



Election of the chair and members of the Backbench Business Committee (BBCom)

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On 12 March 2012, the House changed the Standing Orders that govern the way in which members are elected to the Backbench Business Committee.

This note reports the initial decisions on the way in which elections were to be conducted. It notes the results of the elections that have taken place.

The Procedure Committee reviewed the way in which elections to positions in the House operated in 2010. Its review and the Government's response are outlined.

In February 2012, the Procedure Committee announced that it would review the operation of the Backbench Business Committee.

Before the deadline had passed for comments to be submitted to the Procedure Committee, the Government brought forward a motion to change the Standing Orders that governed the election of the members of the Backbench Business Committee.

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1 Timeline

This brief timeline reviews the background to the establishment of the Backbench Business Committee (BCom), and provides an introduction to the rest of this Note. Developments up to and including the establishment of the Committee are described in the Library Standard Note *Reform of the House of Commons: The establishment of a Backbench Business Committee*.¹ A little more detail of events since the General Election of 2010 is given in the following sections.

- 24 Nov 2009 Publication of *Rebuilding the House*, the report of the Select Committee on Reform of the House of Commons (the Wright Committee), which recommended that “backbenchers should schedule backbench business”²
- 22 Feb 2010 The House debated the Wright Committee report. A motion to approve the Committee’s recommendation on the establishment of a backbench business committee was objected to.
- 4 Mar 2010 The House agreed a motion to approve the Committee’s recommendation to establish a backbench business committee, after amending the motion to call for it to be established in time for the next Parliament. (This was not done.)
- 6 May 2010 General election

¹ House of Commons Library Standard Note, H [Reform of the House of Commons: The establishment of a Backbench Business Committee](#), SN/PC 5269; see also House of Commons Library Standard Note, H [The Backbench Business Committee](#), SN/PC 5654

² Select Committee on Reform of the House of Commons, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, para 176

- 15 Jun 2010 The House agreed new standing orders that provided for the chair of the BBCom to come from anywhere in the House and to be elected by all the House; and that the remaining members be elected by all the House, in the same way as Deputy Speakers, with provisions to ensure some gender balance.
- 22 Jun 2010 Natascha Engel was elected chair of the BBCom
- 29 Jun 2010 The remaining members of BBCom were elected – five unopposed; and two by election.
- 3 Nov 2010 Following the appointment of two members of BBCom to the Labour front bench, arrangements for by-elections for vacancies were announced. No votes were required as two candidates were nominated for the two vacancies.
- 31 Oct 2011 The Procedure Committee published its review *2010 elections for positions in the House*. It commented briefly on elections to the BBCom noting that.
- 16 Feb 2012 The Procedure Committee published the Government's response to its report
- 21 Feb 2012 The Procedure committee announced its review of the BBCom
- 1 Mar 2012 At Business Questions, Sir George Young announced that on 12 March, the House would consider
- 6 Mar 2012 Motions to change the way in which members of the BBCom were elected; to require the chair to come from the Opposition; and to give the Committee the power to invite Members from parties not represented on the Committee to attend its meetings were tabled
- 8 Mar 2012 At Business Questions, Sir George Young announced that on 12 March, the House would consider
- 12 Mar 2012 the House agreed to the changes that the Government proposed, although the majority of backbenchers who spoke in the debate opposed the changes.

2 Agreeing the new Standing Orders – June 2010

On 15 June 2010, the House debated the proposed Standing Orders that would implement the decisions already taken to establish the BBCom. The motions (relating to the election of the chair and members) that were debated are set out in the Appendix of this note.

In introducing the motions, Sir George Young, the Leader of the House, made the following comments on the procedures for electing the chair and members of the Committee:

... Motions 2 to 5 establish the committee, make arrangements for its election by secret ballot of the whole House and set out its powers and role. Much of what we propose is self-explanatory and, in the interests of brevity, I will direct my remarks towards those points that I feel need some further explanation, and on which Members have tabled amendments.

[...]

The Wright Committee is specific about the size of the committee, which it said should have between seven and nine members. We have proposed that it should have eight members. The chair will be elected by the same process as other elected Select Committee Chairs, ... There will be total freedom to choose a chair from either side of the House. The remaining members will then be elected by another secret ballot, using the same system as for the Deputy Speakers in order to ensure overall party and gender balance. We propose that, in the first instance, the committee should be re-elected every Session.

[...]

I turn now to the question of why the committee should be elected every year. The committee will have power to schedule business in the House and Westminster Hall. Given the significance of this, we believe that members of the committee should be accountable to their peers for the decisions they take in scheduling debates. This will not affect the eligibility of the chair and members, who will still be able to offer themselves for re-election. This will be by secret ballot, so there is no question of Members coming under the malign influence of the usual channels in making their choices. As well as providing accountability, it will, I hope, also provide a way of bringing new blood on to the committee from time to time, to keep its thinking fresh.³

Sir George also noted that the Government proposed that the operation of the Wright Committee recommendations should be reviewed at the beginning of the next session of Parliament (at that time, scheduled for late 2011). He also set out the objectives for the review:

Finally on the Wright Committee recommendations, we propose that the operation of the new system should be reviewed at the beginning of the next Session, in late 2011. I recognise that there is concern about the reasoning behind this review, but the object of the review is to enable the House to move forwards, rather than, as some have said, to wind back. There is absolutely no intention to shut down the Back-Bench committee after the first Session. We are committed to establishing a House business committee, dealing with both Government and Back-Bench business, by the third year of this Parliament, so a review of the Back-Bench business committee any later than that would make no sense. I would therefore urge the hon. Member for Nottingham North not to press his amendment deferring the review until the beginning of the next Parliament, which, as I said, will be after the House business committee has been set up.⁴

At the end of the debate, the House agreed:

Resolved

That, in the opinion of this House, the operation of the Backbench Business Committee should be reviewed at the beginning of the next Session of Parliament.-(*Sir George Young*.)⁵

The resolutions that introduced new Standing Orders relating to the BBCom are appended to this note.

³ HC Deb 15 June 2010 cc779-781

⁴ HC Deb 15 June 2010 c782

⁵ HC Deb 15 June 2010 c846

3 Results of elections to the BCom

On 16 June 2010, the Speaker outlined the procedure for electing the first chair of the BCom:

Mr Speaker: In accordance with the Order of the House of yesterday, I will now announce the arrangements for the ballots for the Chair and members of the Backbench Business Committee.

The ballot for the election of the Chair will be held in the Division Lobbies from 9 am to 11 am on Tuesday 22 June. Nominations may be submitted in the Lower Table Office from 10 am to 5 pm on the day before the ballot, Monday 21 June.

The ballot for the election of the members of the Committee will be held in the Division Lobbies from 10 am to 12 noon on Tuesday 29 June. Nominations may be submitted in the Lower Table Office from 10 am to 5 pm on the day before the ballot, Monday 28 June.

A briefing note with more details about the elections will be made available to Members in the Vote Office and published on the intranet.⁶

The following week, after the election, he told the House that Natascha Engel had been elected as chair of the BCom:

Mr Speaker: I will now announce the result of the ballot held today for the election of the Chair of the Backbench Business Committee. Natascha Engel received 202 votes; Sir Alan Haselhurst received 173 votes. Natascha Engel is elected Chair of the Committee, and I congratulate her upon her election.⁷

The day after Natascha Engle's election, the Speaker announced the party make-up of the BCom and the arrangements for the election of the remaining members of the Committee:

Mr Speaker: Under the Order of the House of 15 June, I will now announce the determination of the party make-up of the Backbench Business Committee, which will be elected on Tuesday 29 June. Four members shall come from the Conservative party, two members shall come from the Labour party, one member shall come from the Liberal Democrat party. These proportions- [*Interruption.*] Order. These proportions reflect the proportions of parties in the House. It follows, of course, that nominations may be received only in respect of members of those parties.⁸

On 29 June 2010, the Speaker announced the results of the elections to the BCom:

Mr Speaker: I will now announce the results of the election of members of the Backbench Business Committee. No ballot was required for the election of the following: Mr Peter Bone, Philip Davies, Jane Ellison, John Hemming and Mr Philip Hollobone.

In the ballot today, the votes cast for the candidates were as follows: Mr David Anderson, 99; Katy Clark, 57; and Alison Seabeck, 92. Mr David Anderson and Alison Seabeck are elected. I congratulate all those elected.⁹

⁶ HC Deb 16 June 2010 c885

⁷ HC Deb 22 June 2010 c165

⁸ HC Deb 23 June 2010 c295

⁹ HC Deb 29 June 2010 c717

Following the appointment of David Anderson and Alison Seabek to the Labour front bench, and their resignation from the BCom, the Speaker informed Members that a by-election would be held to fill the vacancies:

Mr Speaker: I have a short statement to make. Two Labour Members of the Backbench Business Committee have informed me that they wish to resign from the Committee, following their appointment to the Opposition Front Bench. Under the powers given to me by the Standing Orders, I have decided that a single by-election will be held to fill these two places on the Committee, and that the ballot will be counted under the single transferable vote method. The by-election will be held on Tuesday 9 November between 10 am and 2 pm in Committee Room 7 on the main Committee Corridor. Under the Standing Orders, I give notice that candidates must be Labour Members for their candidature to be valid in this by-election. Nominations may be submitted to the Table Office between 10 am and 5 pm on Monday 8 November.¹⁰

In the event, no by-election was required as two nominations were received for the two vacancies:

Mr Deputy Speaker: Nominations closed at 5 pm today for the by-election for the two Labour members of the Backbench Business Committee. Two nominations were received. A ballot will therefore not be held tomorrow. I congratulate Ian Mearns and Mr George Mudie on their election as members of the said Committee.¹¹

4 Review of elections to positions in the House

On 31 October 2011, the Procedure Committee's report *2010 elections for positions in the House* was published.¹² The Committee made the following comments and recommendations in the light of the experience of the election process and the question of representation of the minority parties on the Committee:

Election of Backbench Business Committee

Background

55. The standing orders to establish the Backbench Business Committee were agreed on 15 June 2010. The Committee emerged from the Wright report as an element in the proposals to give more responsibility to the House for organising its own business. Its role is to determine the backbench business to be taken in the House and in Westminster Hall on the days allotted for such business (Standing Order No. 152J). It has a chair and seven members who remain in office for the session in which they are elected. Under Standing Order No. 122D the elections of both the chair and members are by the whole House. The chair is elected first and may come from any party; the members are elected under single transferable vote with constraints to ensure that the membership corresponds to the party compositions determined by the Speaker in a way which, taking into account the party of the chair, reflects the composition of the House and that at least two women and two men are elected.

56. The workings of the Backbench Business Committee are to be the subject of a review at the beginning of the next session of Parliament (May 2012)^[36] so we do not comment here on how well it is functioning or its impact upon the House business. We restrict our observations to the electoral process for both chair and members of the committee.

¹⁰ HC Deb 3 November 2010 c923

¹¹ HC Deb 8 November 2010 c106

¹² Procedure Committee, *2010 elections for positions in the House*, 31 October 2011, HC 1573 2010-12

Experience in 2010

57. The election for the Chair of the Backbench Business Committee took place on Tuesday 22 June. There were two candidates so no distributions were required at the count which would otherwise have been by Alternative Vote. The election was won by Natascha Engel, a Labour Member. The Speaker therefore announced on 23 June that the Committee would be composed of four Conservative members, two Labour and one Liberal Democrat, and that nominations could be received from Members of these parties only. When nominations closed on Monday 28 June, there were four candidates from Conservatives, three from Labour Members and one from a Liberal Democrat. The Conservative and Liberal Democrat members were consequently elected unopposed without a ballot. The Labour members were then elected the following day. No gender constraint was applied at the count because one of the Conservatives already elected to the Committee was female and two of the three candidates for the Labour places were also female, meaning that whatever the outcome of the ballot, two women would be elected to the Committee.

58. In October 2010 it became clear that the two Labour members would resign from the Backbench Business Committee at the same time following their appointment to the Opposition front bench. Standing Order No. 122D makes provision for by-elections but not for a situation where two or more vacancies occur at the same time since it specifies counting by the Alternative Vote system, suitable for selecting only one candidate as the winner of an election. The Speaker used his discretion on this occasion to announce that there would be a single by-election with the ballot counted under the Single Transferable Vote method. He also extended the opening hours of the ballot. In the event only two nominations were received and a ballot was unnecessary.

59. We have received no adverse comments on the arrangements for the elections to the Backbench Business Committee but there are two issues which have been raised in evidence to us which we now consider.

REPRESENTATION OF MINORITY PARTIES

60. The size of the BBBC and the requirement that its membership reflect the proportions of seats held in the House by each party together mean that there is no place on the Committee for the minority parties. Standing Order No. 122D deliberately excludes them from standing for the chair of the committee by requiring a nomination form to be signed by not fewer than 20 nor more than 25 Members, of whom no fewer than 10 are Members of the candidate's party and no fewer than ten Members of any other party or no party. Similarly, the Speaker is required to base his calculations of the number of seats on the Committee to be given to each party on the composition of the House. This could be seen as unfair, given that the committee is intended to represent backbench views.

61. We are not convinced that it would be appropriate to change the rules for the nomination of the Chair of the Committee since it is essential that such a post commands the support of the House as a whole and that the holder is able to wield influence with the major parties, but we do consider that the minority parties should be represented amongst the membership of the committee. The Wright Committee recommended that the Backbench Business Committee should have a membership of between seven and nine. At present, it has eight members, including the Chair. We therefore consider that it would be in keeping with the spirit of the Wright reforms to increase the membership to nine, with the additional place reserved for a Member from the minority parties, defined as a party that would otherwise not be represented in the Speaker's determination of places according to party balance. Taking into account the current composition of the House, this would result in a 5/4 split between Government

and opposition backbenchers, thus retaining the Government majority. **We recommend that an amendment be made to the standing orders to extend the size of the Backbench Business Committee to nine members, including the Chair, and that the additional place be allotted to a Member from a minority party to be elected by the whole House. This change should be made as soon as possible in order that the impact of the additional minority Member might be included in the process of reviewing the operation of the Backbench Business Committee at the start of next session.**

BY-ELECTIONS

62. A minor difficulty that has emerged through experience is the provision made for by-elections where there is more than one vacancy on the Backbench Business Committee. **The Clerk of Divisions suggested that it would be helpful to amend the Standing Order to provide that STV can be used where this occurs. We recommend that this amendment be made.**¹³

5 Government's response

The Government's response to the Procedure Committee's report was published on 16 February 2012.¹⁴ The Government made the following comments in relation to the recommendations relating to the BCom:

19. We recommend that an amendment be made to the standing orders to extend the size of the Backbench Business Committee to nine members, including the Chair, and that the additional place be allotted to a Member from a minority party to be elected by the whole House. This change should be made as soon as possible in order that the impact of the additional minority Member might be included in the process of reviewing the operation of the Backbench Business Committee at the start of next session (paragraph 61).

20. The Clerk of Divisions suggested that it would be helpful to amend the Standing Order to provide that STV can be used [for by-elections where there is more than once vacancy on the Backbench Business Committee]. We recommend that this amendment be made (paragraph 62).

Response

The Leader of the House stated during the debate on the establishment of the Backbench Business Committee on 15 June 2010 that the size and composition of the Committee might be considered during the review of the Committee. The Government believe that it would not be appropriate for the House to make changes affecting the membership of the Backbench Business Committee and elections to it in advance of the review. However, the Government believe that it would be appropriate for the House to address the anomaly whereby members of the Backbench Business Committee other than the Chair (unlike those of other select committees) are elected by the House as a whole rather than by Members of the political party to which they belong before the next elections of members. The Government propose to allow time for consideration of proposals to this effect towards the end of the current Session.¹⁵

In the comments it made before setting out the Government's full response to its report, the Procedure Committee noted that:

¹³ *Ibid*, paras 55-62

¹⁴ Procedure Committee, *2010 elections for positions in the House: Government Response to the Committee's Fifth Report of Session 2010-12*, 16 February 2012, HC 1824 2010-12

¹⁵ *Ibid*, Appendix: Government response

8. The Government argues that “it would not be appropriate for the House to make changes affecting the membership of the Backbench Business Committee and elections to it in advance of the review [of the Backbench Business Committee]”. We have now commenced that review and will be reflecting further on the election and membership of that Committee.¹⁶

6 Procedure Committee review of BBCom announced

On 21 February 2012, the Procedure Committee announced an inquiry into the operation of the BBCom. It issued a call for evidence:

The House of Commons Procedure Committee is launching a review of the operation of the Backbench Business Committee.

The House of Commons agreed on 15 June 2010 that the operation of the Backbench Business Committee should be reviewed. The Procedure Committee has resolved to conduct such a review and has agreed the following terms of reference for its inquiry:

To review the operation of the Backbench Business Committee during Session 2010–12, and in particular to inquire into:

- issues relating to the membership of the Committee;
- the amount of time available to the Committee and the way in which the Government allocates that time;
- the powers of the Committee, and the process by which the Committee determines the matters to be debated in backbench time.

The Committee invites written submissions which should arrive no later than Thursday 8 March.¹⁷

7 Government table motions to change the way in which the chair and members are elected

At Business Questions on 1 March 2012, Sir George Young announced that the House would be considering motions relating to Standing Orders on 12 March. He did not indicate that the motions related to the BBCom:

... Monday 12 March—Motions relating to Standing Orders and to outstanding reports of the Committee on Standards and Privileges.¹⁸

The motions were tabled on 6 March 2012.¹⁹ On 8 March 2012, at Business Questions, Sir George confirmed that the motions relating to the BBCom would be debated on 12 March:

... Monday 12 March—Motions relating to the Backbench Business Committee, a Committee on Standards and a Committee of Privileges, the code of conduct, all-party groups and scrutiny of certain draft orders.²⁰

¹⁶ *Ibid*, para 8

¹⁷ Procedure Committee news release, [HReview of the operation of the Backbench Business Committee](#)H, 21 February 2012

¹⁸ HC Deb 1 March 2012 c429

¹⁹ During the debate on 12 March 2012, Peter Bone told the House that they were tabled after the BBCom had met [REF NEEDED]

²⁰ HC Deb 8 March 2012 c1009

He was questioned about the timing of the Government's motion, given that the procedure Committee has announced an inquiry into the operation of the BBCom, by both Natascha Engel, chair of the BBCom, and Peter Bone, a member of the Committee:

Natascha Engel (North East Derbyshire) (Lab): The Leader of the House has announced a debate on Monday about the operation of the Backbench Business Committee, motions for which were placed on the Order Paper on Tuesday night. He will be aware that today is the closing date in a call for evidence by the Procedure Committee, which is also reviewing the Backbench Business Committee's operation. The Backbench Committee itself is producing a report imminently on its operations over the past year

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and a half, so why have the Government chosen to hold a debate now about its operation, rather than waiting so that the House might be much better informed and come to its conclusions just a little later?

Sir George Young: I very much welcome the review of the Backbench Business Committee, which is being undertaken by the Procedure Committee, and of course we will want to respond to its report in due course. The answer to the question that the hon. Lady poses, "Why are we debating the matter on Monday rather than waiting for the report?", is set out in the Procedure Committee's Ninth report of Session 2010/12. It made several recommendations for changes to the Backbench Business Committee, and the Government in their response said:

"The Government propose to allow time for consideration of proposals to this effect towards the end of the current Session."

In other words, if Members want to make changes to take effect at the beginning of the next Session, they cannot wait for the report of the Procedure Committee, because that will come too late. That is why we are putting the motions before the House on Monday. It will be for the House to decide what to do with them, but if we want to make changes, we are going to have to do so quite soon; we cannot wait for the Procedure Committee's report.

[...]

Mr Peter Bone (Wellingborough) (Con): Further to what the excellent Chair of the Backbench Business Committee, the hon. Member for North East Derbyshire (Natascha Engel) said earlier, all Members of the House have received an e-mail from the Procedure Committee asking them to submit their comments on the reform of the Backbench Business Committee by today. However, the very issues that we have been asked to comment on are those in the motion that the Government have tabled for debate on Monday. This is going back to the bad old days of the Executive overruling Select Committees. Whatever wishy-washy answer I get, this is not acceptable. Will the Leader of the House agree not to bring forward that motion on Monday?

Sir George Young: I am not sure that there is any point in my rising and coming to the Dispatch Box, as my hon. Friend has already discounted my reply. I must point out to him that, on 8 February, I made it absolutely clear that

"the Government believe that it would be appropriate for the House to address the anomaly whereby members of the Backbench Business Committee other than the Chair...are elected by the House as a whole rather than by Members of the political party to which they belong before the next elections of members. The Government

propose to allow time for consideration of proposals to this effect towards the end of the current Session.”

That is exactly what we are doing. It will then be a matter for the House to decide, in the light of the debate on Monday, whether it wishes to adopt the proposal on the Order Paper. I note that my hon. Friend has tabled an amendment to the motion indicating a contrary view.²¹

8 Debate on changing the way in which the chair and members are elected: 12 March 2012

On 12 March 2012, after a debate lasting 1½ hours, the House agreed changes to Standing Orders No 122D (Election of Backbench Business Committee) and No 152J (Backbench Business Committee). The table below sets out the decisions of the House on 12 March and how they affect the Standing Orders as they were agreed on 15 June 2010. (The Standing Orders, as agreed, are set out in the Appendix.)

Resolution of 12 March 2012	Effect
<p><i>Resolved, That—</i></p> <p>(1) this House endorses the principle that parties should elect members of the Backbench Business Committee each Session and thereafter when a vacancy arises in a secret ballot of all Members of that party by whichever transparent and democratic method they choose.</p>	<p>The House agreed that Members of the Backbench Business Committee should be elected by their own party, in the same way that members of select committees are elected. (These procedures are overseen by parties – no Standing Orders were required to facilitate this.)</p>
<p>(2) Standing Order No. 122D (Election of Backbench Business Committee) shall be amended as follows—</p> <p>(a) line 7, at end, insert—</p> <p style="padding-left: 40px;">‘(ba) No Member may be a candidate for the chair of the committee if that Member’s party is represented in Her Majesty’s Government.’;</p>	<p>The House agreed that the Chair of the BCom should not be a member of a party represented in the Government.</p>
<p>(b) in line 12, leave out from second ‘of’ to end of line 14 and insert ‘a party represented in Her Majesty’s Government and no fewer than ten shall be members of a party not so represented or of no party’;</p>	<p>The changes to this paragraph of the Standing Order are shown:</p> <p style="padding-left: 40px;">(c) Each nomination shall consist of a signed statement made by the candidate declaring their willingness to stand for election, accompanied by the signatures of not fewer than twenty nor more than twenty-five Members, of whom no fewer than ten shall be members of the candidate’s party and no fewer than ten shall be members of any other party or no party a party represented in Her Majesty’s Government and no fewer than ten shall be members of a party not so represented or of no party</p>

²¹ HC Deb 8 March 2012 cc1012-1013; c1019

(c) line 28, leave out paragraph (2);	This removed the provisions that required the members of the BBCom to be elected by the whole House. (See note below.)
(d) line 64, leave out sub-paragraph (b); and	This removed the provisions for by-elections when members of the Committee left the Committee.
(e) in the Title, after the word 'of', insert 'chair of'.	<p>The title of the Standing was changed from:</p> <p style="padding-left: 40px;">Election of Backbench Business Committee</p> <p>To:</p> <p style="padding-left: 40px;">Election of chair of Backbench Business Committee</p>
<p>(3) Standing Order No. 152J (Backbench Business Committee) shall be amended as follows—</p> <p>(a) line 7, leave out paragraph (3) and insert—</p> <p>'(3) The chair of the committee shall continue as chair for the remainder of the Session in which that person is elected as chair unless the chair is declared vacant by the Speaker under the provisions of Standing Order No. 122C (Resignation or removal of chairs of select committees) as applied by paragraph (3) of Standing Order No. 122D (Election of 25 Backbench Business Committee).';</p>	<p>The following para was removed, reflecting the fact that the House now elects the chair and not members:</p> <p style="padding-left: 40px;">The chair and other members of the committee shall continue as members of the committee for the remainder of the Session in which they are elected unless replaced under the provisions of Standing Order No (122D)</p>
(b) in line 12, leave out 'and members';	Removed because members are no longer elected by the whole House.
<p>(c) line 21, at end, insert—</p> <p>'(6A) The Committee shall have power to invite Members of the House who are not members of the Committee and who are of a party not represented on the Committee or of no party to attend its meetings and, at the discretion of the chair, take part in its proceedings, but—</p> <p>(a) no more than one Member may be so invited to attend in respect of the same meeting;</p> <p>(b) a Member so invited shall not move any motion or amendment to any motion, vote or be counted in the quorum.'²²</p>	A provision is added to permit members of the smaller parties in the House to take part in discussions of the BBCom.

Note: One effect of the change to the way in which members of the BBCom are elected is to remove the requirement for gender balance on the Committee. The procedure for electing members of

²² HC Deb 12 March 2012 c68

the BBCom is set out in Standing Order No 122D. The voting procedure was the same as that used to elect the Deputy Speakers: all members were able to vote for all the places on the BBCom. The Standing Order specified that the Committee must include at least two men and two women. In the debate, Angela Smith, for the Labour Party argued that “The Opposition will have a quota to provide gender balance on the Committee, because we are committed to equality when it comes to gender representation in the House. We are proud of the fact that we follow that principle”.²³

In his blog, Mark D’Arcy, the BBC parliamentary correspondent, reflected on the changes made to the Standing Orders. He questioned, “So was the series of tweaks to the rules for BBCom, to use the Westminster jargon, an establishment crackdown?”:

Have the establishment tanks rumbled in to crush the modest 'Westminster Spring', ushered in by the Commons Backbench Business Committee?

Having scheduled debates on Afghanistan, Iran, a European referendum and other subjects the government was not especially keen to talk about, the committee was not exactly flavour of the month with ministers (and some shadow ministers).

The novel experience of being able to debate at least some of the things they want to debate has been exhilarating for MPs, and rather disorientating for the party whips. It has produced some of the best moments of the current parliament - and has given ministers some rather uncomfortable interludes at the dispatch box.

So was the series of tweaks to the rules for BBCom, to use the Westminster jargon, an establishment crackdown? The key change was to alter the way the election of members of the committee is conducted. It would no longer be a poll of the whole Commons, but a series of elections within party groups.

This is how elections for members of other select committees are conducted; but on Monday night, BBCom members and other senior backbenchers argued strenuously that their committee was a special case.

They fear that switching elections to the party sphere would both import the virus of party politics into backbench business, and strengthen the power of the party machines to influence the make-up of the committee.

The other changes require that the chair of the committee is not a member of a party in government - a provision which already applies to the chair of the powerful Public Accounts Committee; and provide for the BBCom to co-opt an observer from the smaller parties. (They intend to boycott the arrangement, which they regard as insulting.)

Dark suspicions were aroused by the manner in which the proposals were brought forward. Both BBCom and the Procedure Committee are working on their own reports into the operation of backbench business - which is still a pretty novel innovation in the Commons - and there were complaints that their work had now been pre-empted.

It was clear from the contributions on Monday night that a lot of senior backbenchers simply didn't believe the protestations of the deputy leader of the House, David Heath, that the government had put forward the changes as a mere tidying-up exercise, and they were alarmed to note that ministers and parliamentary private secretaries were being whipped to support the changes.

²³ HC Deb 12 March 2012 c46

In the event, the government motions were passed with some ease. A hard core of about 100 members opposed the changes, but were outvoted as a considerable turnout of ministers and Labour frontbenchers (and some backbenchers) mobilised to push them through.

This is hardly full-scale counter-revolution. The party machines may now have a bit more traction on the elections to the committee, which will happen every session - the next round will be after the state opening of the new parliamentary session, in May.

Given that the Conservative contingent on BBBCom were returned unopposed last time around, the chances are that they will face challengers, and some of the current members might not be returned.

But the most effective way of reining in the committee would be to replace its current chair, Natascha Engel, with an establishment heavyweight who would be more likely to block inconvenient debates on uncongenial subjects like Europe. So nominations to BBBCom will deserve close scrutiny, when they emerge, probably later in May.²⁴

At Business Questions on 15 March 2012, Natascha Engel questioned the Government's reasoning for holding the debate:

Natascha Engel (North East Derbyshire) (Lab): On Monday, 186 Members voted against all-House elections to the Backbench Business Committee. Of those, 119 were payroll Members. Without those Front-Bench votes, Back Benchers would have secured all-House elections by 38 votes. We all saw the pain on the face of the Leader of the House on Monday night. Can he explain the tortuous logic by which he squares the coalition's promise to give more powers to Back Benchers with Monday's Front-Bench intervention?

Sir George Young: My hon. Friend the Deputy Leader of the House set out in his speech on Monday the reasons why he and I believed the House should support the amendment in question. As the hon. Lady knows, all we have done is bring the Backbench Business Committee into line with all the other Select Committees and ensured that, for example, the Conservative party cannot choose which Labour Members serve on her Committee. That would be an abuse, and the House agreed, through a Division in the normal way, with the proposals put forward by my hon. Friend—and supported by the hon. Lady's Front-Bench party colleagues. We have had that debate, and the time has come to move on.²⁵

²⁴ Mark D'Arcy, *HThe End of the 'Westminster Spring'?*H, 13 March 2012

²⁵ HC Deb 15 March 2012 c382

APPENDIX: Standing Orders relating to the Backbench Business Committee (agreed on 15 June 2010)

Backbench Business Committee (now Standing Order No 152J)

That the following new Standing Order be made:-

- (1) There shall be a select committee, called the Backbench Business Committee, to determine the backbench business to be taken in the House and in Westminster Hall on days, or parts of days, allotted for backbench business.
- (2) The committee shall consist of a chair and seven other Members, of whom four shall be a quorum.
- (3) The chair and other members of the committee shall continue as members of the committee for the remainder of the Session in which they are elected unless replaced under the provisions of Standing Order No. (Election of Backbench Business Committee).
- (4) The chair and members of the committee shall be elected in accordance with the provisions of Standing Order No. (Election of Backbench Business Committee).
- (5) No Member who is a Minister of the Crown or parliamentary private secretary or a principal opposition front-bench spokesperson shall be eligible to be the chair or a member of the committee: the Speaker's decision shall be final on such matters.
- (6) The committee shall have power to invite Government officials to attend all or part of any of its meetings.
- (7) The committee shall determine the backbench business to be taken-
 - (a) in the House on any day, or any part of any day, allotted under paragraph (3A) of Standing Order No. 14, and
 - (b) in Westminster Hall, in accordance with paragraph (3A) of Standing Order No. 10, and shall report its determinations to the House.

Election of Backbench Business Committee (now Standing Order No 122D)

- (1)(a) The election of the chair of the Backbench Business Committee shall take place at the start of each Session on a day to be determined by the Speaker.
- (b) Nominations of candidates shall be in writing and shall be received by the Clerk of the House between 10 am and 5 pm on the day before the day appointed for election.
- (c) Each nomination shall consist of a signed statement made by the candidate declaring their willingness to stand for election, accompanied by the signatures of not fewer than twenty nor more than twenty-five Members, of whom no fewer than ten shall be members of the candidate's party and no fewer than ten shall be members of any other party or no party.
- (d) No Member may sign the statement of more than one candidate.
- (e) As soon as practicable following the close of nominations, a list of the candidates and their accompanying signatories shall be published.
- (f) Arrangements for the election shall follow those set out in paragraphs (9) to (14) of Standing Order No. 122B (Election of committee chairs), save that in sub-paragraph (11)(e) the opening hours of the ballot shall be between eleven o'clock and one o'clock and in paragraph (12)

reference to variation of timings shall be read as applying also to the timings in sub-paragraph (b) and (f) of this paragraph.

(2)(a) The election of members of the Backbench Business Committee shall take place on a day to be determined by the Speaker as soon as practicable after the election of the chair.

(b) Nominations of candidates shall be in writing and shall be received by the Clerk of the House between 10 am and 5 pm on the day before the day appointed for election.

(c) Each nomination shall consist of a signed statement made by the candidate declaring their willingness to stand for election, accompanied by the signatures of not fewer than twelve nor more than fifteen Members.

(d) As soon as practicable following the close of nominations, a list of the candidates and their accompanying signatories shall be published.

(e) The provisions set out in paragraph (5) (a) to (d) and (f) of Standing Order No. 2A (Election of the Deputy Speakers) shall apply to the election of members of the committee.

(f) The ballot shall be counted under the Single Transferable Vote system, with constraints that of those elected: such a number of candidates shall come from each party represented in the House or those of no party as shall be determined and announced in advance by the Speaker, in such a way as to ensure that the committee including the Chair reflects as closely as possible the composition of the House, and (ii) at least two women and two men shall be elected.

(3)(a) Standing Order No. 122C (Resignation or removal of chairs of select committees) shall apply to the chair of the Backbench Business Committee, save for paragraph (2) of that Order; and any election following a vacancy in the chair shall be held under the provisions of paragraph (1) (b) to (f) above.

(b) Where a member of the committee has ceased to be a member of this House or has given written notice to the Speaker of a wish to resign from the committee, the Speaker shall make arrangements for the election by the House of a replacement using the Alternative Vote System as set out in paragraph (11) of Standing Order No. 122B (Election of committee chairs), and may give such directions on the party affiliation required for a valid candidature as are necessary to preserve the balance of parties on the committee as referred to in paragraph (2)(f)(i) above.- (*Sir George Young.*)

Backbench Business Committee (Amendment of Standing Orders)

Changes to Standing Order No 14

That Standing Order No. 14 (Arrangement of public business) be amended by inserting at the end of line 40-

'(3A) Thirty-five days or its equivalent shall be allotted in each session for proceedings in the House and in Westminster Hall on backbench business of which at least twenty-seven shall be allotted for proceedings in the House; the business determined by the Backbench Business Committee shall have precedence over government business (other than any order of the day or notice of motion on which the question is to be put forthwith) on those days; and the provisions of paragraph (2)(c) of this Standing Order shall apply to any of those days taken in the House in the form of half-days.

(3B) For the purposes of paragraph (3A) above, a Thursday sitting in Westminster Hall at which the business is appointed by the Backbench Business Committee shall count as one half-day and a topical debate shall count as one quarter-day.

(3C) Backbench business comprises all proceedings in the Chamber relating to any motion or order of the day except:

(a) government business, that is proceedings relating to government bills, financial business, proceedings under any Act of Parliament, or relating to European Union Documents, or any other motion in the name of a Minister of the Crown;

(b) opposition business under paragraph (2) above;

(c) motions for the adjournment of the House under paragraph (7) of Standing Order No. 9 (Sittings of the House), private Members' motions for leave to bring in bills under Standing Order No. 23 (Motions for leave to bring in bills and nomination of select committees at commencement of public business) and private Members' bills under paragraphs (4) to (9) below;

(d) proceedings relating to private business;

(e) any motion to amend this order or Standing Order No. (Backbench Business Committee);

(f) business set down at the direction of, or given precedence by, the Speaker.

(3D) The proceedings to be taken as backbench business shall be determined by the Backbench Business Committee, as set out in Standing Order No. (Backbench Business Committee).'

Other changes

Changes were made to Standing Order No 10 (Westminster Hall); and Standing Order No. 24A (Topical debates).