



House of Commons
Procedure Committee

**2010 elections for
positions in the House:
Government Response
to the Committee's
Fifth Report of Session
2010–12**

Ninth Report of Session 2010–12

*Report, together with formal minutes
and Appendix*

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The Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

Membership during the Session

Rt Hon Greg Knight MP (*Conservative, Yorkshire East*) (Chair)
Karen Bradley (*Conservative, Staffordshire Moorlands*)
Mrs Jenny Chapman (*Labour, Darlington*)
Nic Dakin (*Labour, Scunthorpe*)
Thomas Docherty (*Labour, Dunfermline and West Fife*)
Sir Roger Gale (*Conservative, North Thanet*)
Helen Goodman (*Labour, Bishop Auckland*)
Mr James Gray (*Conservative, North Wiltshire*)
Tom Greatrex (*Lab/Co-op, Rutherglen and Hamilton West*)
John Hemming (*Liberal Democrat, Birmingham Yardley*)
Mr David Nuttall (*Conservative, Bury North*)
Jacob Rees-Mogg (*Conservative, North East Somerset*)

The following Members were also members of the Committee during the Parliament:

Andrew Percy (*Conservative, Brigg and Goole*)
Bridget Phillipson (*Labour, Houghton and Sunderland South*)
Angela Smith (*Labour, Penistone and Stocksbridge*)
Sir Peter Soulsby (*Labour, Leicester South*)
Mike Wood (*Labour, Batley and Spen*)

Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via www.parliament.uk.

Publications

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 <http://www.parliament.uk/proccom>.

Committee staff

The current staff of the Committee are Huw Yardley and Anne-Marie Griffiths (Clerks) and Rowena Macdonald and Carolyn Bowes (Committee Assistants).

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2010 elections for positions in the House: Government Response to the Committee's Fifth Report of Session 2010–12

Introduction

1. Our report *2010 elections for positions in the House* was published on 31 October 2011.¹ It reviewed the experience of the series of whole-House elections which followed the 2010 General Election. The report concluded that “the move to elect candidates to key posts in the House has been right in principle as a sign of greater transparency, democracy and self-assertiveness on the part of backbenchers and has also worked well in practice.”² It made a number of recommendations both endorsing various aspects of the way in which the elections were conducted and bringing forward new proposals connected with the elections.

2. We have now received a response from the Government, which is set out in the Appendix to this Report. The Government does not comment on most of our recommendations, merely noting that “It would be for the Backbench Business Committee to provide time for the House to debate and reach decisions on these matters.” However, the Government disagrees with certain of our recommendations, and we considered that it would be for the convenience of the House in coming to a decision on those matters if we were to comment further on those issues.

Appointment of temporary Deputy Speakers

3. We recommended that a new standing order provide for the Speaker to appoint a maximum of three temporary Deputy Speakers to take the chair during the period from the Queen’s Speech at the start of a Parliament to the election of permanent Deputy Speakers.³ The Government agrees with this recommendation; but does not accept our proposal that the standing order also make provision for powers to be given to the Speaker to make an appointment to cover the extended absence of an elected Deputy Speaker; and that appropriate payment be made to a Member who serves as a temporary Deputy Speaker for a continuous period of in excess of 20 sitting days. The Government’s reasoning is as follows:

This recommendation is not consequential upon the changes of procedure for elections implemented in 2010. No such provision has been made previously, and the Procedure Committee has not sought or received evidence on the implications of this change. It is not clear what effects such a temporary appointment would have on the participation of the person appointed in the work of select committees, for example. In a future Parliament with no overall majority or a very small Government

¹ Fifth Report of Session 2010–12, HC 1573.

² para 74

³ para 30

majority, such an appointment could have significant consequences for the party composition of the House. The Government are not persuaded that the case for this change has made been made.

4. We note the Government's response. However, the Committee is composed of Members of Parliament from both sides of the House with considerable experience in Parliamentary procedure and widely differing opinions across the political spectrum. The obtaining of evidence in public from witnesses is an important part of the process of reaching a conclusion, but it is not the sole way of informing our deliberations. In our discussions, we have used the experience that the Committee members themselves have garnered during their political careers. Because of this, the absence of published witness evidence on a particular topic or issue in our view in no way invalidates or weakens the collective decision we have reached.

5. In this particular case, we do not consider that the Government's concerns about the proposal are well-founded. In the circumstances the Government outlines, we would expect discussions to take place through the usual channels, and we would not expect an appointment to be made without consultation with the Government and the Official Opposition.

Electoral system to be used in elections for select committee chairs

6. Based on the results of the contested elections for select committee chairs in 2010, in all 16 of which the winning candidate was ahead by some margin in the first round, we recommended a change from the alternative vote to first-past-the-post for these positions. In response, the Government refers back to the recommendation of the Wright Report that the alternative vote should be used for these elections, and states that it "would not support" a change to first-past-the-post.

7. We accept the Government's view and do not intend to pursue this recommendation further.

Election and membership of the Backbench Business Committee

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.

Appendix: Government response

Introduction

The Government welcome the Procedure Committee's consideration of the 2010 elections for positions in the House of Commons and issues arising from them.

The Government agree that the electoral procedures in 2010 generally operated well and commanded the confidence of the House. The Government believe that the House should be grateful for the efforts of all those who contributed to the successful operation of the procedures.

The Procedure Committee's specific recommendations are set out below, with the Government responses.

Election of the Speaker

Recommendations

- 1. We recommend that Standing Order No. 1B be amended to allow for the publication of the names of sponsors [for candidates for the Speakership] (paragraph 8).**
- 2. We recommend that Standing Order No. 1B be amended to provide that a minimum of 15 signatures be required for a nomination [as a candidate for the Speakership] to be valid and that signatures in excess of this number may be collected but not printed and will be disregarded as sponsors if not needed to validate the nomination and neither published nor counted (paragraph 9).**
- 3. The previous Committee's report recommended that the process followed for notifying candidates of the order of speeches and the guidelines adopted on length of speeches in June 2009 should be used in the future and that the guidance should be published. We endorse this recommendation (paragraph 13).**
- 4. We [...] conclude that the names of those participating in the ballot [for the Speakership] should not be published (paragraph 14).**
- 5. The previous report recommended formalising in the standing orders a reduction of the time [for each round of balloting in the Speakership election] to 20 minutes. We believe that this would be a sensible change and we recommend that the Standing Order be amended accordingly (paragraph 15).**
- 6. We recommend that pink cards be used without prayers to reserve seats in the Chamber on any day on which the House meets to elect a Speaker (paragraph 16).**

7. **We recommend that the House be invited to decide whether on the first day of a new Parliament, where the Presiding Member's decision on the question that a former Speaker take the Chair is challenged, the question should be decided by secret ballot or by open division" (paragraph 19).**

Response

It would be for the Backbench Business Committee to provide time for the House to debate and reach decisions on these matters.

Recommendation

8. **We do not support the concept of a St Stephen's seat for the Speaker.**

The Government note the Committee's view. Any such change would require primary legislation.

Recommendation

9. **We recommend that Standing Order No. 2A be amended to provide for a brief statement in the Chamber by each candidate for Deputy Speaker at the start of public business on the day of the ballot and for the ballot itself to open at a time to be set by the Speaker after the conclusion of the candidates' statements (paragraph 29).**

Response

It would be for the Backbench Business Committee to provide time for the House to debate and reach decisions on these matters.

Recommendation

10. **We recommend that a new standing order provide for the Speaker to appoint a maximum of three temporary Deputy Speakers to take the chair during the period from the Queen's Speech at the start of a Parliament to the election of permanent Deputy Speakers (paragraph 30).**

Response

The Government agree that it would be helpful to make provision in a new standing order for the appointment by the Speaker of temporary Deputy Speakers for a short period of time from the Queen's Speech at the start of a Parliament until the election of the Deputy Speakers under Standing Order No. 2A. It would be for the Backbench

Business Committee to provide time for the House to debate and reach decisions on this proposal.

Recommendation

- 11. We recommend that the new standing order on the appointment of temporary Deputy Speakers make provision for similar powers to be given to the Speaker to make an appointment to cover the extended absence of an elected Deputy Speaker (paragraph 31).**

Response

This recommendation is not consequential upon the changes of procedure for elections implemented in 2010. No such provision has been made previously, and the Procedure Committee has not sought or received evidence on the implications of this change. It is not clear what effects such a temporary appointment would have on the participation of the person appointed in the work of select committees, for example. In a future Parliament with no overall majority or a very small Government majority, such an appointment could have significant consequences for the party composition of the House. The Government are not persuaded that the case for this change has been made.

Recommendation

- 12. We recommend that appropriate payment (equivalent pro rata to that of a permanent Deputy Speaker) be made to a Member who serves as a temporary Deputy Speaker for a continuous period of in excess of 20 sitting days. This amount should be reduced by any additional payments already received by an individual for service as a member of the Panel of Chairs or as a select committee chair (paragraph 32).**

Response

The level of higher salaries to be payable to members while holding an office or position specified for the purpose by a resolution of the House of Commons is determined by the Independent Parliamentary Standards in accordance with section 4A of the Parliamentary Standards Act 2009, as inserted by section 29 of the Constitutional Reform and Governance Act 2010. The Government believe that it is right that these decisions are made by an independent body, and not by the House.

As is stated in the response to the previous recommendation, the Government are not persuaded that the case for the appointment of a temporary Deputy Speaker other than

in the period prior to the first election of Deputy Speakers in a new Parliament has been made. If the House were to decide on arrangements for the appointment of temporary Deputy Speakers in other circumstances, the Government would not support the designation of such a position as one eligible for a higher salary by a resolution pursuant to section 4A(2) of the Parliamentary Standards Act 2009. Additional remuneration is not provided, for example, when a Deputy Speaker acts in the absence of the Speaker or when another member of a Select Committee takes the chair in the absence of the Chair. In the event that the House were to agree to make provision for the appointment of a temporary Deputy Speaker and someone were to be appointed, the person so appointed could be a senior member of the Panel of Chairs who received additional remuneration in that capacity, but would not be required to undertake duties in General Committees during any period when he or she acted as a temporary Deputy Speaker.

Election of select committee chairs

Recommendations

- 13. We recommend that Standing Order No. 122B be amended to make it explicit that more than 15 signatures may be submitted in support of a candidate for the post of select committee chair but only the first fifteen valid candidates have the status of sponsor and signatures in excess of this number will be disregarded and neither published nor counted. We further recommend that candidates be alerted in the guidance issued by the House to the desirability of providing additional signatures (paragraph 40).**
- 14. In 2010 [a declaration of relevant interests was] required of candidates in accordance with the normal requirements for notices and were then printed with the nominations. We believe that this approach is the correct one and that it should be followed in any future election for select committee chairs (paragraph 41).**
- 15. We believe that it should be left to those who wish to organise [hustings] events to decide how best to do so and that candidates should be free to organise their campaigns as they see fit (paragraph 45).**

Response

It would be for the Backbench Business Committee to provide time for the House to debate and reach decisions on these matters.

Recommendation

- 16. We [...] conclude that Ministers would be well-advised to refrain from voting in the election for a chair to scrutinise their own department but that the difficulty of policing a ban makes a more formal prohibition undesirable (paragraph 46).**

Response

The House of Commons Reform Committee said: “All Members of the House would be able to vote, but we consider that Ministers and the principal front-bench Opposition spokesmen should voluntarily abstain from casting their votes for the Chairs of the departmental committee related to their responsibilities”. The Procedure Committee does not cite this view or refer to any evidence that the advice was not followed. The Government agree that a formal prohibition would be inappropriate.

Recommendation

- 17. We recommend that Standing Order No. 122B be amended to provide for the counting of votes to be conducted under first past the post (paragraph 48).**

Response

The House of Commons Reform Committee recommended that “If there were more than two candidates, voting would be by alternative vote, to eliminate the need for any subsequent ballots”. The proposal of the House of Commons Reform Committee is reflected in Standing Order No. 122B and the Government would not support a change.

Recommendation

- 18. We [...] believe that the payment of the additional salary to Chairs of select committees should be triggered by the nomination of the relevant committee and that the salary itself should then be backdated to the date of election of the Chair (paragraph 53).**

Response

This is ultimately a matter for the Independent Parliamentary Standards Authority. However, the resolutions agreed to by the House on 30 October 2003 relating to Pay for Select Committee Chairmen envisaged that they would be paid from the time of their election (albeit at a time when Chairmen were elected by committees) and the experience in 2010 suggests that the Chairs are expected to undertake work in that capacity prior to the first meeting of the Committee. The arrangements for backdating suggested by the Committee provide an appropriate safeguard to prevent expenditure in a case where a Chair is elected for a committee that is not subsequently nominated.

Recommendations

- 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.

Recommendation

- 21. We believe that it would be more in keeping with the spirit of the Wright reforms if each party published details of the process by which it elects members to select committees. It would not be appropriate to include this in standing orders but we look to the parties to give an undertaking to meet this requirement in future (paragraph 69).**

Response

This is a matter for each political party.

Formal Minutes

Wednesday 8 February 2012

Members present:

Rt Hon Greg Knight, in the Chair

Karen Bradley
Mrs Jenny Chapman
Nic Dakin
Sir Roger Gale
Helen Goodman

Mr James Gray
John Hemming
Mr David Nuttall
Jacob Rees-Mogg

Draft Report (*2010 elections for positions in the House: Government Response to the Committee's Fifth Report of Session 2010–12*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 8 read and agreed to.

The Government's response to the Committee's Fifth Report of Session 2010–12 was appended to the Report.

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

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

[Adjourned till Wednesday 29 February at 3.00 pm]

List of Reports from the Committee during the current Parliament

Session 2010–12

First Report	Ministerial Statements	HC 602
First Special Report	Ministerial Statements: Government Response to the Committee's First Report of Session 2010–11	HC 1062
Second Report	Improving the effectiveness of parliamentary scrutiny: (a) Select committee amendments (b) Explanatory statements on amendments (c) Written parliamentary questions	HC 800
Second Special Report	Improving the effectiveness of parliamentary scrutiny: (a) Select committee amendments (b) Explanatory statements on amendments (c) Written parliamentary questions: Government Response to the Committee's Second Report of Session 2010–11	HC 1063
Third Report	Use of hand-held electronic devices in the Chamber and committees	HC 889
Fourth Report	Reasoned opinions on subsidiarity under the Lisbon Treaty	HC 1440
Fifth Report	2010 elections for positions in the House	HC 1573
Sixth Report	Lay membership of the Committee on Standards and Privileges	HC 1606
Seventh Report	Debates on Government e-Petitions	HC 1706