

THE LAST PARLIAMENT AGREED

NEW RIGHTS FOR BACKBENCH MPS: NOW THESE MUST BE CLAIMED

The new House of Commons must agree quickly on an important piece of unfinished business from the last Parliament, which promises important new rights for backbenchers. This concerns Commons rules, so ALL members have a say in the decision. In March the Commons decided unanimously to establish a 'Backbench Business Committee', elected by and accountable to members, with responsibility for scheduling debates in the chamber for one day every week. It agreed that this new committee should begin work at the start of the new Parliament. But the 'Standing Order' to establish it still needs to be passed. All parties officially support this reform, and it is promised in the coalition agreement. But in the last Parliament there were attempts by frontbenchers to water it down. Members who want this reform should put pressure on the new Government to bring forward a Standing Order immediately, and then pay close attention to the detail to ensure that the last Parliament's decision is not weakened. This reform could make a major difference to your rights as an MP, and help restore Parliament's battered reputation.

"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."

Sir George Young (now Leader of the House of Commons), 10 February 2010.

The last Parliament suffered major blows to its reputation, in particular following the expenses crisis. It is therefore essential that the new Parliament makes a fresh start. One way that this can happen is through the changes proposed by the "Wright committee" on Commons reform, which was set up in response to the crisis.

Important changes recommended by the Wright committee have already been implemented (see next page). But one key proposal still awaits implementation:

- **The House of Commons must immediately pass a standing order to set up a Backbench Business Committee.**
- **It is important that this is implemented in the form originally proposed by the Wright committee, and endorsed by the House in March, not delayed or watered down by frontbench interests.**

The purpose of this briefing is to inform members of the decisions taken in the last Parliament, and what a Backbench Business Committee would mean. It is sent to you jointly by seven well-known groups working in democracy and constitutional affairs. All of our groups are non party aligned, and we often take very different views on the kind of reform that is necessary or desirable. But we have been united in calling for the comprehensive implementation of the Wright committee's recommendations, including the Backbench Business Committee. We believe that this reform will greatly benefit both members, and the reputation of Parliament as a whole. Many media commentators agree, and the reform was agreed unanimously by the last Parliament.

**Inside: Backbench Business Committee,
your questions answered...**

Back page: what you can do to help...



The Constitution Unit

BGI Better Government Initiative

POWER 2010
countdown to a new politics

Electoral
Reform
Society



THE STORY SO FAR...

June 2009: Following the MPs' expenses crisis, Gordon Brown announces establishment of a new committee chaired by Tony Wright MP, to make proposals on Commons reform. It is asked to look at three things in particular: appointment of members and chairs of select committees, public access to the parliamentary agenda, and the scheduling of business in the chamber in order to give more power to MPs.

July 2009: Select Committee on Reform of the House of Commons, comprising 18 members each elected in their party groups, begins its work. The committee works intensively, including through the summer recess, to meet the deadline it was set to report by the end of the parliamentary session.

November 2009: The committee publishes its report, including recommendations in all three areas. It proposes elections for select committee chairs and members, new petitioning arrangements, and immediate establishment of a Backbench Business Committee to schedule a new category of 'backbench business'. Leaders of all three main parties welcome these recommendations, and the media hail them as an opportunity to strengthen Parliament and help restore its reputation (see quotations opposite).

January 2010: The deadline proposed by the committee for debating its report is missed.

22 February 2010: First debate on the committee's recommendations. There is widespread support, and recommendations on petitioning, private members' motions, and some other matters, are agreed.

"Before the general election, I want us to have (...) established a Committee of the House to decide on Backbench business."

Leader of the House Harriet Harman, Hansard, 22 February 2010.

4 March 2010: Second debate on the remaining committee proposals. Election of select committee chairs and members is agreed unanimously. The House also agrees unanimously to set up a Backbench Business Committee 'in time for the start of the next Parliament' and a House Business Committee 'during the course of the next Parliament'. Government and Opposition frontbench proposals to water these commitments down both fail.

15 March 2010: The committee publishes an 'implementation report' setting out the necessary standing orders to bring the Backbench Business Committee into effect.

25 March 2010: Government tables standing orders similar to those that the committee proposed.

3 April 2010: Leader of the House Harriet Harman announces the final business for the pre-election 'wash up'. But despite repeated promises to provide time before the election to debate and agree the standing orders, no such time is provided. Parliamentary time has run out.

THE GOOD NEWS:

Reforms happening now, or under active consideration

The last Parliament agreed several important changes resulting from the Wright committee, including standing order changes for select committees, which have effect immediately:

- Select committee chairs will be elected in a secret ballot of the whole House. The share of chairs, proportionate to party strength in the chamber, will be agreed beforehand and put to the House.
- Select committee members will be elected by each party by secret ballot.
- Election of chairs must happen within four weeks of the Queen's speech, and election of members two weeks later.
- There will be a trial period for new public petitioning procedures, with the ability to debate particularly significant petitions in Westminster Hall.
- There will be a new category of 'private members' motions', allowing backbench MPs to put propositions to the House for decision (detail to be agreed by the Procedure Committee).

THE BAD NEWS:

Backbench Business Committee still awaited

- The key missing element is the promised Backbench Business Committee, which the House unanimously agreed to create 'in time for the start of the next Parliament'. This required approval of standing orders, but time was not found before the general election. **To honour the House's decision, these standing orders must be agreed straight away, and remain true to the detail of what the Wright committee proposed and the House previously agreed.** N.B. This reform is consistent with words in the new coalition agreement, and in both Conservative and Lib Dem manifestos.
- In the longer term the House also agreed to create a 'House Business Committee', with wider responsibilities. This question will be returned to later in the Parliament.

"My mandate is the will of the House as expressed in the resolutions. We need Standing Orders to give effect to them - nothing less. (...) we will bring forward the Standing Orders, and there will be an opportunity for the House to endorse them before the election".

Leader of the House Harriet Harman, Hansard, 11 March 2010.

BACKBENCH BUSINESS COMMITTEE: KEY QUESTIONS ANSWERED

The Backbench Business Committee offers significant new opportunities for MPs, and for Parliament as a whole. This page answers some key questions (for more detailed information, see further readings overleaf).

What are the benefits of a Backbench Business Committee?

The most obvious benefit is to backbenchers themselves, as they will gain more power over Parliament's agenda. Historically the executive has had near-monopoly agenda control. The new arrangements will still protect time for Government, but provide a space where backbenchers can raise issues of concern to themselves and their constituents. The new committee will give backbenchers a direct voice in setting the agenda, and will be accountable to them.

Parliament will therefore become more responsive to its members, and through them to the public. No longer will important issues be ignored simply because the Government and Opposition frontbench don't want to debate them. Government whips will no longer have a role in scheduling business that is not clearly government business. This will make Parliament more transparent, accountable, and help improve its image and reputation.

'(...) a first, important step towards adjusting the balance of power between the legislature, the executive and the voters'

Peter Riddell, *The Times*, 13 November 2009.

What would this new committee do?

The Backbench Business Committee would be responsible for scheduling 'backbench business' in the chamber. For example, topical debates, general debates, debates on select committee reports and the new 'private members' motions'. It might also give extra time to high-priority private members' bills. Government would continue to set the priorities for its own business (including legislation), but the priorities for non-government business would be decided by members themselves. The committee would meet weekly to consider proposals made by backbenchers.

Who would sit on the committee?

The Wright committee recommended that the Backbench Business Committee should have nine members, elected by the House as a whole in a secret ballot. They would reflect party proportionality across the House.

What will the effect be on existing Parliamentary time?

The Wright committee proposed that non-government business scheduled by the Backbench Business Committee should be allocated 'not less than the equivalent of one day a week' (35 sitting days per year). This was based on the amount of time already given to the sorts of debates that the committee will be responsible for. So there should be no reduction in time for government business, Opposition days, or existing backbench opportunities such as questions, adjournment debates, and private members' bills (which are already protected in standing orders). The only change is

'(...) this is a unique opportunity to rebalance the political system to reduce the power of the executive and reinvigorate the legislature. If not now, when?'

***Daily Telegraph* editorial, 24 November 2009.**

'(Ministers) must give unambiguous support to the Wright committee report. (...) Just do it. Do it now'

***Guardian* editorial, 25 November 2009.**

that some time now controlled by Government, but spent on non-government business, would be controlled by backbenchers instead.

Now we have a hung Parliament do we still need a Backbench Business Committee?

It is often said that Parliaments are stronger under coalition or minority government than under majority governments such as those we usually have. But in fact the main 'strength' goes to frontbenchers from the coalition parties, who are the ones who negotiate over policy, and allocation of parliamentary time. A coalition deal makes it no easier for backbenchers to get their voices heard (indeed it could be said that it makes it even more difficult). A Backbench Business Committee is therefore needed just as much in this Parliament as it was in the last one.

Would this advantage one party in particular?

The Backbench Business Committee will provide opportunities for backbenchers from both Government and Opposition sides of the House to put issues onto the agenda, and also create new opportunities for cross-party working on issues where there is widespread concern. It will not disadvantage Government (which will continue to control the majority of time) or the Opposition front bench (which will still have Opposition days). It will benefit backbenchers from all parties.

What are the parties' positions on the issue?

All party leaders have said that they support the creation of a Backbench Business Committee. Gordon Brown and Harriet Harman endorsed it, and it appeared in the Conservative manifesto. The coalition agreement pledges to implement the Wright committee recommendations 'in full'.

If it's in the coalition deal, then what's the problem?

Party leaders express enthusiasm for this reform, but there have previously been attempts to water it down. The whips appeared to block it at the end of the last Parliament. Members must be watchful, and ensure not only that this reform happens straight away, but that it retains its original strength: an elected committee, comprising backbenchers only, and controlling 35 days of business per year (one per week). This is what the House voted for in March.

When does this need to happen?

The standing order should be passed straight away, so that the Backbench Business Committee can be elected and begin its work.

What can I do to help it happen? See overleaf...

WHAT TO DO IF YOU WANT TO ENSURE THAT REFORM HAPPENS

The creation of a Backbench Business Committee has been officially endorsed by the leadership of all three main parties, and appeared both in the Conservative manifesto and the coalition agreement. But in the last Parliament it became obvious that party whips were resistant to it, so members need to keep pressure up to ensure that the decision taken in March is honoured. In particular MPs can:

- Pressurise their party leaders, and the new Leader of the House George Young (Con) and his deputy David Heath (LD), to provide immediate time to agree the necessary standing order and create the committee.
- When proposals are brought forward, make sure that they match the original proposals put forward by the Wright committee. Both Labour and Conservative frontbenches have previously tried to delay these and water them down. If they do this again, members may need to move amendments.
- If a debate is announced on standing order change, be sure to attend and vote for it. If the decision is taken on a free vote the whips will not pressurise members to attend (and should not tell them how to vote!).
- Talk to friends and colleagues in the House and encourage them to support this reform.
- Register for updates on developments by going to: wrightreforms.wordpress.com

FURTHER READING

If you want to read more of the detail about the Wright committee, or the proposal for a Backbench Business Committee, these may be useful (links to all of them are available on our website wrightreforms.wordpress.com):

Reports of the Wright committee (Select Committee on Reform of the House of Commons):

- *Rebuilding the House* (First Report of Session 2008-09, HC 1117), November 2009. The committee's proposals.
- *Rebuilding the House: Implementation* (First Report of Session 2009-10, HC 372), March 2010. Sets out draft standing orders.

Briefings from the House of Commons Library:

- *Establishment of the Select Committee on Reform of the House of Commons*, SN/PC/05140.
- *Reform of the House of Commons: The establishment of a Backbench Business Committee*, SN/PC/05269.
- *Reform of the House of Commons: Decisions taken on 22 February and 4 March 2010*, SN/PC/05368.

The House Rules?: International Lessons for the Enhancing the Autonomy of the House of Commons, research report from the Constitution Unit, University College London, which originally proposed this reform in 2007.*

For more information & updates: wrightreforms.wordpress.com

This briefing is sent to you jointly by:



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