proceedings:

House staff are preparing to pilot two alternative routes for giving suitable information to petitioners, via the Member who presented the relevant petition, with a view to identifying the best way forward early on in the new Parliament. This can then be put to the appropriate committee for decision.

Recommendation 50-House authorities to work up a scheme on motions for House debate:

A scheme for motions for House debate, identifying a number of options, is currently being worked up, with a view to presenting it to the appropriate committee in the new Parliament.¹⁰⁸

¹⁰⁸ HC Deb 8 February 2010 c652W