



House of Commons
House of Commons Reform
Committee

Rebuilding the House: Implementation

First Report of Session 2009–10

*Report, together with formal minutes and oral
evidence*

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Select Committee on Reform of the House of Commons

The Select Committee on Reform of the House of Commons was appointed by the House of Commons on 20 July 2009 to consider and report by 13 November 2009 on four specified matters:

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;
enabling the public to initiate debates and proceedings in the House and closely connected matters.

The Committee, which lasts until the end of the Parliament, may also consider other matters referred to it by the House.

Current membership

Dr Tony Wright MP (*Labour, Cannock Chase*) (Chair)
Mr Graham Allen MP (*Labour, Nottingham North*)
Mr Peter Atkinson MP (*Conservative, Hexham*)
Mr Clive Betts MP (*Labour, Sheffield, Attercliffe*)
Mr Graham Brady MP (*Conservative, Altrincham & Sale West*)
Mr David Clelland MP (*Labour, Tyne Bridge*)
Mr David Drew MP (*Labour Co-op, Stroud*)
Natascha Engel MP (*Labour, North East Derbyshire*)
Dr Evan Harris MP (*Liberal Democrats, Oxford West and Abingdon*)
David Howarth MP (*Liberal Democrats, Cambridge*)
Rt Hon Michael Jack MP (*Conservative, Fylde*)
Rt Hon Greg Knight MP (*Conservative, East Yorkshire*)
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)
Mr Chris Mullin MP (*Labour, Sunderland South*)
Dr Nick Palmer MP (*Labour, Broxtowe*)
Martin Salter MP (*Labour, Reading West*)
Dr Phyllis Starkey MP (*Labour, Milton Keynes South West*)
Mr Andrew Tyrie MP (*Conservative, Chichester*)

The following member was also a member of the committee during the parliament.

Sir George Young MP (*Conservative, North West Hampshire*)

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/reform_committee.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are David Natzler (Clerk), Lucinda Maer (Senior Research Clerk) and Rowena Macdonald (Committee Assistant).

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Summary

The House voted on 22 February and 4 March 2010 to approve and in some cases give effect to many of the recommendations made in the Committee's November 2009 Report, *Rebuilding the House*. Significant and welcome steps have now been taken on the path to reform.

The one remaining task for this Parliament is the agreement of the Standing Orders framework necessary for the establishment of a Backbench Business Committee to start work as soon as practicable after the start of the new Parliament. This Report proposes such Standing Orders, covering the necessary definition of what constitutes backbench business, the means of election of the Chair and members of the committee, and the means by which its conclusions can be agreed by the House.

In order to give maximum notice to Members of what we propose, and in view of the pressures of time as the 2005 Parliament draws to its close, we tabled the draft Standing Orders on the Remaining Business section of the House's Order Paper as soon as we agreed to them. We trust that the Government will soon put our proposals to the House for decision.

Much remains to be done. The new Parliament will no doubt develop its own agenda for reform. The House expressed its aspiration for a House Business Committee on 4 March, but aspirations are not enough; we have therefore agreed a draft Resolution to set out a clear timetable for implementation. The House will not even now fully determine its own agenda. Concerns about the scheduling of Report and Lords Amendments stages of Bills remain. But we are confident that the right start has been made and that the House has the capacity to reform itself.

1 Implementation of First Report

1. We agreed our First Report on the very last day of the 2008–09 session, Thursday 12 November 2009, in line with the Order of the House of 20 July 2009 which obliged us to report by 13 November 2009. The Report was published at the outset of the current 2009–10 session on 24 November 2009.¹

2. The Report was debated in the House on 22 February 2010 on the basis of an unamendable Motion tabled by the Leader of the House, and not as we had sought on the basis of the draft Resolution which we had agreed and reported to the House as an Annex to the Report.

3. Prior to the 22 February debate, the Leader of the House tabled 16 substantive Motions on Friday 5 February which appeared on the Future Business section of the Order Paper on Monday 8 February. This gave a welcome opportunity to propose amendments to the Motions. She also tabled a Written Ministerial Statement on Tuesday 9 February explaining the Motions and giving a brief indication of where the Government disagreed with our proposals, in particular for a House Business Committee.² On Monday 8 February the House of Commons Commission published an Answer to an arranged Question giving a progress Report on preparatory work undertaken by the House service.³

4. On the morning of Wednesday 10 February we heard oral evidence from the Leader, the Shadow Leader and the Liberal Democrat Shadow Leader, printed with this Report.⁴ Following that session, the Leader tabled for consideration on 22 February—because of the mid-February half term break the next sitting day—amended versions of her Motions on election of members of select committees and the establishment of a Backbench Business Committee, to reflect amendments tabled to those motions.

5. After a full day's debate on Monday 22 February, the House was invited to give unanimous consent to 16 Motions. 11 of them were so agreed, including a reduction in the size of standard select committees, encouragement for work on increasing public engagement with legislation, agreement to an early decision in the next Parliament on sittings of the House in September 2010, and various steps to enhance procedure on public petitions. Following the Speaker's statement of 23 February, petitions were for the first time formally noted on the Order Paper for 1 March.

6. The 5 motions objected to on 22 February were re-tabled for decision on 4 March. In the course of the next week a number of amendments were tabled to these Motions. In the votes on 4 March seven amendments were made, mostly without a vote:

- The chair of the Procedure Committee was added to the list of chairs subject to whole House election, a fail-safe measure was introduced into the mechanism for party leaders to bring forward proposals for distribution of committee chairs

¹ House of Commons Reform Committee, First Report of session 2008–09, *Rebuilding the House*, HC 1117.

² HC Deb, 9 February 2010, cols 45–47WS.

³ HC Deb, 8 February 2010, cols 651–2w

⁴ Ev 1–9

among the parties, and the convention that the chair of the Public Accounts Committee should be held by an Opposition Member was enshrined in Standing Orders.

- A mechanism was introduced permitting the Speaker to invite the Committee of Selection to discharge and replace a select committee member whose attendance had fallen below a given threshold over a session.
- The declared deadline for the establishment of a Backbench Business Committee was brought forward from the summer of 2010 to the start of the new Parliament, and its remit to be determined by the terms of our Report.
- Approval in principle was given to the establishment during the course of the next Parliament of a House Business Committee along the lines recommended in our Report.
- Further consideration was sought in the next Parliament of ten of our recommendations which were otherwise unimplemented.

7. The concrete outcome of the 4 March votes was that the chairs of many select committees will in the new Parliament be elected by the whole House in a secret ballot using the Alternative Vote; that members of select committees should be elected within parties using a secret ballot; and that, in line with the proposals of the Procedure Committee, the Deputy Speakers will at the outset of the new Parliament be elected in a secret ballot using the Single Transferable Vote.⁵ **Taken together with the 11 motions agreed on 22 February, significant and welcome steps have now been taken on the path to reform.**

2 Backbench Business Committee

8. There remains one further task for the House to fulfil this session: the preparation and agreement of the Standing Orders necessary for a Backbench Business Committee to be elected and start work in the new Parliament. The original Motion put before the House by the Leader envisaged the task of preparation being undertaken by the Procedure Committee in the new Parliament. The amendment from the Official Opposition envisaged it being undertaken by the Procedure Committee in this Parliament. Having sponsored the amendment which was carried against both these propositions, we have decided that it is incumbent on us to complete the task originally committed to us by the House in July 2009. In the time available to us in 2009 it was not possible to bring our consideration of backbench business to a conclusion, and the Government did not offer the House a draft Standing Order when it tabled other draft Standing Orders in early February.

9. In our earlier Report we noted that in the time available we had not been able “*to conduct an exhaustive inquiry into all the possible categories of backbench business which a Backbench Business Committee might in future bring forward....The last thing we would*

⁵ For a descriptive list of the 16 Motions agreed to on 22 February and 4 March, see Annex 3

wish to do is to try and set down a narrow menu now".⁶ That remains our view. No Standing Order should constrain the inventiveness of colleagues in the next Parliament. But it is necessary now to determine a structure within which a Backbench Business Committee can begin its work in a new Parliament, as well as refining our propositions on the election of the chair and members of the committee.

Backbench business

Definition by exclusion

10. It is our view that "backbench business" is best defined by exclusion: in other words, by establishing the concept of everything being backbench business unless it falls into some other defined category, principally Government business, Opposition business and individual Private Members' business. Practice and experience will soon show where further definition is needed. The draft Standing Order enshrines this view. There are a handful of issues requiring resolution.

Private Members' legislation

11. We set out in our Report our view that some changes were needed in the way Private Members Bills are dealt with, and also identified the possibility that in due course there could be alternative procedures to the ballot for establishing prioritisation, scheduling on days other than Fridays, and programming proceedings.⁷ The Resolution of 4 March 2010 looks forward to this matter receiving further consideration in the next Parliament. Our draft Standing Order provisionally groups Private Members' legislative business with other business initiated by individual Members. But as an illustration of how to implement our recommendation that Private Members' bills are not obstructed by purely procedural devices, we suggest that the Backbench Business Committee could be given the power to propose programme motions for Private Members' bills, in the same way that Ministers do for Government bills. We are convinced that in the new Parliament the House needs to give a high priority to an overall reform of the regime applying to Private Members' legislation.

Estimates Days

12. Estimates Days are an example of business technically initiated by the Government but in fact an opportunity for backbenchers to call Ministers to account on subjects chosen, in this case, by the Liaison Committee on behalf of the House's select committees.⁸ The Liaison Committee is taking forward discussions on the number of such days and the nature of the business to be taken on them. For the purposes of scheduling [ie when they are to be] and counting [ie calculation of the number of backbench business days] we believe that they should for the time being be regarded as backbench business. Both our Report and the Liaison Committee have argued that debates on select committee business should be able to take the form of substantive motions and that the expenditure plans of specific Government departments be examined in such motions. The draft Standing Order

⁶ *Rebuilding the House*, para 219

⁷ *Rebuilding the House*, paras 193-4, 221

⁸ *Ibid*, paras 136-139

therefore provides for the recommendations of the Liaison Committee on the matters to be debated to be channelled through the Backbench Business Committee.

Prayers against secondary legislation

13. Motions seeking to annul secondary legislation are not initiated by Ministers nor moved by them. They do however arise directly as a result of ministerial legislative initiative. For the purposes of definition, they are implicitly included in the category of government business in the draft Standing Order. That would not rule out the possibility of the Backbench Business Committee allowing a prayer in backbench time; but we consider that it is primarily for the Government to find such time.

Set-piece debates

14. In the debate on 4 March, and in the amendment moved by the Official Opposition and defeated on a vote, there was reference to 15 days allotted to set piece debates.⁹ We do indeed envisage that the Backbench Business Committee should be able to decide if and when and for how long most of the debates in this category should be held. We had some hesitation in accepting that the four annual completely “open” debates immediately before recesses should be counted off against the sessional quota of 35 days for backbench business. The draft Standing Order would include them as backbench business, but it may be necessary to review that in the light of experience.

Westminster Hall

15. The draft Standing Order provides that all Thursdays in Westminster Hall are to be regarded as backbench business, with at least 20 each year to be at the disposal of the Liaison Committee. The Backbench Business Committee will be free to schedule business of its choosing for the balance, currently used by the Government for minor and relatively ill-attended debates.¹⁰ Where time is found for substantive debates on select committee reports on the floor of the House, as we anticipate, it would be open for the Liaison Committee to take fewer days in Westminster Hall, which could then be used by the Backbench Business Committee for scheduling other business, including some of the debates on non-substantive motions currently held in the Chamber

Topical debates

16. It is common ground that the subjects of topical debates should henceforth be chosen by the Backbench Business Committee rather than the Leader and that topical debates are to be treated as backbench business for the purposes of computing the sessional total of days allotted to backbench business. These 90 minute debates will presumably be regarded as quarter days for the purposes of computing the sessional quota. But we have also assumed that the current complex speaking time regime in Standing Order No. 24A will need radical alteration. There seems no good reason why front-benchers in such debates should have substantially longer than backbenchers, and the order of speaking will also have to be subject to new conventions. Rather than trying to impose a regime in advance,

⁹ *Rebuilding the House*, para 145

¹⁰ *Ibid*, para 166

we propose that each debate be managed by the Chair, who will no doubt have in mind the sort of arrangements which have worked well in the recent past in setting front bench and backbench speaking times, and the extent of injury time for interventions.

Election of Chair and members

Election of Chair

17. The Committee recommended election by the House of the Chair and members of the Backbench Business Committee. The election of the Chair should plainly follow the pattern of the election of other select committee chairs set out in the new Standing Order agreed on 4 March. It will however have to be held sooner if the aspiration is to be met of having a committee up and running swiftly. The draft Standing Order sets out a timetable under which the Chair will be elected soon after the Deputy Speakers. We do not propose any restriction on the party affiliation of candidates.

Election of members

18. On 4 March the House agreed to the proposal from the Procedure Committee that the three Deputy Speakers should be elected by the whole House under the Single Transferable Vote System, providing also for party balance across the four occupants of the Chair, and a degree of gender balance. The draft Standing Order envisages a similar procedure for election of the members of the Backbench Business Committee. The Speaker will have a technical role in determining the appropriate party balance, taking into account the party affiliation of the elected Chair, and in organising ballots to fill vacancies, so as to maintain the right party and gender balance.

Operation of Committee

19. For the time being the House has chosen to pursue what our Report described as “Option 2: the existing system with a Backbench Business Committee bolted on”. We rejected this option for the reasons given in the Report.¹¹ We therefore welcome the House’s unanimous decision on 4 March to approve the establishment during the course of the next Parliament of a House Business Committee along the lines we recommended.

20. In the interim, the House has to decide how the Backbench Business Committee is to feed into the process of the setting of the House’s agenda. It could simply send its views, published or not, to the Leader, for incorporation into the weekly Business Statement made to the House, rather as the Liaison Committee does now for its Westminster Hall Thursdays and the Opposition for the topics it will be raising on its Opposition days.

21. We have however put forward in the draft Standing Order a more democratic option, along the lines of the “votable agenda” which formed a key part of our overall package of reforms. While the Government part of the House’s agenda would continue—at least in the short term—to be simply announced to the House, we propose that the backbench business should be subject to the approval of the House.

¹¹ *Rebuilding the House*, para 198

22. Whether or not the backbench business agenda is votable, there is a case for the Chair of the Backbench Business Committee to be susceptible to questioning by Members at Business Questions, on a similar basis to questions put to the Leader of the House on the Government's agenda. It would not be fair for the Leader to be expected to answer for decisions of the Committee. The choreography is for others to determine; it is not a matter for Standing Orders.

3 Next steps

Standing Order changes

23. In order to give maximum notice to Members of what we propose, and in view of the pressures of time as the 2005 Parliament draws to its close, we have tabled the draft Standing Orders and a draft Resolution on the Remaining Business section of the House's Order Paper at the earliest opportunity. That offers the possibility of proposing amendments. We trust that the Government will soon put our proposals to the House for decision.

Draft Resolution

24. The aspiration expressed in the Resolution of 4 March 2010 for a future House Business Committee is worthless without the political will to give effect to it. We have therefore also agreed a draft resolution, contained in Annex 2, which seeks to establish an agreed mechanism and timetable for the new Parliament to be in a position to decide on how to introduce a House Business Committee, a votable agenda and any associated changes in Standing Orders or the procedures of the House necessary to implement our recommendations.

4 Conclusion

25. The Annexes to this Report containing our draft Standing Orders and a draft Resolution conclude our labours. We are under no illusion as to how much remains to be done to rebuild the House. Our proposal that the House should fully determine its own agenda has not yet been realised. Concerns remain over the Report and Lords Amendments stages of Bills. The new Parliament will no doubt develop its own agenda for reform and its own mechanisms for achieving it. But we are confident from the events of the past four months that the right start has been made and that the House does indeed have the capacity to reform itself using the energy and commitment of its Members.

Annex 1

Draft Standing Order changes

That the following Standing Orders and amendments to Standing Orders shall be made, with effect from the beginning of the next Parliament—

‘(A) In Standing Order No. 10 (Westminster Hall)—

- a) in paragraph (3) leave out “Subject to paragraph (13) below” and insert “On Tuesdays and Wednesdays”;
- b) after paragraph (3) insert “ (3A) The business taken at any Thursday sitting in Westminster Hall shall be such as the Backbench Business Committee shall appoint, having consulted the Liaison Committee; no fewer than twenty such days each session shall be devoted to debates on select committee reports chosen by the Liaison Committee, but it shall be open to the Liaison Committee to take a smaller number where it so indicates’ ;
- c) leave out paragraph (13).

(B) In Standing Order No.14 (Arrangement of public business), line 40, at the end, insert—

‘(3A) Thirty-five days or its equivalent shall be allotted in each session for proceedings in the House on backbench business: the provisions of paragraph (2) (c) of this Standing Order shall apply to any of those days taken in the form of half-days.

(3B) Backbench business comprises all proceedings 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, and substantive motions in the name of a Minister of the Crown;
- (b) opposition business under paragraph (2) of this Standing Order;
- (c) individual Members’ business, that is motions for the adjournment of the House under paragraph (7) of Standing Order No. 9 (Sittings of the House), private Members’ legislative business under paragraphs (4) to (9) below and business taken on Tuesdays and Wednesdays under Standing Order No. 10 (Sittings in Westminster Hall);
- (d) proceedings relating to private business;
- (e) business set down at the direction of the Speaker.

(3C) The proceedings to be taken as backbench business shall be determined by the decision of the House on a resolution from the Backbench Business Committee, as set out in Standing Order No. (Backbench Business Committee).’

(C) In Standing Order No 24A (Topical debates)—

- a) in paragraph (1) leave out “ A Minister of the Crown ” and insert “ The Backbench Business Committee ”:
- b) leave out paragraphs (3) to (8) and add “ () The Speaker may announce that he intends to call Members to speak in a topical debate, or at certain times during such a debate, for no longer than any period he may specify: he may at any time make subsequent announcements varying the terms of an announcement under this paragraph: he shall add to any period specified under this paragraph one minute for each intervention up to a maximum number he shall specify when making an announcement; and he may direct any Member who has spoken for that period to resume his seat forthwith.”

(D) In Standing Order No 83A (Programme Motions), in paragraph (1), in line 5 after “Crown” insert

“or, in the case of a private Member’s bill, by the Chair or another member of the Backbench Business Committee, on behalf of the Committee”.

(E) In Standing Order No 145 (Liaison Committee), in paragraph (3), in line 14 after “recommendations” insert “to the Backbench Business Committee”; and in line 17, after “made” insert “by the Chair of the Backbench Business Committee or another member of that Committee on behalf of the Committee”.

(F) That the following Standing Order shall be made—

Backbench Business Committee

(1) There shall be a select committee, called the Backbench Business Committee, to make recommendations for backbench business to be taken on days, or parts of days, allotted for backbench business.

(2) The committee shall consist of a chair and eight other Members, of whom four shall be a quorum. The Chair and other members of the committee shall continue as members of the committee for the remainder of the Parliament unless replaced under the provisions of this Order.

(3) No member who is a Minister of the Crown or parliamentary private secretary or a principal Opposition front-bench spokesperson shall be eligible for election to the chair or as a member of the committee: the Speaker’s decision shall be final on such matters.

(4) (a) The election of the chair shall take place at the start of each Parliament on a day to be determined by the Speaker no later than seven days after the Queen’s Speech, subject to the previous election of the Deputy Speakers.

(b) Nominations of candidates shall be in writing and shall be received by the Clerk of the House between 10.00 am and 5.00 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 paras (9) to (14) of Standing Order No.... (Election of committee chairs), save that in sub-paragraph (11)(e) the opening hours of the ballot shall be between eleven o'clock and twelve o'clock and in paragraph (12) reference to variation of timings shall be read as applying to the timings in sub-paragraph (b) and (f) of this paragraph.

(5) (a) The election of members shall take place on a day to be determined by the Speaker as soon as practicable after the day appointed for election of the chair under paragraph (4) above.

(b) Nominations of candidates shall be in writing and shall be received by the Clerk of the House between 10.00 am and 5.00 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.

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

(h) The ballot shall be counted under the Single Transferable Vote system, with constraints that of those elected:

(i) such a number of candidates shall come from each political party represented in the House or grouping of parties or those of no party as shall be determined and announced in advance by Mr Speaker, in such a way as to ensure that the Committee including the Chair reflects as closely as possible the composition of the House,

(ii) at least two women and two men shall be elected.

(6) (a) Standing Order No.....(Resignation or removal of chairs of select committees) shall apply to the chair of the committee, save for paragraph (2) of that Order; and any election shall be held under the provisions of paragraph (4) (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(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 (5)(h)(i) above.

(7) The committee shall have power to invite Government officials to attend all or part of any of its meetings.

(8) The committee shall report its recommendations allocating to such backbench business as it may consider appropriate, the time of the House on days or parts of days allotted for backbench business over the week following the Friday after the report is made; and the committee may also report its intended recommendations for the second week following the Friday after the report is made.

(9) A motion made on behalf of the Committee by the Chair or another member of the Committee that this House agrees with the Committee in its report shall have precedence over government or opposition business.

(10) The Speaker shall put the questions necessary to dispose of proceedings relating to such a motion forthwith; the proceedings may continue after the moment of interruption; Standing Order No. 41A (Deferred divisions) shall not apply; and any resolutions agreed to at the conclusion of such proceedings shall have effect as if they were orders of the House.’’

Annex 2

Draft Resolution

That this House, wishing to give effect to its Resolution of 4 March 2010 approving 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, considers that within twelve months of the first meeting of the Backbench Business Committee set up under Standing Order No. (Backbench Business Committee), the Procedure Committee, or a temporary select committee comprising members elected by their parties, should be ordered to make the detailed proposals, in consultation with Government and Opposition business managers, necessary to establish a House Business Committee and a votable agenda; that the committee should be ordered to report within three months; and that the motions necessary to give effect to its proposals should be put to the House for decision within eight weeks of the publication of its Report’.

Annex 3

List of Standing Orders and Resolutions of 22 February and 4 March 2010

Select committees

1. Election of select committee chairs by the whole House using the Alternative Vote, covering departmental and some other select committees, on the basis of a distribution between parties agreed by the House. [4 March 2010]
2. Resignation or removal of select committee chairs, allowing for by elections for vacancies and for members to express no confidence in a directly elected chair. [4 March 2010]
3. Terminology, substituting Chair for Chairman. [4 March 2010]
4. Election of members of select committees, endorsing the principle of election of members by parties in a secret ballot. [4 March 2010]
5. Nomination of members of select committees within six weeks of the beginning of the session in a new Parliament. [22 February 2010]
6. Reduction in size of select committees, from 14 to 11 in the case of standard departmental select committees. [22 February 2010]
7. Review of the role, resources and tasks of committees to be carried out by the Liaison Committee. [22 February 2010]

Scheduling of business etc

8. Backbench business committee to be established in time for the start of the new Parliament to schedule non-ministerial business; approval for establishment during course of next Parliament of a House Business Committee; and 10 other recommendations of the Committee to be further considered in the next Parliament. [4 March 2010]
9. Approval for early decision in new Parliament on sittings of the House in September 2010. [22 February 2010]
10. Proposals for scheme of Motions for House debate to be further considered by the Procedure Committee in new Parliament. [22 February 2010]

Public engagement etc

11. Approval for work being undertaken on engaging the public with the legislative process. [22 February 2010]
12. Approval for work investigating practicalities of agenda initiative schemes drawing on local and international experience. [22 February 2010]

13. Approval for work on production of a revised and re-costed e-petitions scheme for consideration in the next Parliament. [22 February 2010]
14. Welcome for proposal for trial of debates on public petitions in Westminster Hall in the next session, subject to presentation of petitions of sufficient significance. [22 February 2010]
15. Approval for work on producing information for petitioners on relevant House proceedings. [22 February 2010]
16. Approval of new procedure for giving formal notice of presentation of petitions on the Order Paper and reading of title. [22 February 2010]

Formal Minutes

Wednesday 10 March 2010

Members present:

Dr Tony Wright, in the chair

Mr Graham Allen
Mr Clive Betts
Mr Graham Brady
Mr David Drew
Natascha Engel
Dr Evan Harris

David Howarth
Rt Hon Michael Jack
Mr Chris Mullin
Dr Nick Palmer
Dr Phyllis Starkey
Mr Andrew Tyrie

Draft Report (*Rebuilding the House: Implementation*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Annexes 1 to 3 agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

[Adjourned to a date and time to be determined]

Witnesses

Wednesday 10 February 2010

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Rt Hon Harriet Harman QC MP, Leader of the House, **Rt Hon Sir George Young MP**, Shadow Leader of the House and **Mr David Heath MP**, Liberal Democrat Shadow Leader of the House

Ev 1

List of Reports from the Committee during the current Parliament

Session 2009–10

First Report	Rebuilding the House: Implementation	HC 372
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Session 2008–09

First Report	Rebuilding the House	HC 1117
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Oral evidence

Taken before the House of Commons Reform Committee on Wednesday 10 February 2010

Members present

Dr Tony Wright, in the Chair

Mr Graham Allen
Mr Graham Brady
Mr David Drew
Natascha Engel

Dr Evan Harris
Mr Michael Jack
Mr Chris Mullin
Mr Andrew Tyrie

Witnesses: **Rt Hon Harriet Harman QC MP**, Leader of the House; **Rt Hon Sir George Young MP**, Shadow Leader of the House; and **Mr David Heath MP**, Liberal Democrat Shadow Leader of the House, gave evidence.

Q1 Chairman: Thank you all for coming along at relatively short notice. When it was first established the Committee did reserve the right to meet again to monitor progress and we thought it useful to do that. Progress is changing all the time and we need to be sure we know where we are at the moment. I would ask members to be fairly brisk in any questions and also if I could ask our witnesses to be reasonably brisk in the answers that they give. Could I ask the Leader of the House to start with, we made a point in our report of producing a draft resolution so that there could be no doubt about the package of measures that we were proposing. Of course, our intention and our assumption was that this would then be presented to the House as the basis for debate. I wonder and the Committee wonders why it has not been thought useful to put that draft resolution to the House as part of the debate on 22 February?

Ms Harman: Firstly, can I thank all members of the Committee for your work. I think you have done a really important job and I hope that out of it before the next general election we will see substantive progress. We have identified four key areas where we want to make progress. To answer your specific point about the draft resolution, what we wanted to do is get resolutions where change was asked for right away that would effect that change and that went through specifically the resolutions and took them forward, so that is why 16 detailed resolutions have been tabled. However, there is one thing in the draft resolution which is “endorses its proposal for an elected Backbench Business Committee to schedule non-ministerial business”, of which we are in favour “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.” We are in favour of the notion of a House Committee for the non-Government business but we think that it would be best to do that first, try it out, see how that works, but we are not favour at this stage of a House Committee scheduling Government business. Bearing in mind that we want to try and work on the basis of a consensus and bearing in mind that we know that the Conservatives are not in favour of

that either, we would not want to be tabling something that we are not in favour of and that the Conservatives are not in favour of. Therefore, we have tried to go forward on 16 resolutions that we think can achieve consensus. No doubt there will be further things that are moved on to, but we think 16 is a major, positive start.

Q2 Chairman: So you are happy with the resolution apart from the reference to the House Business Committee. The question then is: 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?

Ms Harman: When we come to the substantive motions, those that are not approved on 22 February—and if I could just say something about why we have approached it in the way that we have; is this the question I am answering now? Would that be helpful or would it be long-winded?

Q3 Chairman: As long as you answer the question I just asked you.

Ms Harman: Which was why not put it down and let Members vote on it?

Q4 Chairman: It was a House report to the House. The fact that you might dissent from one provision—

Ms Harman: 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. I am sure nobody in this room would do this, but I hope people will not vote against something on which they are in agreement in substance on the 22nd. Bearing in mind that some things will then not be approved and will be objected to, those things that are objected to will come to be voted on on 4 March, that is the provisional date, and those motions will be amendable. As far as we

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the Government are concerned we are tabling for the House's approval what we believe there to be a consensus of support on. We are not tabling things that we think, generally speaking, are not supported. Sir George wrote a letter that he sent to me yesterday. Originally Sir George suggested that we table the things that were agreed with across the parties in order to get a consensus, but he has now suggested that we table everything by way of specific resolutions, and I will reflect on that. He wrote to me yesterday. Thank you for your letter, Sir George.

Q5 Chairman: Let us not get completely bogged down at this point. Can I ask George and David the same question: would you have been happy to put our resolution down? As part of that, are there parts of our report which you would not be happy to sign up to?

Sir George Young: I do not know on what basis it was asserted that Harriet knew that we were not in favour of a House Business Committee. Had we had the debate, I would have been very happy to set out what our position is. I am sorry we have not had that debate. She has no basis for asserting that.

Ms Harman: What is your position?

Sir George Young: If you had tabled a day for debating this I would have set it out. 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. If we had had the debate within the eight weeks I would have been very happy to set out where we are coming from. What the report says at the beginning is absolutely crucial about doing it incrementally and in stages. "This will inevitably need implementation in stages." I agree with that. I think the bit at the end, the House Committee, is 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. Will I sign up to it on 7 May as proposed? No. I think you need to get the other bits in place first and it comes towards the end.

Mr Heath: I think what we heard from the Leader of the House earlier 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 for the Government, for the Executive to determine what it is right for Parliament to discuss, and for the other front benches to cosily do a deal as to what might be appropriate to put before the House. As far as I am concerned, I thought it was very clear what your Committee's intention was, which was the draft resolution should be put before the House at the earliest opportunity, without interference from anyone in ministerial capacity or front bench capacity from the parties. We should have an open

and honest debate on the suggestions and as a result of that and after a series of resolutions we would have a clear view of where the House stood on these issues, and then if there was approval, if there was general agreement in favour of the proposals, then detailed proposals in terms of changes to the standing orders could be brought back for agreement. That would seem to me to be an entirely sensible way forward and the way in which I think was clearly foreshadowed in the Committee's report. I am very disappointed that that has not been the case and we have wasted three months without making any progress at all.

Q6 Chairman: Just so I am clear, you are signed up to the package?

Mr Heath: No, what I am making very clear is I can only speak for myself. I do not speak for my colleagues because they each have an individual view on this, as is right. In my personal view, I can find nothing in the package with which I disagree, although I would express a preference for a single Business Committee, as is normally the case in other modern Western democracies, rather than the double arrangement which the Committee proposed. That is my preference; not something that I would wish to impose on my colleagues.

Ms Harman: I just want to reassure David, following the point, that Members will have an opportunity, one way or another, to debate and vote on anything they want to in this report. They can debate anything on the first day, the 22nd, they can vote on anything they want to because they can table amendments to the substantive motions. I do not really think that David needs to fear that people will not be able to vote on what you have put in your report; they will. All they have to do is table amendments. I do not think George needs to fear that he is in a different position than we are in, because we are putting forward the mechanisms for a House Committee for backbench non-Government business and whatever happens afterwards obviously is incremental.

Mr Heath: If that is the case why not put them forward in the first instance?

Ms Harman: You could put them forward.

Chairman: We do the questions if that is all right.

Q7 Natascha Engel: Could I press Sir George, who was a member of this Committee during the adolescent, formative weeks when we were coming up with these ideas about a Backbench Business Committee meeting with the House Business Committee. If by 4 March, the second day, there has been a full debate and votes on absolutely everything, and it is decided that it is desirable to have not just a Backbench Business Committee but to have a House Business Committee that sits with the business managers, the whips, the usual channels which would result in a decision being taken on what the Government's business is for that week, for two weeks ahead, and let us say there is a Tory Government and the natural consequence would be business would be slower and legislation would take longer; is that something that if you were in Government you would reverse? Is that something

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that you would keep in place if there was a vote of the House to support the formation of a House Business Committee?

Sir George Young: If that was the will of the House on 4 March and that is what it has decided, we would accept that.

Ms Harman: But are you in favour of it, is what she is asking?

Q8 Natascha Engel: I am asking whether you would reverse it.

Sir George Young: I have explained the procedure that I personally would prefer, which is a sequential one, which I think is the one that is proposed by the Committee, which refers to a jigsaw and putting the jigsaw together. I think you start with the select committees and the election of the chairmen and the members. I see no difficulty with that. You then progress to the establishment of a backbench Committee which this Committee has now proposed would not be established until July. I was ready for a slightly earlier start. You then progressively hand over to it responsibility for deciding part of the business, paragraph 145, the set piece debates, the 15 days, then the general debates, plus the topical debates right at the beginning. Having got that in place, you then move to the next stage and, as I said, I think we should have a more collaborative, more transparent system of doing the rest, which is the House business. It seems to me perverse that we fought a battle to get the House business on to the agenda of this Committee. We got it on but then the resolutions have knocked it out again so it seems to me it was almost a Pyrrhic victory getting the terms of reference expanded.

Chairman: That is what we are exploring.

Q9 Dr Harris: I want to ask the Leader of the House: is it a free vote for Labour Members including the payroll vote?

Ms Harman: It is House business.

Q10 Dr Harris: It is House business?

Ms Harman: It is House business. It is not whipped business.

Q11 Dr Harris: So it is a free vote?

Ms Harman: You know what happens with House business is that Members of all parties vote in all different directions and that includes the governing party as well. We have seen plenty of examples of that recently.

Q12 Dr Harris: It is a free vote?

Ms Harman: It is a free vote. It is House business. We would not whip House business. That is for the House to decide. It is not for the Government to decide.

Q13 Dr Harris: Is the Government going to give strong advice to people to oppose anything that was not in the Government's resolutions to start with?

Ms Harman: I am giving strong advice to our colleagues that we want to support and get through the four, what I describe as, big ticket items: the

House Committee for non-Government business; election of chairs of select committees; election of members of select committees; and backbench motions, because one of my fears is that everything will cancel everything out. I want to make sure that by the time we get to 5 March we have got those four big ticket items through. If you ask me what I am saying to my colleagues that I want to see happen; it is about what I want to see happen, not what I do not want see happen that is preoccupying me. I do not want to end up with nothing.

Q14 Dr Harris: The House Business Committee was proposed in response to the widespread concern, it is set out in the report, that when it comes to the floor of the House we just simply do not get through the business, we do not get through the groups, we do not get through the amendments, we do not debate them, let alone vote on them; and last night was another example where five out of six groups were not reached. If you do not have the House Business Committee scheduling all the business, with guarantees that the Government will have as much time and a choice of dates and a first choice and all of that, what is your solution to that problem, first the Minister and then Sir George, or do you think it is not a problem that chunks of bills go through without floor-of-the-House scrutiny in this place?

Ms Harman: I think that the first stage needs to be to set up the Committee to set the agenda for non-Government business and I think that that is overdue and very welcome and a good thing to be happening, and no doubt we can consider—

Q15 Dr Harris: That is not my question. Let us just concentrate here.

Ms Harman: —how that is built on, but that is not necessarily the case that because there is a problem to do with House business that a House Business Committee will be the solution to that problem because if the House Business Committee puts forward something that the Government does not agree with and the Government has a majority, then it might end up not being approved by the House, so there are issues down the line.

Dr Harris: What is the solution though?

Chairman: Evan, I have to move us on.

Dr Harris: No solution.

Q16 Mr Mullin: Can I ask the Leader why not on day two just table neutral “take note” motions on the three principal areas not covered by your 16 motions, that is to say the House Business Committee, a voteable agenda and improved procedures at report stage, and, who knows, perhaps electing the Chairman of the ISC as well?

Ms Harman: It depends whether you think that the challenge of 4 March is going to be that it is going to be incomplete in the amount of change that the House approves and that the House could be approving more change than it has the opportunity to, or whether you have the fear that I have that it might approve less change than we are tabling. It depends what your worry is. My worry is that we might not get these four big ticket items through.

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You are obviously spending time worrying about the things that are not tabled yet but you might additionally be able to get through. I have been in the House when there have been so many proposals put that we have ended up agreeing on nothing and everything has cancelled everything else out. When you are thinking of 16 resolutions on unwhipped business, it is quite an opportunity for confusion, and I think that basically I am trying to give a clear steer, a clear lead that we want these four key items to go through, so that is what my concern is. I will reflect on Sir George's letter which he wrote yesterday. He did mention that in the past the Government has tabled things on a free vote which it did not agree with in order to give the House a choice, like for example on abortion, but actually a series of time-limits which are quite easy to understand is less challenging in terms of management of the House coming to its conclusion than 44 recommendations.

Q17 Chairman: Surely that is what would happen? You would bring forward a business of the House motion that would structure the time and structure the debate and structure the votes?

Ms Harman: But it would not necessarily affect them. Our resolutions are actually going to affect them. They are not going to just be like a second reading resolution. They are going to be actually putting them into practice.

Q18 Mr Allen: But you will timetable the business on the second day so everybody is clear when decisions are taken throughout the day?

Ms Harman: All the votes will be got through on the second day.

Q19 Mr Allen: All at the end or will there be a timetable motion so that colleagues know precisely what issue will be taken at what time?

Ms Harman: I do not think we are anticipating very lengthy debate on the second day because we will have had lengthy debate on the first day. If we have had six hours and then, say, one and a half hours, then we will have had seven and a half hours and that seems to me to be enough debates. What are you suggesting?

Mr Allen: I am suggesting there will be complete chaos with 22 separate decisions to be taken unless it is clear when they are taken and what the issues will be. Then there will be confusion and there will be certain people not too far away from the whips' office who will be looking in a particular direction to help those confused colleagues. So I would have thought a sensible timetable motion—

Natascha Engel: I will help!

Q20 Mr Allen: —will help us all get through the business and deliver a decision of the House.

Ms Harman: I agree that we do want to avoid confusion and we want to get people clear that at the very least we need to get these four key points through and anything else that the House actually wants.

Q21 Mr Brady: Leader, in response to Evan Harris you said you would give “strong” advice that we would want to get through the four big ticket items. Will you be neutral about any amendments to those motions or will you give equally strong advice to oppose, for instance, an amendment to bring in a House Business Committee?

Ms Harman: It does depend on what the amendments say.

Q22 Mr Brady: I have given you an example.

Ms Harman: Your Chairman has pointed out that one of our resolutions could be improved, so we are already in a continuous improvement process.

Q23 Mr Brady: If there were an amendment seeking to bring in a House Business Committee, as this Committee recommended, would you be giving strong advice to oppose that?

Ms Harman: If it was, as Sir George describes, for immediate implementation, as I have put in the written ministerial statement, we would not support that, and I have put in the written ministerial statement that we tabled yesterday—and I will just quote to you what I have said: “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.” So the timescale between 22 February and 4 March gives us an opportunity to be listening and responsive, which is what we are on this, and that is what I have put in the written ministerial statement.

Q24 Mr Brady: But if your view remains as it is today, then you would informally, at least, whip payroll votes and possibly other colleagues to oppose that?

Ms Harman: My view is as it was of yesterday, which is: this is our view but we will listen to the views of Members on the 22nd. I do not know what else we can say about that. We have to have a view because we are cognitive beings and we can take a view. We have taken a view but we also want to be listening to the House and respecting the House. We are listening and we have put that in the written ministerial statement.

Q25 Mr Brady: Can I return to the point Evan Harris made. Will there be a genuinely free vote of all Members including the payroll vote on these amendments?

Ms Harman: It will not be a whipped vote; there will be a genuinely free vote. I hope to encourage that genuinely free vote, both in relation to our side of the House and the other side of the House, to recognise the proposals that you have put forward, especially in respect of those four big ticket items. It is about time we got on and did it. Certainly as Leader of the House the idea of myself choosing topical debates, myself choosing which general debates—really! I

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agree strongly that this is the change that we need, so I will be encouraging the House to make that change, but I will not be whipping anybody.

Q26 Chairman: It is interesting that you say you are in continuous improvement mode. I understand this means that if any of the motions that you have put down already turn out to be inadequate in any way you are willing to change those?

Ms Harman: Of course and that is one of the reasons why we tabled them the day before yesterday in order to show our hand in order that you could come and say “this bit is wrong” or “that bit is wrong”.

Q27 Chairman: You have taken the point about the House having an opportunity to take a view on those things which you presently are not keen on? That is the second bit of the strand of continuous improvement.

Ms Harman: I will probably regret saying “continuous improvement”. It was a little joke—probably best not made. Sir George has written and said “table everything”. 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. I think there is something about it being clearer for people. If there is a resolution with my name on it, then people know I agree with it. If there is a resolution with my name on that I do not agree with, some people might get confused.

Q28 Mr Mullin: The problem is, Leader, that the biggest ticket item, which is to enable the House to get some influence over the business, is not on the agenda as far as we can see, and both you and the Conservative representative appear to agree to keep it off the agenda, or am I misreading the situation?

Ms Harman: What I am saying is we will listen to the views of Members. For now we have said: “We do not believe that the time is right to take forward proposals for a House Business Committee”, so we have said what our position is, “. . . particularly in advance of having the benefit of considering how the backbench committee will work in practice. However we will listen to the views . . .” so yes that is right.

Q29 Mr Mullin: The best way to listen to gauge the views of Members would be to put down something on which Members can vote and then we shall know what Members want.

Ms Harman: We are going to listen on the 22nd and then reflect on whether or not we should table something which we do not think is right to be implementing at this stage.

Q30 Mr Drew: Surely the House should have had a view on the Wright Committee as a package? We can then argue about the different parts of the Wright

package and that, surely, is something that we are capable of doing as a Parliament. The problem now if I am not engaged with these changes is that I will be looking at each individual part and taking a view on each individual part. The Wright Committee, in a sense, is irrelevant to that. Is that not a problem that we have lost what the Wright Committee was trying to do?

Ms Harman: No, I do not think so at all because you have mapped out an agenda for change and the process on 22 February and 4 March will be the stepping stones to making those changes, I think that we can make substantial progress. I hope that colleagues on all sides of the House will take the opportunity, both on 22 February and 4 March, for actually making those changes because I think they are important and, as I say, my concern is that we do want to at least end up with these four important changes.

Q31 Mr Drew: But if we had had a draft resolution or something where the House takes note of the Wright Committee, you then have the legitimacy of the House, if it has voted for the Wright package. You can argue about different bits and whether it wants a Business Committee in the form that we envisaged it, but at least you have got that as a backcloth to the whole debate. We have lost that. I welcome David’s and George’s point on that.

Ms Harman: There are the words and the mood but the important reality is what changes is the House going to make, and what I want to see is those four changes made, not a resolution of general appreciation, but actually four changes underway with a clear route map to how those changes are going to actually happen. That is where the 16 resolutions are then more specific and more implementary, if that is a word.

Sir George Young: The statement yesterday said, and I think this is an important procedural issue as to what is going to happen when we debate and then what is going to happen on the Thursday, “For any motions which are opposed we will make time for a further debate and, if necessary, votes”. That was in the written statement yesterday. What I think the Leader is now suggesting—and it would be very helpful if she could confirm this—is in addition to the motions which are opposed we can then on the second day discuss motions which have not been tabled or amended but which go to the broader issues which we have discussed. It is not quite clear listening to the exchanges if on the second day we will be able procedurally to deal with the issues that have not been tabled or whether we will only be able to consider those issues which were opposed on the Monday.

Ms Harman: I think the position is absolutely clear and I am sure that you, George, understand it completely, which is if you table substantive motions then they can be subject to amendments. The amendments can bring into those motions things that were not in the original resolution as tabled and therefore that is the mechanism for Members to raise further issues that are not the subject of our resolutions.

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Sir George Young: Can we have confirmation that that is the case?

Q32 Chairman: We are getting completely bogged down. I am advised that it is not procedurally clear that that can be done.

Ms Harman: I can tell you it is procedurally clear because if we table a motion then Members can bring forward an amendment.

Mr Heath: Oh, I wish that were true.

Ms Harman: And that will be able to be debated and voted on.

Q33 Chairman: I do not want to say that my procedural advice is better than yours but can we just agree that there is an issue to be resolved here as to whether we can in fact bring forward things.

Ms Harman: I do not want to advise people how to amend our resolutions in a way that I do not agree with, but just so that it is quite evident, when it comes to vote on the Backbench Business Committee to schedule non-ministerial business then to add “and to join with Government and Opposition representatives . . .” blah, blah, that bit.

Q34 Chairman: This is subject to the Speaker’s selection.

Ms Harman: Everything is subject to the Speaker’s selection.

Mr Allen: If you can table it in the first place.

Q35 Chairman: Can we leave it that it is not absolutely straightforward and therefore the issue is clear; how to resolve it is something that we need a bit of continuous improvement on? Can we leave it like that?

Mr Heath: I think Harriet has sequentially substituted her opinion for the opinion of the Committee and the House and now is substituting her opinion for the procedural advice of the Speaker and the Clerks. I can assure her from bitter experience over the last 12 years that it is certainly not the case that you can always get an amendment tabled and selected to a Government motion at will. There are considerable difficulties there. I still do not understand this basic concept of “we have decided these are the four big ticket numbers”, which we keep getting repeated, when I can certainly see five big tickets in your report, and I do not understand why one of them has diminished in size simply while it has been in the care of the Leader of the House. I still cannot understand why we did not have an initial debate to gauge the views of the House before we proceeded to anything which could be—what was the word?—implementary in nature because that is what should have happened a couple of months ago when you produced your report.

Ms Harman: We will gauge the views of the House on 22 February. I did not say that the House Committee to do Government business was not a big ticket item. I said it was not one of our four big ticket items.

Mr Heath: It was theirs.

Ms Harman: I think that we should all work together to recognise that it would be very good if we could get these four items through. The question is whether or not everybody focuses on whether I am facilitating the fifth or whether we all work together to get the four through because that is an issue. It might not seem like an issue in this Committee but out there it is an issue. I want us to all work together to be focused at least on those four issues and we do not have a situation where they all cancel out each other and we end up with nothing.

Chairman: I do not want to get into a general debate now. Michael?

Q36 Mr Jack: I want to ask one simple specific question. Has the Government’s stance leading the House on this matter been subject to Cabinet discussion and approval?

Ms Harman: I do not think that we report on Cabinet decisions until either leaks or memoirs. I can say that it is the Government position. You can be confident that I am putting the Government position, if that is your worry.

Q37 Mr Jack: The Prime Minister and the Chief Whip are foursquare absolutely behind the line that you are taking on this?

Ms Harman: It is the Government position and indeed the Prime Minister said in his Governance of Britain statement he wanted to see further reform of the House. He has said himself on the record that he strongly endorsed the idea of this Committee being set up at the Chair’s proposal, so actually the Committee would not have happened had the Government not backed it.

Q38 Mr Jack: If it is difficult for you to comment about the innermost sanctum of government, in terms of the discussions you have had with the Government Chief Whip on this matter, was there anything that you had to persuade him about to come along with your particular view or was he 100% in accord with the line that you have taken?

Ms Harman: I do not think you need to have any worry about the issue of the Chief Whip. What you need to focus on, I would say respectfully, is what is the position of the Government and what are you all going to decide. I am telling you what the position of the Government is and therefore you can rest easy in your beds and leave me to worry about the Chief Whip.

Q39 Mr Jack: I wish life was so simple but experience tells me that with so many variations, particularly on the second day of this debate, unless there is a willingness to see this business through 100%—

Ms Harman: Precisely.

Q40 Mr Jack: —the opportunity for mischief is there in abundance.

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Ms Harman: I think that confusion and mischief, as Graham Allen has said, often walk hand-in-hand, which is why I am trying to put forward a clear and simple proposition about four things and facilitate them getting through. That is what I am trying to do.

Q41 Chairman: What we were perplexed by and we have been from the beginning is why you thought it useful to do it in the way that you have. Your commitment is absolute but it is the way that you are doing it. Putting down unamendable motions just invites people to say that the House is not going to get its chance to do it. It makes us look silly because people object to these and they seem to fall. It seemed unnecessary to do that. It would have been quite simple to put down a programme motion that would have allowed the House to decide properly on these things on that day after a debate.

Ms Harman: It is a five-stage process. Firstly, we tabled our resolutions on Monday, which is like our response to the Committee and is the Government showing its hand well in advance of the debate in order that people might not have the six-hour debate just on the basis of your report but not knowing absolutely for certain what the Government's position is. The first stage is to have tabled the resolutions. The second is to have the long full day debate on the 22nd. Because there are so many things in this report, we thought to give a head start, to put it on the order paper, if there is something which is completely unobjectionable we can get it out of the way and then we have less opportunity for confusion because we have narrowed down to the areas where there is genuine disagreement, so we can get some of them out of the way. Is a backbencher going to object to the very important proposal that you put forward to allow backbenchers to table motions for debate and vote?

Q42 Mr Allen: Yes!

Ms Harman: If there are people who want to cut off their noses to spite their faces and object to it just for the sake of it, it would be a pity, but at least we have given them a chance to be reasonable and not object to things of which they approve. There will always be, I suppose, some people who will object to things of which they approve for reasons which are beyond me, but we have at least put them on the order paper, and they are there at the end of the debate, and so we have the debate in the context of those resolutions which are on the order paper for that day and then for those that are not agreed we have a voting fest on 4 March.

Q43 Mr Tyrrie: You described the Government collectively as "cognitive beings" a moment ago.

Ms Harman: I am afraid the irony that I have tried to use with this Committee is clearly going to haunt me. If we could delete it from the record!

Q44 Mr Tyrrie: I would like to add to the record that we are also cognitive beings.

Ms Harman: I think I was talking about the whole House.

Q45 Mr Tyrrie: And what we are sensing over here is foot-dragging on a grand scale.

Ms Harman: We set the Committee up, Andrew. We are not foot-dragging; we are marching forward with consensus, I hope.

Q46 Chairman: Let us have the question.

Ms Harman: Sorry.

Q47 Mr Tyrrie: With that in mind, I would just like clarity on a couple of detailed points. First of all, you have said on the third time of asking that this is a free vote for the payroll vote. Can front bench members sign amendments?

Ms Harman: I presume so. If they can vote for them then I presume they can table them. If I had it put to me three times this is a free vote, then I would have answered three times it is a free vote. I want these things to get through.

Mr Tyrrie: The answer to my question is, yes, frontbenchers are permitted to go in whatever direction they want—

Mr Allen: It is not a matter for the Leader of the House.

Q48 Mr Tyrrie: —when we come to having amendments to the motions in March.

Ms Harman: I think on a free vote you can vote whichever way you want and presumably it is consistent with that that you can table any amendment that you want.

Q49 Mr Tyrrie: Therefore we will be able to gauge it and a mark of whether there is some genuine free thinking going on will be to take a look to see whether this group of 100 on the payroll vote all march off in one direction or whether they behave like cognitive beings and move in a number of directions.

Ms Harman: I hope that they will listen to the arguments that I make, as the Leader of the House, and I hope that they will agree with me and will support those four things and make sure that we get them through. I will not be whipping them.

Q50 Mr Tyrrie: I just want to ask one more detailed question—

Ms Harman: But I shall not think it is a good thing if they actually decide—there is a difference between thinking something is welcome amongst your colleagues and whipping them; they are not going to be whipped.

Q51 Mr Tyrrie: The other point of detail is why is there no resolution or motion to give the House an opportunity to vote on the recommendation that we have made to reform the appointment of the Chairmanship of the Intelligence and Security Committee? It seems like there is a line to take on this one.

Ms Harman: I have some clarity I can give you on that. The Intelligence and Security Committee is a statutory body not a select committee of the House, which I know you know. It is obviously—

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Q52 Mr Tyrrie: “It says here”!

Ms Harman: Well—

Q53 Chairman: Let us continue please.

Ms Harman: 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. There are a number of committees which are not in that which have statutory bases which will need to be looked at.

Q54 Chairman: I think we can probably just stop there on that. People are getting confused I am sure, between doing backbench business and House business but one thing we all seem to agree on is a Backbench Business Committee and that is, in a sense, where the Committee started. 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.

Q55 Chairman: I think you are probably on side with that.

Ms Harman: Yes.

Q56 Chairman: The other area that we have trouble with is what you say about our proposal for the members of select committees because we proposed, as you know, that the House would elect the chairs but the parties would elect the members.

Ms Harman: And we agreed.

Q57 Chairman: The motion that you have put down simply says, and I have not got the words, that this is essentially a matter for the parties to do themselves without mentioning anything about secret ballots or democratic process. 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.

Q58 Chairman: 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 amendment is now our resolution.

Q59 Chairman: That is very good. Thank you for that.

Sir George Young: Why is it “take note” and not “approve”?

Q60 Chairman: Can I just finish this. In your written ministerial statement yesterday you talked about “by secret ballot or otherwise” and I wondered what “otherwise” meant.

Ms Harman: I cannot remember. I will have to get back to you on that. But we have got plenty of time before the 22nd to get all of these things ironed out. I just cannot remember what “otherwise” than a secret ballot would be.

Sir George Young: I was just asking why all the ones were “this House approves” but the particular one you were talking about was “takes note”. I do not think there is anything sinister but it just seems better to approve of it. It seems to me the Government’s position, as I understand it, was set out in the letter to the Committee dated 21 July. “We would like the Committee to report quickly so that the proposed reforms can be considered for implementation early in the next session.” That is the letter to the Committee; but that is not what we are getting. We are getting some of the reforms at the moment for consideration by the House, not all of them, and it seems to me that the Government is pre-empting the decision of the House by selecting certain recommendations when we ought to be allowed to have a shot at all of them. If the Government has a reason for not going on with the Intelligence and Security Committee the Government can put the reason to the House and we can understand it and then decide whether they are right.

Q61 Chairman: On the membership of select committees, George, are you fully signed up to electing the members of select committee by secret ballot?

Sir George Young: Yes, we are. There is a secondary issue about what happens if all the Transport Committee comes from London and whether you need some system of moderation to try and stop absurdities, which is a second order issue.

Q62 Chairman: We have allowed for that.

Sir George Young: My party is committed to the election of backbench members to select committees by secret ballot.

Q63 Mr Allen: I think it is extremely helpful that the Leader has said that she is open to further amendment and consideration of better wording and I hope the respective shadow Leaders will take that on board; we certainly will. It is more of a general point really. The House is held in contempt at the moment not only by the media and the Government but, because of our antics over the last

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year, by the public themselves. This presents an incredible opportunity for all three people who are giving evidence to us to, if not make this a thing of joy, at least make it a thing of motivation and a desire to help reform this House so that it can play a real part in our politics. This has been extremely dry. It has no relevance superficially to people outside. Will our colleagues at least make an attempt now to say that this is clearly part of the package to try and give the House of Commons back the respect that it should actually deserve and try and give some political motivation to what is becoming a rather tedious and procedurally bogged down effort at the moment? Yes or no?

Sir George Young: Yes.

Ms Harman: Yes, and the Prime Minister has absolutely made that clear. He proposed this route in 2007. Since he made that proposal in his Governance of Britain statement the relevance of it, as you have pointed, has only grown significantly.

Mr Heath: Changes of standing orders and procedures are matters for anoraks; we all know that. There is not going to be a public uprising on the question of how we select our select committees. However, the reform of Parliament is a crucial issue. It is a big ticket issue and getting our House in a state where it can actually properly do its job—which I think this Committee's report moves us in the

direction of; it is not far enough, your remit was limited but you have moved it in the right direction—must be a priority and must be something that we are prepared to push very hard indeed. I have to say, even with my enormous enthusiasm for that, the last two months of asking every week at Business Questions when we were going to have a resolution has rather dented my enthusiasm and I am hoping that I will recuperate a little by the time we get to these debates.

Q64 Chairman: We have to end now. Thank you for coming along; it has been helpful. I know it has all been a bit like an assault course, but the fact is we have made considerable progress on this and we have achieved considerable agreement and we want to register that. What is a bit dispiriting, if I can just say personally rather than for the Committee, is the way we have managed to convert every issue into some kind of party battle when on this, above all else surely, Parliament has to show collectively that it can do certain things that will improve the way that it works. My plea to all of you really would be to get your head above the parapet and work constructively to make sure the House can come to the “right” conclusion on this. Sorry about the pun! Thank you very much indeed.

Ms Harman: Amen to that.

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