



House of Commons  
Procedure Committee

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# 2010 elections for positions in the House

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**Fifth Report of Session 2010–12**

*Report, together with formal minutes, oral and  
written evidence*

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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

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Bridget Phillipson (*Labour, Houghton and Sunderland South*)  
Angela Smith (*Labour, Penistone and Stocksbridge*)  
Sir Peter Soulsby (*Labour, Leicester South*)  
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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](http://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>.

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## Summary

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The 2010 Parliament opened with a series of whole-House elections, to the posts of Speaker, Deputy Speaker, chairs of the major select committees and chair and members of the newly-formed Backbench Business Committee. There were also internal party elections for select committee posts.

The Procedure Committee has examined these elections and 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.

We believe that there are a few improvements which should be put to the House for decision. For example, the names of those nominating the Speaker should be published and the minimum number of sponsors required should be raised to 15 (from 12). Candidates for Deputy Speaker should be allowed to make brief statements to the House and provision should be made for the appointment of temporary Deputy Speakers before the election or when a deputy speaker is absent for a prolonged period.

A place should be reserved for the minority parties on the Backbench Business Committee.

The forthcoming review of the Wright proposals should look favourably upon extending the principle of election to other select committees and statutory committees of the House.

The Committee examined the question of creating a Speaker's seat and decided against supporting the concept.

Amongst the recommendations from a previous report re-examined in this inquiry, the Committee endorses the proposal that the House should be given an opportunity to decide whether a contested question on whether to reappoint a returning Speaker should be decided by an open division or a secret ballot.



# 1 Introduction

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1. For as long as records exist, it has been the first business of the House of Commons in a new Parliament to elect one of its number as Speaker. The start of the 2010 Parliament was no different. Just as on every previous occasion, the House met and proceeded to elect a Speaker, in this case choosing the Rt Hon John Bercow, Member for Buckingham, who had been the Speaker in the previous Parliament. What happened over the following weeks was, by contrast, unprecedented. Members of the House proceeded to elect the Deputy Speakers of the House, the chairs of the main select committees and the chair and members of the new Backbench Business Committee. In addition, a new system was adopted by the parties to elect those they wished to invite the Committee of Selection to nominate as members of the relevant select committees. Not including those internal elections, by the end of July 2010, Members of the Commons had participated in elections for no fewer than 36 positions within the House, of which 22 were contested and decided by ballot.

2. The Procedure Committee in the last Parliament played a key role in the development of the rules for some of these elections. Our predecessor Committee conducted an inquiry into the election of the Speaker and was instrumental in gaining the support of the House for the principle of election over appointment and in devising the procedure for the election of the Deputy Speakers.<sup>1</sup> The proposal for the election of the select committee chairs and the change to internal party elections for select committee members, as well as the establishment of a Backbench Business Committee, had originated with the temporary Committee on Reform of the House of Commons (the Wright Committee), whose remit has been inherited by the current Procedure Committee. We therefore decided that one of the early tasks facing us upon our own establishment in July 2010 was to inquire into how well these elections had worked.

3. We are grateful to all who responded to our invitation to submit evidence, in particular the then Clerk of Divisions, Christopher Stanton, who provided a very useful paper on the conduct of the elections. We are also grateful to the Speaker for meeting us for an informal discussion on the issues raised in this Report.

## 2 Election of the Speaker

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### Background

4. The election of the Speaker following a General Election is carried out in one of two ways. First, if a Member who held the office at the end of the previous Parliament is returned to the House and is willing to resume office, then the House is asked to decide whether that Member take the Chair, without any other candidates being considered. Second, where the previous Speaker is not returned or does not wish to stand, an open election is held with all would-be candidates able to stand and the question is decided by secret ballot.

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<sup>1</sup> First Report of Session 2009-10, *Election of the Speaker and of the Deputy Speakers* (HC 341).

5. This latter process is also that followed when a Speaker resigns or a vacancy is otherwise created in the middle of a Parliament. It was used for the first time in June 2009 and was examined by our predecessors in its First Report of Session 2009-10 (HC 341).

## Experience in 2010

6. In 2010 John Bercow was re-elected unopposed. If the decision of the Presiding Member had been questioned after he had put the Question “That Mr Bercow do take the Chair”, the House would have moved to a division with the names of participants recorded. In the event that the motion “That Mr Bercow do take the Chair” had then been defeated, the House would have gone on to follow the procedure for electing a new Speaker by secret ballot.

7. When it examined the procedure for the election of the Speaker, our predecessor Committee concluded that the system for selecting a new incumbent had proved satisfactory and that only a few minor changes were needed. Their report and proposals for improvements had not been considered by the House by the time of dissolution. There are therefore a number of outstanding issues from the previous report which we draw to the attention of the House for its consideration in relation to both the election of a new Speaker and the re-election of a previous one.

## A new Speaker: issues arising from the previous report

### *Publication of sponsors’ names*

8. Standing Order No. 1B (Election of the Speaker by secret ballot) provides that the names of those sponsoring the candidates for Speaker should not be published. The previous Committee recommended that this should be changed to increase transparency and to help inform the decisions of Members as to which candidates to support. We agree that this would be desirable and note that it would bring the arrangements for publication of sponsors for the Speaker’s election in line with those for the elections to other posts within the House. **We recommend that Standing Order No. 1B be amended to allow for the publication of the names of sponsors.**

### *Number of sponsors*

9. The number of sponsors required by Standing Order No. 1B is not fewer than twelve nor more than 15. Our predecessor Committee recommended that this be replaced with a requirement for a fixed 15 signatures, with no range on either side. Since the report was published, standing orders have been agreed for the other whole House elections which vary in their requirements for the number of sponsors. For example, each candidate for Deputy Speaker must be supported by between six and 10 signatures, whilst 15 Members or 10 per cent of the Members of the same party for smaller parties are required for each candidate for a select committee chair. The experience of operating these elections led Commons officials to suggest in evidence to us that a fixed limit was unsatisfactory because it could lead to a candidature’s being disallowed if just one of the supporting signatures

proved to be invalid.<sup>2</sup> Either a range, or an explicit provision that more than a minimum number of signatures could be submitted but that only the minimum number of valid signatures would be printed, would be preferable. We accept this advice, but in order that candidates be discouraged from trophy-hunting, we consider that only the printed signatures should be given the status of sponsors and any excess should be disregarded. **We recommend that Standing Order No. 1B be amended to provide that a minimum of 15 signatures be required for a nomination 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.**

### ***Party requirement for sponsors***

10. A further issue to which the previous Committee gave serious consideration is whether it was desirable to require that a certain number of sponsors for a candidate came from his or her own party. At present, at least three sponsors need to be from parties other than a candidate's own in order to demonstrate cross-party support but there is no equivalent provision to demonstrate support from a candidate's own side of the House. The Committee concluded that publication of the names of sponsors would make clear the level of support a candidate had within their own party, thus making unnecessary any further stipulation on numbers.

11. We have reviewed this question in the light of the experience of devising systems for the other whole House elections held for the first time in 2010. Each case is different because the rules have been designed to reflect the part played by party membership in selecting candidates for each role. In the case of the Deputy Speakers, for example, there is no requirement for candidates to demonstrate support from any side of the House. This reflects the conclusion reached by our predecessors that such a rule was unnecessary "since the publication of the sponsors will reveal from where a candidate draws his support and, unlike the Speaker, the Deputy Speakers will each be elected partly because of their party allegiance."<sup>3</sup> For the elections to chairs of select committees, only candidates from a specified party are eligible for a particular post and so rules were introduced to ensure that each candidate had the backing of their own party, preventing the majority party from imposing particular candidates against the wishes of the minority parties. Finally, candidates for the chair of the backbench business committee (a post open to all Members of the House) require twenty sponsors, ten from each side of the House, whilst candidates to be members of that committee, where constraints dictate the number of available places to each party, need provide only 12 to 15 signatures, regardless of party.

12. It is difficult to make direct comparison between the election of the Speaker and any of these other elections. The closest parallel might be the chair of the backbench business committee which, like the Speakership, is not prescribed by party affiliation, but we note that the party to which the chair of the backbench business committee belongs does have an effect on the number of posts available to each party on the committee itself, as the overall committee is expected to reflect the party proportions in the House. This, as we will discuss later, excludes minority parties. This is not the case with the current arrangements

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<sup>2</sup> Ev 5

<sup>3</sup> HC 341, Session 2009-10, para 47

for the Speaker nor for the Deputy Speakers, where the rules governing their election (designed to provide a balance across the panel of Speaker and Deputies) refer not to parties but to sides of the House specifically in order to avoid such exclusion. We think it is right to ensure that the Speakership, the highest post in the Commons, is open to all Members, regardless of the size of party to which they belong. Like our predecessors, we consider that open publication of the names of sponsors would serve the purpose of transparency without erecting further obstacles to the candidature of any Member. We therefore do not recommend any change to the nomination rules for the election of the Speaker as far as demonstration of party support is concerned.

### *Timing of candidates' speeches*

13. In 2009 the order in which candidates addressed the House was decided by lot drawn by the Presiding Member on the morning of the election. The results were notified to the candidates before the list was published at noon. This was a change from the previous system where only an informal notification of the order of speeches was given by the Presiding Member at the start of proceedings. In 2009 the candidates were also given informal guidance that past precedent suggested that about six minutes would be an appropriate length for a speech. **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.**

### *Publication of the names of participants in the ballot*

14. Our predecessors recommended that neither the names of those participating in each round of voting nor those voting for each candidate should be published. This was partly in order to preserve the secrecy of the ballot and partly a matter of practicality since the list could only show those who had entered the lobby and not those who had cast a vote. Rules for the other elections to House posts agreed since that Report similarly make no provision for the publication of the names of participants in the ballots. **We agree that this approach is correct and conclude that the names of those participating in the ballot should not be published.**

### *Time for each round*

15. Standing Order No. 1B provides 30 minutes for voting in each round of balloting. In 2009 this proved too long and was reduced on the discretion of the Presiding Member for the last round of voting. **The previous report recommended formalising in the standing orders a reduction of the time to 20 minutes. We believe that this would be a sensible change and we recommend that the Standing Order be amended accordingly.**

### *Prayers*

16. An unexpected issue which was raised in the course of the previous inquiry was the use of prayer cards to reserve seats in the Chamber on the day of the election. Prayers are not read when the House meets to elect a Speaker, meaning that prayer cards cannot be issued, although candidates were informally allowed to make use of them in 2009. The previous

report recommended that prayers should be read in the usual way on the day of an election. We have re-considered this conclusion. Although we understand the reasoning of the previous Committee with regard to instilling a due sense of decorum, we believe that it would be simpler if pink cards were to be used on such occasions as is the custom for Members attending committees at the time of prayers. **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.**

## Re-election of the Speaker after a General Election

17. The procedure for re-electing a returning Speaker differs from that for electing a new one in requiring the House first to decide whether to re-elect the former incumbent and only if this question is negated permitting the field to be opened to other candidates. Our predecessor Committee recognised possible objections to this procedure but concluded that radical change should be considered only in the context of a review of the role of Speaker which the Committee recommended should take place during this Parliament. As an interim step, our predecessor Committee's report also recommended that the House should be given the opportunity before the last General Election to decide on the narrower question of whether to retain the open division procedure for determining the result where the question on re-electing a returning Speaker was challenged from the Floor.

18. This issue has resurfaced in our current inquiry with one Member suggesting that re-election should be by secret ballot with a transferable vote.<sup>4</sup> We have therefore reconsidered the arguments for and against a secret ballot or indeed a full election, allowing all would-be candidates to stand, regardless of whether a Speaker is returned to the House at a General Election. Our predecessor Committee's report set these out in some detail:

70. We have considered three options. These are: the current procedure as set out in Standing Order No. 1A; a similar procedure but with the decision on the Question made by secret ballot rather than an open division; or, an open election under provisions similar to those in Standing Order No. 1B.

### **Current procedure**

71. The current procedure of a motion moved that the former Speaker do take the Chair, decided if necessary by a division, has the advantages of familiarity and speed. Importantly, it also offers the incumbent some protection against political machinations since the question is framed as a vote of confidence in the former Speaker. The presumption in favour of the re-election of the Speaker to his post also lies behind the conventions regarding his or her return to the House after a General Election unopposed by the main parties, although this could also be seen as a recognition of the distance placed between Speaker and party in the preceding Parliament and the impact of that on his or her electoral chances. Finally, the procedure allows for dissent without encouraging it, providing a trigger ballot for a

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<sup>4</sup> Ev 2

challenge by a candidate who would enjoy greater support.

72. The disadvantages of the current procedure are naturally enough inherent in the advantages. The same procedure which protects the Speaker against the mis-use of power by a newly elected majority party also means that the new House has first to reject one candidate before it can choose its own Speaker in an open election. The House is not offered the opportunity to weigh the former Speaker against other candidates but only against him or herself. The open division for deciding the question can be seen as a deterrent to the House expressing its views honestly, which discourages not only challenges but also a strong declaration of support for the incumbent and acts against any feeling by new members of the House that they have chosen their own Speaker.

#### **Confirmation with secret ballot**

73. The current procedure but with the question decided by a secret ballot has the same advantages as above, but moving to a secret ballot from an open recorded division as a means of deciding the question may remove some of the impregnability of the incumbent in making easier for Members to register a protest vote without fear of the impact that would have on their chance to be called to speak in the future. It also has the significant advantage of consistency with the procedure for electing a Speaker at other times.

74. To set against this is the disadvantage that enabling some degree of protest without a full election may well leave the Speaker wounded but still in post, which would not assist him or her in his attempts to bolster the House against the Executive. A secret ballot on a straight yes or no question may also seem unnecessarily unwieldy.

#### **Full election**

75. A full election, allowing Members to choose between all would-be candidates, offers the new Parliament a fresh start with the House choosing its own Speaker. The incumbent may well have an advantage but this would not be procedurally entrenched and by moving from a vote of confidence to an open election, any former Speaker winning the ballot would gain a fresh mandate and endorsement from the House, regardless of the actual numbers voting for and against him.

76. On the other hand, such a procedure would of course lack the advantages of the current one. In particular, it would risk a more frequent turnover of Speakers with the result that the House would lose the benefit of continuity in the Chair. It may also weaken the position of the Speaker who would feel more vulnerable to change and perhaps less able to stand up to the Government.

19. We believe that our predecessor Committee reached the right conclusions on this issue. Like them, we are persuaded that a more general review of the role and powers of the Speaker is necessary to inform decisions on a radical change to the procedure which might see a candidate returned to the House after standing in a constituency as the “The Speaker

seeking re-election” take part in an open election alongside all would-be candidates. Such a review could conceivably include the question of the Speaker’s seat, outlined below (see paragraphs 20 to 24). We also reaffirm our predecessor Committee’s recommendation that the House be given an opportunity to decide on the narrow question of whether the re-election of the Speaker, where challenged, should be decided by secret ballot or open division. We make no recommendation as to what the outcome of this decision should be but we recognise that there was some concern amongst Members on this point in 2010 and we believe that it is right that that the House itself should debate the issue and decide between the arguments as set out above. **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.**

### The Speaker’s Seat

20. We have been asked by the Speaker to consider the question of whether there should be a Speaker’s seat in a General Election to replace the current situation whereby the Speaker stands as a non-aligned candidate in a normal parliamentary constituency. This issue was raised with the Speaker during the General Election in May 2010 and, although not directly connected to the re-election of the returning Speaker to his Commons post, it has obvious relevance to the presumptions which might lie behind that re-election.

21. The concept of a Speaker’s seat (sometimes referred to as St Stephen’s seat) envisages that any Member once elected by the House to the Speakership would cease to represent a normal parliamentary constituency, resulting in a by-election, and would be automatically returned at the next General Election, if he or she so chose, to stand in the Speakership election. The advantages of this proposal are that the constituents of the new Speaker would be able to choose a new representative who could speak on their behalf in the Commons which their former Member, now the Speaker, could not, and that they would not be disenfranchised in a General Election where the major parties accepted the convention that the Speaker seeking re-election stands unopposed. It would therefore keep the Speaker out of political controversy at the time of an election while at the same time ensuring that his or her former constituents were able to express their view by voting in a normal ballot for candidates from across the political spectrum. If the Speaker lost his office, whether by resignation or defeat in the Commons, he would cease to be a member of the House.

22. The proposal has been examined before, not least in 1938 when a select committee was appointed “to consider what steps, if any, should be taken to ensure that, having due regard to the constitutional rights of the electors, the Speaker, during his continuance in office, shall not be required to take part in a contested Parliamentary election”.<sup>5</sup> That Committee concluded that:

To attempt to deprive a constituency of the right to choose as its member one who is considered most representative of the popular will would be a serious infringement of democratic principles. To alter the status of the Speaker so that he ceased to be

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<sup>5</sup> Select Committee on Parliamentary Elections (the Speaker’s Seat), HC 98 (1938-39).

returned to the House of Commons by the same electoral methods as other members or as a representative of a parliamentary constituency, would be equally repugnant to the custom and tradition of the House. To advocate that a Speaker should modify, even in his own defence, the established attitude towards political controversy would be to reverse the whole trend of our parliamentary evolution. Such are Your Committee's conclusions. No scheme or proposal within their purview offers more than a partial solution, and each introduces new elements which, in Your Committee's considered judgment, would be less acceptable than the ills they seek to cure.<sup>6</sup>

23. Two further attempts in the Commons, by means of Private Members' bills in April 1963 and January 1982, ended in defeat. The winning argument in each case was that it was wrong in principle to create a new category of membership of the House, especially one that introduced indirect election, and that it would reduce the accountability of the Speaker to the Commons. In 1976 Mr Speaker Lloyd referred to the question in his farewell address to the House, stating that "I firmly believe that the Speaker should be elected for a constituency, as are other hon. Members, so as to keep personally in touch with the hopes and fears and the personal and individual needs of many thousands of ordinary men and women, meeting them face to face from time to time and to know the problems of the area which he represents".<sup>7</sup> On the other hand, another more recent holder of the post, Speaker Boothroyd, has expressed support for the idea that the Speaker should be "an ex officio Member of the House without constituency responsibilities".<sup>8</sup>

24. In the context of this report, we have not conducted a full inquiry into the proposal for a special Speaker's seat, which would in any case require primary legislation. From our review of the arguments and the history of the idea, we are firmly persuaded that the advantages of the change are outweighed by the disadvantages. There are great benefits to the House and to the Speaker in the Speaker's retaining responsibility for a normal constituency and being thereby fully aware of the issues currently causing concern to constituents. The access that the Speaker, like Ministers who are also unable to speak out in debates, gains to the Government in order to raise matters relating to his or her constituents compensates in no small measure for the lack of a constituency voice on the floor of the House. We are also concerned that the proposal would remove the important democratic check on the re-appointment of a Speaker by either the public or the House and would create a new separate, distinctive and privileged category of Member to the detriment of the House. Finally, we recognise that the existence of a Speaker's seat could lead to worse consequences for a returning Speaker, if not re-elected by the House, than at present since there could be no possibility of a return to the backbenches in such circumstances and the traditional honour of a seat in the Lords could cease to be available in the foreseeable future. For all these reasons, **we do not support the concept of a St Stephen's seat for the Speaker.**

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<sup>6</sup> Para 60

<sup>7</sup> HC Debates, 3 February 1976, vol 904, c1140

<sup>8</sup> Betty Boothroyd, *The Autobiography* (Century, 2001) p244

## 3 Election of the Deputy Speakers

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### Background

25. The Procedure Committee was closely involved in developing the procedure for the election of the Deputy Speakers. In November 2009 the Committee published an interim report which set out the principles which should govern how the Deputy Speakers were chosen by the House. The report was endorsed by the House in January 2010. The Committee then made detailed proposals for the election process in its First Report of Session 2009-10, published in February 2010. The proposals formed the basis for a new Standing Order (now No. 2A) which was agreed on 4 March 2010.

### Experience in 2010

26. Following the General Election the Deputy Speakers were elected by secret ballot on 8 June 2010. This was later than the timetable suggested in the Committee's report, which proposed that the Speaker should announce the arrangements for the elections on the day of the Queen's Speech (25 May 2010) and that the elections themselves should be held two days later. The Committee had recognised that even on this tight timescale there would be a gap which needed to be filled to assist the Speaker in his duties in the Chair before the Deputies were elected. Because the Committee's proposals had not been agreed or implemented, this gap was filled in May 2010 by means of a motion moved without notice on the day of the Queen's Speech which permitted the Speaker to appoint up to three Members of the House as temporary deputies.

27. The election itself ran smoothly, with the Hon Lindsay Hoyle, Nigel Evans and the Rt Hon Dawn Primarolo MP returned as the Chairman of Ways and Means, First Deputy Chairman and Second Deputy Chairman, respectively. We received one comment from a Member that the system for distributing votes was difficult to understand but that otherwise the process worked well,<sup>9</sup> and in the absence of other complaint, we conclude that Members were satisfied with the operation. We are happy to endorse this view and judge that both the electoral process and the way in which it was operated by the House was a success. We have identified only a handful of issues which require attention.

### Hustings

28. The most significant divergence from the previous Committee's recommendations was that outside organisations arranged hustings for the candidates, despite the Committee's strong opposition to this. Our predecessors argued that "there is no place for candidates for [Deputy Speaker] to issue manifestos or to be questioned upon what they would do if elected".<sup>10</sup> This was because the Deputies should act only in accordance with the decisions and wishes of the Speaker. The Committee recommended instead that to assist Members who may know little of the candidates, a single booklet be produced with a photograph and a brief statement of no more than 500 words from each candidate, based on their personal

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<sup>9</sup> Ev 1

<sup>10</sup> HC 341, Session 2009-10, para 48

qualities and experience.<sup>11</sup> This was included in the Standing Order and put into practice by the House.

29. One new Member suggested that the hustings were helpful.<sup>12</sup> In the light of this, we have considered this matter again. We agree with our predecessors that the nature of the posts make it inappropriate for candidates to set out their stalls but the experience of 2010 with its large intake of new Members underlines the need to allow candidates to make themselves known to the House in order that Members feel confident in making their choice. We therefore consulted the Speaker on a proposal to allow Deputy Speaker candidates an opportunity to present themselves briefly to the House in the Chamber at a point after nominations have closed and before the ballot is held. This might require a slight alteration in the time provided in the Standing Order itself as a consequence. The Speaker expressed himself in favour of this proposal.<sup>13</sup> **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.**

### **Temporary Deputy Speakers**

30. The Committee previously recommended a new standing order to provide cover for the Speaker in the chair during the necessary gap between the Queen's Speech and the election of the Deputy Speakers. As we described earlier, this proposal was not implemented before the end of the last Parliament. Although interim measures were taken in 2010 to ensure that the Speaker had the support he needed, it would clearly be unsatisfactory to leave this issue unaddressed since the situation will be repeated at the start of every Parliament. The Clerk of Divisions confirmed that for this reason a standing order change is indeed necessary. **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.** We reaffirm the conclusion of our predecessor Committee that Members who are likely to be approached for this role and who wish to stand for election themselves should privately notify the Speaker of their intention so that they are not appointed as temporary Deputy Speakers.

31. There are other circumstances in which the House might wish to provide for the appointment of temporary Deputy Speakers, for example where an elected deputy is absent due to ill health. We therefore suggested to the Speaker that the new Standing Order should also provide for temporary Deputy Speakers in the prolonged absence of a Deputy Speaker. The Speaker welcomed this proposal.<sup>14</sup> **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.**

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<sup>11</sup> HC 341, Session 2009-10, para 56

<sup>12</sup> Ev 1

<sup>13</sup> Ev 10

<sup>14</sup> Ev 10

32. The previous report envisaged that Members appointed as temporary Deputy Speakers should not receive additional remuneration for their work because of the short timescale involved. We agree with this view as far as the period between the State Opening and the first election of the Deputies is concerned. We do, however, accept that there is a stronger case for payment of a suitable level to temporary Deputy Speakers appointed to cover prolonged absences. **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.**

### Gender-weighting

33. Standing Order No. 2B provides for both genders to be represented across the four occupants of the chair. This follows a convention dating back many years under the previous process of nomination which was taken forward in the transition to election following the recommendations of our predecessors. Similar provisions were put in place in the standing order which governs the election of members of the Backbench Business Committee (BBBC) but not for the individual elections to the Chair of the BBBC or the other select committees where there is only one post in question. In the event, in the 2010 Deputy Speakers election, the constraints on gender-weighting were not invoked and the result would have been the same if they had not existed. No Member of either sex was therefore disappointed because of this rule. We are satisfied that the outcome of the election on this occasion delivered a fair and effective result. We note that the rules on gender-weighting do not apply in by-elections but we will continue to monitor the results of future elections to ensure that this aspect of the standing order is working fairly and effectively.

## 4 Election of select committee chairs

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### Background

34. The Committee on Reform of the House of Commons set up in the last Parliament and chaired by Tony Wright outlined a new process for the election of chairs of the major select committees.<sup>15</sup> This is perhaps the most complicated of the various elections which took place following the General Election. As with the Deputy Speaker elections, the Standing Order governing the procedure (Standing Order No. 122B, agreed on 4 March 2010) attempts to codify what was previously a private arrangement between the whips on apportioning particular posts to the political parties and then to devise an electoral system which would deliver candidates for those posts as effectively and fairly as possible. The Standing Order sets out a three stage process:

- The Speaker writes to the party leaders indicating the proportion of chairs of select committees falling to each party which would reflect the composition of the House

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<sup>15</sup> First Report of Session 2008-09 (HC 1117), *Rebuilding the House* (hereafter "Wright report"), chapter 3

- The House agrees a motion tabled in the names of the leaders of all parties entitled to one or more chair specifying to which each such chair is allocated
- A fortnight later ballots are held for each of the posts, except where a single valid nomination has been received in which case that candidate is declared elected without a ballot. The ballots for each contest are counted under the Alternative Vote system.

## Experience in 2010

35. On 26 May 2010 the House agreed a motion to allocate the chairs of each of the select committees subject to election of the chair. A further committee was added to the list on 3 June following the creation of the new Political and Constitutional Reform Committee. The elections themselves took place on 9 June. Eight chairs were elected unopposed and 16 following contested elections decided by secret ballots. The memorandum supplied by the then Clerk of Divisions and printed with this report describes in detail how the process worked.<sup>16</sup>

36. Perhaps not surprisingly given the complexity of the process, this was the election which received most comment in evidence to us and we now turn to the issues raised which need to be addressed.

### *Allocation of chairs between parties*

37. As noted above, the allocation of chairs between parties under the new standing order follows the convention adopted in previous Parliaments of mirroring the party breakdown in the House. In consequence the chairs are divided between the three main parties since the minority parties do not individually have sufficient numbers in the House to qualify for a chair. Angus Robertson, the Scottish National Party (SNP) Westminster Leader, pointed out that “this process runs the risk, at least, of excluding individuals with great experience in certain areas or who are already trusted to chair meetings of this Parliament as members of the Chairman’s Panel”.<sup>17</sup> It also ensured that “no minority party MP can ever question the Prime Minister as part of the Liaison Committee as none can ever be committee chairs”.<sup>18</sup> He went on to suggest that perhaps “the chair of the Liaison Committee itself (as it does not shadow a department) might be reserved for a minority member—or the chairmanship of the Back Bench Business Committee”.<sup>19</sup> The Deputy Leader of the Democratic Unionist Party proposed an alternative remedy which was that “at least one select committee should be open to being chaired by a member of a minority party”.<sup>20</sup>

38. We understand the frustration of the minority parties in this respect. The elections for the Speaker and the Deputy Speakers are designed to be open to any candidate regardless of the strength of his or her own party in the House and at first glance

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<sup>16</sup> Ev 4–5

<sup>17</sup> Ev 8

<sup>18</sup> Ibid

<sup>19</sup> Ev 9

<sup>20</sup> Ev 9

minority parties appear to be excluded from even standing for all posts as select committee chairs. However, in fact, this is not a matter of the process but the way in which it is operated by the major parties, reflecting the long-standing convention on how to divide the committee posts. Although the letter from the Speaker has to be arithmetically accurate in indicating the proportion of chairs falling to each party, the motion tabled by the leaders of the parties does not. Indeed, in May 2010 the motion agreed allocated one fewer place to Labour and one more to the Conservatives than would be implied by a strict application of the figures communicated by the Speaker. It is not beyond the stretch of the imagination that a minority party might be able to make a sufficiently good case to be included in allocation agreed by the House. Indeed, the rules of nomination even provide that candidates must have their nominations signed by “fifteen Members elected to the House as members of the same party as the candidate or ten per cent. of the Members elected to the House as members of that party, whichever is the lower”, which means that candidates from minority parties could qualify without amendment to the standing order. Equally, the chair of the Liaison Committee as an appointed post need not be awarded to a Member of one of the larger parties should the House wish to do so.

39. For these reasons, whilst we have sympathy with the minority parties, we do not recommend a change is needed to the election process for select committee chairs. We discuss the position of minority party representation on the Back Bench Business Committee later in this report.

### ***Number of signatures***

40. As we have seen, Standing Order No. 122B requires each nomination to be accompanied by the signatures of fifteen Members (or ten per cent. of the candidate’s party in the House). This requirement, if interpreted strictly, could mean that a candidate might find his nomination declared invalid if any one of his or her fifteen signatories failed to observe the rule that they could sign the statement of only one candidate for each post. The Rt Hon James Arbuthnot recently raised this difficulty with the Leader of the House and with us.<sup>21</sup> The Clerk of Divisions has suggested that to avoid inadvertent invalidation, the Standing Order should make it clear that more than 15 signatures can be submitted but that only the first 15 signatures are printed.<sup>22</sup> This would make it “explicit that Members could provide “surplus” names against the possibility—as happened on several occasions—that one or more of the original signatures should prove to be invalid.”<sup>23</sup> We agree that this would be a desirable change. As with the signatures collected for nominations for Deputy Speaker, we consider that any signatures in excess of the 15 required to validate the nomination should not be retained. **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**

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<sup>21</sup> Ev 10

<sup>22</sup> Ev 5

<sup>23</sup> Ibid

candidates be alerted in the guidance issued by the House to the desirability of providing additional signatures.

### *Declaration of interests*

41. There is no provision in any of the standing orders relating to elections to posts in the House for the declaration of interests by candidates. This matters only in the case of the select committee chairs where candidates may well have relevant interests to declare. **In 2010 such interests were 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.**

### *Campaigning and hustings*

42. The nomination period for the select committee chairs differs from that for the Deputy Speakers or the Speaker in that the standing order specifies only the end point and not the start. Members therefore had up to a fortnight in which to submit their nomination forms. In order that the House should be kept informed, valid nominations received each day were printed in the House's business papers. A full list of all nominations was made available after the close of nominations. Also unlike the elections for Deputy Speaker, there is no provision in the relevant standing order for brief statements from each candidate to be published by the House. Therefore, the list of nominations and supporters was the only official notification of who the candidates were or their willingness to stand.

43. This gap was filled by vigorous campaigning on the part of some candidates. While some chairs were elected unopposed, there were close fights for other positions. One of the chief hurdles for candidates was making themselves known to new Members who were not familiar with their record in the House or past work with committees. Some Members complained to us about the volume of communications issued by candidates in contested elections as a result. One new Member argued that "there should have been more control over how candidates campaigned. We seemed to be inundated by e-mails, letters etc."<sup>24</sup> To address this, the Rt Hon Nick Raynsford suggested that we could consider "developing agreed arrangements for circulating information from candidates to all members eligible to vote"<sup>25</sup> On the other hand, although accepting that the email system became overloaded and that "by the end few communications were being read at all by the electorate", one successful candidate, the Rt Hon James Arbuthnot, argued strongly that "It should surely be up to a candidate to choose the best method of communicating the message, rather than for it to be regimented into, for example, election packs"<sup>26</sup>

44. Several Members also raised the issue of hustings for select committee chairs. For example, Mr Raynsford suggested that there should be "opportunities for members to meet

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<sup>24</sup> Ev 1

<sup>25</sup> Ev 2

<sup>26</sup> Ev 9

with and hear from the candidates for each post”<sup>27</sup> and Nicky Morgan told us that some hustings “would have been helpful for the new members”.<sup>28</sup>

45. We have considered whether to recommend greater central control of campaigning by candidates for select committee chairs. On balance, we have decided against it. Whilst we sympathise with those Members who felt overwhelmed by emails and other communications, we do not think it right to forbid such activities on the part of candidates. We recognise that in this case, unlike that of the Deputy Speakers, it is appropriate for would-be select committee chairs to have views on the direction which they would like a committee to take and that they should be permitted to express those views to their electorate as they see fit. Of course, they may well find that overactivity in this regard is counter-productive. Similarly, we consider that there is a place for hustings in these elections where Members wish to know more about the candidates. Given the number of elections involved and the fact that the nature of the contest will vary between posts, we think it unwise to lay down rules about how such events should be organised. Instead, we **believe that it should be left to those who wish to organise such events to decide how best to do so and that candidates should be free to organise their campaigns as they see fit.**

### **Participation of Ministers**

46. The electorate for the select committee chairs included all Members of the House. The Rt Hon Michael Meacher put forward the view that “since the role of select committees is to hold Ministers to account, it is not appropriate for Ministers to have a vote in deciding who should undertake that role”.<sup>29</sup> We recognise Mr Meacher’s concern but have reservations about the proportionality of measures that could be taken to implement it. Although it would be possible to exclude all Ministers from those eligible to vote, this would greatly affect the party balance of the electorate. Alternatively, writing a requirement into the Standing Orders that a Minister could vote in all elections except those relating to his or her own department would be technically feasible but might be open to different interpretations and difficult to police. **We therefore 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.**

### **Method of counting**

47. Standing Order No. 122B provides that the ballot for each contest is counted under the Alternative Vote system. This is the same system as used to elect the Chair of the backbench business committee or for a by-election for a single vacancy for a member of that Committee. It was adopted for the election of select committee chairs following the Wright report’s conclusion that “If there were more than two candidates, voting would be by alternative vote, to eliminate the need for any subsequent ballots”.<sup>30</sup> In most

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<sup>27</sup> Ev 2

<sup>28</sup> Ev 1

<sup>29</sup> Ev 1

<sup>30</sup> Wright report, para 85

circumstances, it also ensures that a winning candidate has the support of more than half those participating in the ballot.

48. We have reviewed whether it would be advisable to move from the alternative vote system to using first past the post (FPTP) for these elections. FPTP has the advantage of simplicity and it is the electoral system with which Members are most familiar. An examination of the results from each contest in 2010 suggested that most would not be affected by a change in the method of counting. Of the 16 contested elections, seven were decided on the first round, a further five on the second, three on the third and one on the sixth. In all cases, even the last, the winning candidate was ahead by some margin in the first round, with redistributed votes from eliminated candidates merely increasing their lead. On this evidence, **we recommend that Standing Order No. 122B be amended to provide for the counting of votes to be conducted under first past the post.**

### *Election by the whole House or by parties*

49. The Wright committee considered various options for the election of Chairs and concluded that its proposed system of election by secret ballot of the whole House was that “most likely to demonstrate the determination of the House more effectively to hold the executive to account, to give more authority to the scrutiny function of Parliament and at the same time to preserve the effective functioning of select committees”.<sup>31</sup> In particular, the Committee considered that election by the House would mean that “chairs would represent the whole House, and have a clear mandate and accountability” and that “Chair elections are transparent, minimise the use by whips of committee chairs as a form of patronage and would encourage cross-party-working”.<sup>32</sup>

50. A disadvantage identified by the Wright committee was that “some Members may feel uncomfortable voting for members of other political parties and a governing party majority could decide the outcome of elections of all Chairs”.<sup>33</sup> We have no evidence that this happened in 2010 but we recognise the concern. One possible means of addressing it would be to move to a system of electing select committee chairs by ballot of Members of the party to which that chair had been allocated only.

51. This would be a major change and one which would require discussion by the House in some detail. In view of the absence of evidence to us on this point, we do not consider that we should reach a conclusion on the issue in this report but we believe that the arguments for and against change should be examined in the general review of the implementation of the Wright report which that Committee wished to take place two years after implementation.

### *Date of taking up office*

52. Finally, we have briefly considered the question of the date on which the chairs took up their positions. In 2010 Members elected were deemed to have taken up their positions as

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<sup>31</sup> Wright report, para 80

<sup>32</sup> Ibid, page 30

<sup>33</sup> Ibid

Chairs once the members of the committee concerned had been nominated by the House.<sup>34</sup> A decision was taken that payment for Chairs should only start from that point.

53. The extra payment made to Chairs is a reflection of the additional work and expenditure involved. This is undoubtedly less extensive before the Committee is established because the Chair has no inherent powers before the Committee and is limited in the extent to which he or she can plan or take decisions alone, but clearly a Member in this position takes on extra responsibilities immediately after election which should be recognised. There is the possibility that a Chair might be elected to a Committee to which members are never nominated, either because the Committee itself is abolished or because an early General Election intervenes before nomination can take place. This would create a reputational risk for the House in being seen to pay for duties which cannot be performed in full. **We therefore 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.**

### Election of other select committee chairs

54. The Wright committee recommended an initial system of election by the whole House of Chairs of departmental and similar select committees with the possibility that the system might be extended to other select committees in future.<sup>35</sup> The Committee suggested that this potential extension should be examined as part of the general review of all recommendations made in their wide-ranging report (see paragraph 51 above). We do not wish to pre-empt that review but we hope that it will look favourably upon extending the principle of election to posts on other select committees such as Administration, Selection and European Scrutiny and also perhaps to those held by backbench Members on statutory committees such as the House of Commons Commission.

## 5 Election of Backbench Business Committee

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### Background

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

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<sup>34</sup> Ev 5

<sup>35</sup> Para 80

compositions determined by the Speaker in a way which, taking into account the party of the chair, reflects the composition of the House and that at least two women and two men are elected.

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

## **Experience in 2010**

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

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

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

## ***Representation of minority parties***

60. The size of the BBBC and the requirement that its membership reflect the proportions of seats held in the House by each party together mean that there is no place on the Committee for the minority parties. Standing Order No. 122D deliberately excludes them from standing for the chair of the committee by requiring a nomination form to be signed

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<sup>36</sup> Resolution of 5 June 2010

by not fewer than 20 nor more than 25 Members, of whom no fewer than 10 are Members of the candidate's party and no fewer than ten Members of any other party or no party. Similarly, the Speaker is required to base his calculations of the number of seats on the Committee to be given to each party on the composition of the House. This could be seen as unfair, given that the committee is intended to represent backbench views.

61. We are not convinced that it would be appropriate to change the rules for the nomination of the Chair of the Committee since it is essential that such a post commands the support of the House as a whole and that the holder is able to wield influence with the major parties, but we do consider that the minority parties should be represented amongst the membership of the committee. The Wright Committee recommended that the Backbench Business Committee should have a membership of between seven and nine. At present, it has eight members, including the Chair. We therefore consider that it would be in keeping with the spirit of the Wright reforms to increase the membership to nine, with the additional place reserved for a Member from the minority parties, defined as a party that would otherwise not be represented in the Speaker's determination of places according to party balance. Taking into account the current composition of the House, this would result in a 5/4 split between Government and opposition backbenchers, thus retaining the Government majority. **We recommend that an amendment be made to the standing orders to extend the size of the Backbench Business Committee to nine members, including the Chair, and that the additional place be allotted to a Member from a minority party to be elected by the whole House. This change should be made as soon as possible in order that the impact of the additional minority Member might be included in the process of reviewing the operation of the Backbench Business Committee at the start of next session.**

### ***By-elections***

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

## **6 Selection of members of select committees**

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### **Background**

63. As part of its package of reforms to the process for nominating select committees, the Wright Committee proposed that the members of select committees should be elected by secret ballot by each political party, according to their level of representation in the House, and using transparent and democratic means.<sup>37</sup> The House would then endorse the results

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<sup>37</sup> Para 80

of these electoral colleges. The Committee proposed that the method of election used in each case should be one approved by the Speaker as meeting the requirement to be transparent and democratic and that each party should be obliged to publish the method it had adopted.

64. In the event the House stopped short of implementing these proposals in full and resolved only that it “takes note of recommendation 6 of the First Report of the Select Committee on Reform of the House of Commons, Session 2008–09, HC 1117, and endorses the principle that parties should elect members of select committees in a secret ballot by whichever transparent and democratic method they choose ...”<sup>38</sup>

## Experience in 2010

65. In 2010 the process of internal party elections was carried out after the election of the chairs. Once it was complete, the Whips of each party submitted a list of names for each committee to the Committee of Selection and the House agreed to the formal motions to nominate the select committees in July 2010. This is a similar length of delay after the General Election as has been experienced in previous Parliaments.

66. Little information was published as to how the division of seats between the parties was made nor on the method used for election within each party. The Labour Party asked Members in the first instance to nominate themselves for a select committee. After the deadline, those who had applied for an undersubscribed committee or where the number of candidates matched the number of vacancies were elected unopposed. There was then a two stage election process with elections for the vacancies on the 12 most subscribed Committees on 23 June, followed by elections for the rest of the vacancies a week later. Those unsuccessful in the first ballot could put their names forward for places elected under the second stage. The Parliamentary Labour Party office undertook to collate 200-word statements from candidates for circulation to all Labour Members in both stages.

67. The Conservatives adopted a similar process to the Labour party and elected their select committee members in two tranches, albeit in this case the division between the two was alphabetical rather than on popularity of the committee. It is understood that responsibility for administering the election is to be handed over from the whips who ran the contest in 2010 to the 1922 Committee.

68. The Liberal Democrats were awarded a number of select committee places in accordance with their party strength. A simple system of signing up for vacancies was adopted and there was no need for ballots.<sup>39</sup>

69. We invited comments from Members on this round of elections but very few chose to raise it with us. We have therefore seen no evidence that would lead us to conclude that it should be changed. Indeed, we note that the system led to a healthy intake of new Members on all committees but **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**

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<sup>38</sup> 4 March 2010

<sup>39</sup> None of the posts reserved to Liberal Democrat nominees, including select committee chairs and members of the BBBC, were contested.

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.

### *Minority party representation*

70. As with the other elections, there proved to be difficulties with providing an equitable solution for the representation of minority parties on select committees. The SNP pointed out that although a solution was found on this occasion, this “did depend on goodwill which might not always exist”.<sup>40</sup> The SNP suggested that some form of automaticity should be built into Standing Orders under which each of the smaller opposition parties could nominate one committee where there was a specific reason for inclusion, with the size of that committee then adjusted accordingly without requiring a decision by the House.<sup>41</sup>

71. The Wright Committee had considered this problem in its report and proposed a different solution to that put forward to use by the SNP. This was that “the Speaker be empowered to nominate one member to a particular committee so that minority parties or viewpoints can be fairly represented; and also that larger parties should remain free to “donate” one of the places to which they are entitled to a smaller party”.<sup>42</sup>

72. We are not attracted to either solution which would introduce formal regulation in place of an informal procedure which already works to ensure that minority parties and independents are represented on select committees. We welcome the SNP’s recognition that a solution was found in 2010 and we expect such goodwill to continue to be displayed after future General Elections. If this is not the case, then this is a subject which should be reviewed by an appropriate Committee at that point.

## 7 General observations

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73. In his review of the elections held in 2010, the Clerk of Divisions concluded that the “the different electoral procedures to fill key posts within the House ... have worked well and have commanded the confidence of Members”.<sup>43</sup> This view is backed by Members, both in the absence of serious complaint and in positive comments made to us. One particular theme to emerge was that the process of election was open and transparent and required candidates to engage with other Members of different parties. Mr Arbuthnot summarised this point of view well:

I thought the process for election of chairs worked well. It allowed the House itself a genuine and unfettered say in who should chair the committees. It also ensured in the first few weeks of the Parliament that those of us who were standing in the

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<sup>40</sup> Ev 8

<sup>41</sup> Ev 9

<sup>42</sup> Para 91

<sup>43</sup> Ev 7

elections would do our best to get to know the new intake of MPs of all parties. There was not enough time to meet everybody, of course, but we all made a start. And that process itself also encouraged a rapprochement between political parties.<sup>44</sup>

We have identified at least one dissenting voice. Mr Ian Liddell-Grainger argued that “the election of the chairmen of the select committees dragged on intolerably” and “We were absolutely ‘elected-out’ by the time we had finished with select committees, Backbench Committees, Deputy Speakers and so on”.<sup>45</sup> He urged “some re-consideration of the amount of elections we are now having for posts within the House”.

74. We have of course given serious consideration to Mr Liddell-Grainger’s comments but we disagree with his conclusions. The number of internal elections in the three months from May to July last year undoubtedly drew Members’ attention to the time taken to re-establish the select committees after the start of the Parliament but such a delay has always been the case. The difference is that in the past the negotiations over chairs and places on committees has been hidden. Now they take place more openly and the system is set out more clearly in the rules of the House. The number of Members taking part in the election, either by standing as candidates or voting, gives no indication of voter fatigue. We are firmly of the view 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.

75. There was a danger that the different rules for each set of elections and the challenge for the House in translating these rules into working models for the first time might lead to unexpected difficulties. In fact, the process worked extremely well and we wish to congratulate all those involved in organising or assisting the elections. The Clerk of Divisions commented on the “elements of flexibility and discretion which have occasionally been useful in ensuring that they operate for the general convenience of Members”. We endorse the view that this flexibility in the form of allowing the Speaker to alter arrangements where necessary has proved its worth. There are a number of minor improvements proposed in this report, most significantly to address the concerns of the minority parties or to close loopholes in the standing orders, but we are confident that the system does not need major surgery and that it will continue to be effective in future parliaments.

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<sup>44</sup> Ev 9

<sup>45</sup> Ev 1

# Conclusions and recommendations

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## Election of the Speaker

1. We recommend that Standing Order No. 1B be amended to allow for the publication of the names of sponsors. (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 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 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] 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)
8. We do not support the concept of a St Stephen's seat for the Speaker. (Paragraph 24)

## Election of the Deputy Speakers

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)
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)
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)

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)

### **Election of select committee chairs**

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)
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)
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)
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)

### **Election of Backbench Business Committee**

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 one vacancy on the Backbench Business Committee]. We recommend that this amendment be made. (Paragraph 62)

### **Selection of members of select committees**

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)

# Formal minutes

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**Wednesday 19 October 2011**

Members present:

Mr Greg Knight, in the Chair

Mrs Jenny Chapman  
Nic Dakin  
Thomas Docherty  
Mr Roger Gale  
Helen Goodman

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

Draft Report (*2010 elections for positions in the House*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 75 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fifth Report of the Committee to the House.

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

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 26 October at 3.00 pm]

## List of printed written evidence

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1	Letter from the Speaker (P 02, 2010–12)	Ev 1
2	Responses from Members (P 13, 2010–12)	Ev 1
3	Clerk of Divisions (P 34, 2010–12)	Ev 2
4	Letter from the Speaker to Leaders of Parties (P 34 I, 2010–12)	Ev 8
5	Angus Robertson MP, Scottish National Party Westminster Leader (P 39, 2010–12)	Ev 8
6	Rt Hon Nigel Dodds OBE MP, Deputy Leader of the Democratic Unionist Party) (P 55, 2010–12)	Ev 9
	Rt Hon James Arbuthnot MP (P 57 and P 156, 2010–12)	Ev 10: Ev 10
7	Letter from the Speaker (P 75, 2010–12)	Ev 10

## List of Reports from the Committee during the current Parliament

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### 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

# Written evidence

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## Letter from the Speaker (P 02, 2010–2012)

### THE SPEAKER'S SEAT

I am writing to you about some concerns that were raised with me during my election campaign in Buckingham. There was a sizeable minority of my constituents who felt disenfranchised by the convention that political parties do not field candidates against the Speaker Seeking Re-election. At my count I promised my constituents that I would report the issue to the relevant committee of the House which could, if it wished, decide to consider it.

Although I am aware that your Committee has not been fully nominated following the election, I thought I would write to you at the earliest opportunity to register this matter. Whether or not you choose to undertake an inquiry, the precise terms of reference for it and its timescale are obviously matters for you and the Committee.

I am copying this letter to the Deputy Prime Minister as he is the cabinet minister responsible for political and constitutional reform. In addition, as it is a matter of interest in my constituency, copies will also go to my local media.

*July 2010*

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## Responses from Members (P 13, 2010–12)

### NIC DAKIN MP

I felt this was a very positive process in terms of principle. The hustings for the Deputy Speaker was helpful. Clearly, because it was the first thing we did and we didn't know people as new MPs, there was a job to do in engaging with the process, much of it carried out through email canvassing.

### DUNCAN HAMES MP

It will be better in future when there are fewer new Members. [There should be a] hustings meeting for select committee chairs.

### MR IAN LIDDELL-GRAINGER MP

The elections of the Speaker and Deputy Speakers were done fairly quickly but the election of the chairmen of the select committees dragged on intolerably. One of the beauties of select committees used to be that they were quick to get going again at the start of a new Parliament. However, with the new system of elected chairman and, then elected members, of the select committees is that they the elections went on and on and on and then there were not enough people for every committee. We were absolutely "elected out" by the time we had finished with select committees, Backbench Committees, Deputy Speakers and so on.

It is nice to have elections, but the problem is that they are becoming so cumbersome now that I would urge some re-consideration of the amount of elections we are now having for posts within the House.

### RT HON MICHAEL MEACHER MP

On the elections of the Speaker, Deputy Speakers and chairs of select committees, I think this was a major advance and that in general the process worked well. My only point of concern is that since the role of select committees is to hold Ministers to account, it is not appropriate for Ministers to have a vote in deciding who should undertake that role.

### NICKY MORGAN MP

I thought the election of select committee chairmen worked well but it would have been helpful, for the new members, to have some hustings as I certainly did not know all the candidates—especially those from other parties.

### ANDREW PERCY MP

I found the process for the election of the Deputy Speakers to be simple and easy to follow. It was a little difficult however understanding quite how your votes were distributed and how they would impact on other candidates. Could the ballots not be separated by party affiliation?

The election of chairs of committees was simple enough but I felt there should have been more control over how candidates campaigned. We seemed to be inundated by e-mails, letters etc. Could this not be better controlled and the period of campaigning be limited to a much shorter period?

CHRISTOPHER PINCHER MP

I would suggest the House regularises the election process for the next parliament. If the election of Deputy Speakers and select committee chairmen are done by secret transferable vote ballot (and assuming the election of any *new* Speaker will be done in the same way), the re-election of a Speaker should also be by secret transferable vote ballot. I assume this process will apply for Deputy Speakers and select committee chairmen so think it would be appropriate to apply it to all such individual elections.

RT HON NICK RAYNSFORD MP

I believe that the election of senior posts in the chair and in committees was an important and positive reform and should be continued. The only serious reservation that could be made about the 2010 process was the difficulty in ensuring that the many new members elected this May had sufficient opportunity to get to know the candidates. The Procedure Committee could well consider developing agreed arrangements for circulating information from candidates to all members eligible to vote, including opportunities for members to meet with and hear from the candidates for each post.

October 2010

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### Memorandum submitted by the Clerk of Divisions (P 34, 2010–12)

#### ELECTIONS, 2010

##### INTRODUCTION

1. The early weeks of the 2010 Parliament were marked by a series of elections for the House's office holders and committees. When it met following the General Election in May, the House first had to elect a Speaker. Thereafter, the Standing Orders required the House to elect three Deputy Speakers by Single Transferable Vote, and Select Committee Chairs by Alternative Vote. The House subsequently agreed new standing orders to create a Backbench Business Committee, requiring successive elections for the Chair (by Alternative Vote) and the members (by Single Transferable Vote).

2. For each of these elections, a *Commons briefing note* was prepared for Members and the wider public (via the Internet). These briefing notes are designed to give clear and authoritative information about House proceedings.

3. Memoranda were also printed at the front of the Order Paper while nominations were in progress, giving Members the key facts about the process of the different elections.

4. An off the record press briefing on the procedure and mechanics of the election of the Speaker and of the Deputy Speakers (as well as on swearing in) was held shortly before the House met for the first time. The Clerk Assistant chaired the briefing, and the Clerk of Divisions provided detailed information. The briefing was well attended (some 40 journalists), and the media clearly found it helpful; the feedback was excellent.

5. Holding the different elections involved the cooperation of a number of Departments and offices within the House. Experience of the various types of elections has allowed us to develop our practices.

##### ELECTION OF THE SPEAKER

6. Standing Order No. 1A sets out the procedure to be followed when the previous Speaker is returned to the House at a general election. Preparations had been made before the election for the possibility of a secret ballot, following the model used for the election in 2009, in case either the Speaker was not returned, or he was not re-elected at the first meeting of the House (in which case the ballot would have been held on the following day). In the event no secret ballot was held, but the rehearsals and preparations were in any case useful for the election of the Deputy Speakers that followed a similar pattern.

7. A division team was of course ready on the first day in case a division was called on the Question that Mr Bercow take the Chair as Speaker.

##### ELECTION OF DEPUTY SPEAKERS

8. In order to fill the gap between the Queen's Speech and the election of the Deputies, a Motion was moved without notice by the Leader of the House on the day of the Queen's Speech, allowing the Speaker to appoint a maximum of three temporary Deputy Speakers. The Speaker appointed Sir Alan Haselhurst and Hugh Bayley later that day. **This situation will recur at the start of the next Parliament, and a Standing Order change is needed.**

##### *Nominations*

9. Nominations had to be submitted in writing to the Lower Table Office between 10am and 5pm on Monday 7 June (the day before the election). Nomination forms were available in advance from the Table Office and the Vote Office but did not need to be used, provided that nominations met the provisions of the Standing

Order. To be valid, nominations had to contain a brief signed statement made by the candidate declaring willingness to stand. This could be up to 500 words and in the form of a CV; in line with what the previous Procedure Committee had indicated, Members were given guidance that such a statement should not be a personal manifesto. This statement had to be accompanied by the signatures of not fewer than six nor more than 10 Members. There were no requirements as to the party affiliations of these sponsoring Members. No Member could sign more than three such statements of nomination; if any Member had done so, that Member's signature would have been treated as invalid for all nominations.

10. Nine candidates stood for election to the three positions. As soon as possible after the close of nominations, the list of candidates and their sponsors was placed in the Vote Office in the Members' Lobby and published on the Intranet. These lists were available by 5.45 pm, 45 minutes after the close of nominations.

11. All the candidates produced a personal statement. They were of different lengths and styles but duly avoided being personal manifestos. The booklet with candidates' names, photographs and statements was prepared very quickly and issued at 7.30 pm in the same way as the list of candidates.

#### *The ballot*

12. The Speaker originally announced on 26 May that the ballot would be held in the division lobbies between 11.00 am and 12.00 noon (in line with the timing in Standing Order No 2A(5)(a)) on Tuesday 8 June. The following day the Speaker announced that the ballot time would be extended to run from 10.00 am to 12.00 noon on 8 June in order to allow Members both to vote and to attend the service for the new Parliament in St Margaret's Church. This showed the value of the discretion the Standing Orders give the Speaker in setting the arrangements and timings for elections.

13. As with the election of the Speaker in 2009, Members with surnames A to K voted in the Aye Lobby, and Members with surnames starting L to Z voted in the No Lobby. Members had their names recorded at temporary division desks before being issued with ballot papers from a table further down the lobby.

14. No proxy voting was allowed but, as with the election of the Speaker in 2009, an equivalent of 'nodding through' was made possible by means of Table Clerks ready to deliver ballot papers to any incapacitated Member on the precincts. In the event no Member needed to use this procedure.

15. The ballot paper gave the names of candidates in alphabetical order, the side of the House from which they came, and their sex. Members each had one vote, which was transferable. They placed candidates in their preferred order using the figures "1", "2", "3", etc. The figure "1" represented the vote and was mandatory. The rest were contingency markings and were optional but might allow the elector to influence the final result. Members were therefore told that they should express preferences until they were unable, or did not wish, to differentiate between any of the remaining candidates.

16. At 12.00 noon the ballot was closed and the entrance doors to the lobbies were locked. All Members in the lobbies when the doors are locked were allowed to vote. 520 Members cast a vote.

#### *The count*

17. The ballot was counted under the Single Transferable Vote system, as recommended by the Procedure Committee and agreed by the House. Under STV the votes are counted with reference to a quota, which is the number of votes a candidate requires to be elected. The quota is the number of valid votes cast divided by the number of places to be filled plus one (four in this election). There were 515 valid votes so the quota was 128.75.

18. Any candidate elected with more votes than the quota had surplus votes transferred to the remaining candidates in proportion to the next stated preferences on the elected candidate's ballot papers. Votes cast for a candidate who was excluded from the ballot with the lowest number of votes at a stage in the count were transferred using the next stated preferences on those ballot papers.

19. The Standing Orders of the House provided that constraints should be applied to the count so that of those elected:

- two candidates would come from the opposite side of the House to that from which the Speaker was drawn, the first of which candidates would be Chairman of Ways and Means and the second, Second Deputy Chairman of Ways and Means;
- one candidate would come from the same side of the House as that from which the Speaker was drawn and would be First Deputy Chairman of Ways and Means; and
- at least one man and at least one woman would be elected across the four posts of Speaker and Deputy Speakers.

The Speaker was deemed to come from the Coalition side of the House, so the First Deputy Chairman had to be a Conservative or Liberal Democrat.

20. If a continuing candidate could not be elected because of the constraints above, then the candidate's votes were transferred according to the next stated preferences on the papers. The constraints were applied at

the count, so there was no obligation on Members to vote for candidates from both sides of the House, or for both a man and a woman.

21. The count took place in Committee Room 12. Members were able to observe from the public gallery in the room, and some of the candidates did so. They were not given any information about the progress of the count.

22. Given the potential complexity of STV when combined with the additional constraints listed above, we engaged Electoral Reform Services as advisers. They helped train the volunteer counting team and were also present on the day of the ballot in order to observe the count. The counting team had several rehearsals to ensure they were familiar with STV by the time of the count.

23. We had thought that the result might take some hours to produce. In fact the count was complete an hour after it began. The Speaker announced the names of the winning candidates in the Chamber that afternoon, and then full information about the count and the result was issued to Members and published on the Internet.

#### *Election of Committee Chairs*

24. The procedure for election of the Chairs of (many of) the select committees is set out in SO No 122B. The first stage involves a process of achieving agreement on which committees are to be chaired by members of which parties, with the Standing Order providing for a Motion to be tabled by relevant party leaders after they have received a letter from the Speaker indicating overall party shares. The Standing Order requires the shares indicated by the Speaker to reflect the composition of the House, although in practice the Speaker indicated in his letter (attached) factors he had taken into account. The letter was published on the Parliamentary website.

25. The Standing Order does not require the party leaders to follow the proportions indicated in the letter, and in fact the party leaders' motion contained a slight variation from the indicative figures given for the 23 committees at issue, with one fewer Labour Chair and one more Conservative Chair than the Speaker's proportions (although Labour was subsequently allocated the Chair of a new Committee—see paragraph 26). The process of attributing committees to parties was completed on Wednesday 26 May, when the House agreed a motion under paragraph (3) of the Order in the name of the Prime Minister, the Leader of the Opposition and the Deputy Prime Minister, allocating the Chairs of each of the select committees covered by the Standing Order to a specific party. This was within the timescale envisaged in the Standing Order.

26. The allocation of Chairs thereby agreed by the House was as follows:

Business, Innovation and Skills	Labour
Children, Schools and Families (Education)	Conservative
Communities and Local Government	Labour
Culture, Media and Sport	Conservative
Defence	Conservative
Energy and Climate Change	Conservative
Environment, Food and Rural Affairs	Conservative
Foreign Affairs	Conservative
Health	Conservative
Home Affairs	Labour
International Development	Liberal Democrat
Justice	Liberal Democrat
Northern Ireland	Conservative
Science and Technology	Labour
Scottish Affairs	Labour
Transport	Labour
Treasury	Conservative
Welsh Affairs	Conservative
Work and Pensions	Labour
Environmental Audit	Labour
Procedure	Conservative
Public Administration	Conservative
Public Accounts	Labour

27. On 3 June, the House agreed to set up a Political and Constitutional Reform Committee, and to include it within SO No 122B so that its Chair (allocated to the Labour party) would also be elected. The House decided that the election for this Chair would be on 9 June, the same day as the other elections, although in practice this meant that there was significantly less time for nominations to be submitted.

#### *Nominations*

28. Under paragraph (7) of the Standing Order the ballot was to take place on Wednesday 9 June (14 days after the approval by the House of the Motion allocating Chairs to particular parties), and under paragraph 8(a)

nominations (which were open as soon as the House agreed the motion) would close at 5pm on the day before the ballot.

29. No Member could stand for more than one of the Chairs covered by the Standing Order, and no Member could stand for election to a Chair not allocated to his or her party.

30. To be valid, nominations had to contain a signed statement made by the candidate declaring willingness to stand, and be accompanied by the signatures of 15 Members elected to the House as members of the same party as the candidate, or 10% of the Members of that party, whichever was the lower. In the event that more than 15 signatures were collected from the same party as the candidate, only the first 15 valid signatures would be printed. Nominations could also be accompanied by the signatures of up to five Members elected to the House as members of any party other than that to which the candidate belonged or of no party.

31. A Member was not allowed to sign the statement of more than one candidate for the Chair of the same select committee, and if a Member did so, the signature of that Member would be deemed to be invalid in respect of each nomination for that select committee Chair. **It might be helpful if the Standing Order were to make clearer that more than 15 valid signatures could be submitted, but that only the first 15 valid signatures would be printed. The purpose of this would be to make explicit that Members could provide “surplus” names against the possibility—as happened on several occasions—that one or more of the original signatures should prove to be invalid.**

32. In accordance with the normal requirements for notices, candidates for select committee Chairs were required to declare any relevant interests with their nomination. These were printed with the nominations.

33. Valid nominations received each day were printed in the House’s Vote Bundle. As soon as possible after the close of nominations, the list of candidates and their sponsors, together with a list of those elected unopposed, was placed in the Table Office and the Vote Office, and made available on the Intranet. A full list of nominations for contested elections, together with supporting names, also appeared in the Vote Bundle on the day of the ballots.

#### *The ballot*

34. At the close of nominations eight committees had only one valid candidate, so no ballot was needed in those cases. Ballots were held for the other 16 committee Chair positions.

35. In accordance with paragraph (11)(e) of the Standing Order, the ballot was open from 10am to 5pm. Unlike the election of the Deputy Speakers which had been held the day before, the ballot was held in a committee room (Room 5) to avoid disrupting the House while it was sitting. The longer time the ballot was open meant that for most of the time the ballot room was well able to cope with the numbers of Members wishing to vote. There was a period after Prime Minister’s Questions when the room was very busy, but Members were still able to find space to fill in their ballot forms.

36. Each Member had his or her name ticked off on entering the ballot room, and then was issued with a bundle of ballot papers for the different committee elections, colour coded to assist sorting later. Members voted by indicating their preferences (1, 2, 3, etc) against the names of the candidates.

37. Some candidates remained outside the ballot room but were not allowed to talk to people within the room. They were allowed into the room to view the list of those that had already voted.

38. Voting booths were available for Members who wanted privacy, and chairs were put around the room for Members to use should they wish. A Table Clerk and two Doorkeepers were in the room to assist Members and oversee the good order of the voting.

39. 590 Members voted in the ballot, and 9,440 ballot papers were cast. As not all Members voted in all the contests, some of these papers were blank.

#### *The count and announcement of results*

40. The ballot for each contest was counted under the Alternative Vote system. Any candidate who received more than half the first preferences was elected. If no candidate was so elected, the candidate or candidates with the lowest number of first preference votes were eliminated and their votes distributed among the remaining candidates according to the preferences on them. If no candidate had more than half the votes, the process of elimination and distribution was repeated, until one candidate had more than half the votes. The contest for the Chair of the Committee of Public Accounts took the longest to resolve: there were six candidates, and there were five rounds of counting before the count was concluded.

41. The counts were performed in parallel in the same room. They were all completed by about 9pm. The results were then kept securely until the following day, when they were announced by the Speaker in the Chamber after Questions. The full results were then issued to Members and published.

42. Members elected took up their positions as Chairs of the committees when the members of the committee concerned had been nominated by the House.

#### ELECTION OF CHAIR AND MEMBERS OF THE BACKBENCH BUSINESS COMMITTEE

43. On 15 June the House agreed to create a Backbench Business Committee. Both the Chair and the Members of the Committee were to be elected by the whole House in secret ballots.

##### *Chair*

##### Nominations

44. The Speaker decided that the first ballot to elect the Chair of the Committee would take place on Tuesday 22 June. Nominations had to be received between 10.00 am and 5.00 pm on the day before.

45. Nominations had to contain a signed statement made by the candidate declaring their willingness to stand for election, accompanied by the signatures of not fewer than 20 nor more than 25 Members, of whom no fewer than 10 had to be members of the candidate's party and no fewer than 10 had to be members of any other party or no party.

46. Two candidates stood for election.

##### The ballot

47. The Speaker decided that the ballot should take place in the division lobbies, in a similar way as for the election of the Deputy Speakers. The Order of the House specified that the ballot should be open between 11am and 1pm, but the Speaker decided to use the discretion he had under the Order to alter this to 9.00 am to 11.00 pm.

48. The election was by Alternative Vote, although with only two candidates, second preferences could not affect the outcome.

##### The count

49. 376 ballot papers were received, one of which was invalid. No redistributions were needed at the count because there were only two candidates. The Speaker announced the result in the Chamber on the afternoon of the ballot. It was then issued to Members and published.

##### *Members*

##### Nominations

50. The Speaker decided that the election of the Members of the Committee would take place a week after that of the Chair, meaning that nominations would be received between 10am and 5pm on Monday 28 June.

51. The Order of the House had stipulated that constraints would be applied to the count in the ballot for Members of the Committee so that:

- the membership corresponded to the composition determined by Mr Speaker which, including the Chair, should reflect as closely as possible the composition of the House; and
- at least two women and two men should be elected.

52. On 23 June, following the election of the Chair of the Backbench Business Committee, the Speaker announced that, in addition to the Chair, the Committee would be composed of four Conservative Members, two Labour and one Liberal Democrat. He said that nominations could be received only in respect of Members of these parties.

53. Nominations were received from four Conservative Members, three Labour and one Liberal Democrat. No ballot was therefore necessary for the election of the Conservative and Liberal Democrat Members, and the ballot would be for the election of two of the three Labour candidates only. As two of these candidates were women and a Conservative woman was already elected, the constraint requiring two women and two men to be elected to the Committee would not need to be invoked at the count.

##### The ballot

54. The ballot was held in the division lobbies between 10.00 am and 12.00 noon. Members voted by listing their preferences. 248 votes were received, of which 11 were invalid.

##### The count

55. The count was by Single Transferable Vote. As with the Deputy Speaker election, our advisers Electoral Reform Services were present on the day of the ballot in order to observe the count. In the event, the two winning candidates reached the quota on the first round of counting.

56. The Speaker announced the result in the Chamber on the afternoon of the ballot. It was then issued to Members and published.

*By-elections*

57. Standing Order No 122D(3)(b) sets out the procedure where a Member has ceased to be a Member or has given notice to the Speaker of a wish to resign from the committee. It states that—

“... the Speaker shall make arrangements for the election by the House of a replacement using the Alternative Vote System as set out in paragraph (11) of Standing Order No 122B (Election of select committee chairs), and may give such directions on the party affiliation required for a valid candidature as are necessary to preserve the balance of parties on the committee as referred to in paragraph (2)(f)(i) above”.

There is therefore no requirement to maintain the gender balance on the Committee.

58. The Standing Order does not state what procedure should be followed when more than one vacancy arises at the same time: Alternative Vote is a variety of the Single Transferable Vote system that is suitable only for an election to choose one candidate. The House has used Single Transferable Vote when it needs to fill more than one vacancy at a time (for example, the Deputy Speakers, and the original membership of the Backbench Business Committee).

59. In October 2010 it became clear that the two Labour Members of the Committee would be wishing to resign from the Committee at the same time following their appointment to the Opposition front bench.

60. Standing Order No 2A(5)(f) as applied by SO No 122D(2)(e) allows the Speaker to give directions on “any matter of doubt arising from the conduct of a ballot”. On 3 November the Speaker announced to the House that he had decided that “a single by-election will be held to fill these two places on the Committee and that the ballot will be counted under the Single Transferable Vote method”. He also announced in accordance with SO No 122D(3)(b) that candidates had to be Labour Members for their candidature to be valid.

**61. It would be helpful for the Standing Order to be amended to reflect this decision of the Speaker, and to provide for Single Transferable Vote to be used in any by-election when more than one vacancy arises on the Committee at a time, as it is in the original election of the Committee’s membership.**

*Place for holding ballot*

62. Both original ballots for the Committee were held in the division lobbies. Given the numbers of Members who participated in those elections and the disruption they caused to the line of route, the Speaker decided to hold the by election ballot in a committee room on Tuesday 9 November, as was done for the election of Committee Chairs. In order to allow plenty of opportunity for Members to vote, he also used his discretion under the Standing Order to decide that the ballot should be open from 10.00 am to 2.00 pm, longer than the two hours envisaged in the Standing Order. The only room available in the Palace without seriously disrupting select committee meetings was Room 7. This is slightly smaller than Room 5 which was used for the election of Committee chairs.

63. In the event just two nominations were received, so no ballot was required for their election. The Deputy Speaker announced the names of those elected before the rising of the House on the day of nominations, Monday 8 November.

## CONCLUSION

64. The House now has a series of different electoral procedures to fill key posts within the House. They have worked well and have commanded the confidence of Members. They have elements of flexibility and discretion which have occasionally been useful in ensuring that they operate for the general convenience of Members. I have drawn attention to a few instances where the Standing Orders could perhaps be amended.

65. I would be happy to meet the Committee to discuss these matters further.

Chris Stanton  
Clerk of Divisions

November 2010

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**Letter from Speaker to Leaders of Parties (P 34I, 2010–12)**

## ELECTION OF CHAIRS OF SELECT COMMITTEES

Under paragraph (2) of Standing Order No 122B [Election of Committee Chairs], I am required to communicate to the leaders of parties represented in the House the proportion of Chairs of select committees to be elected under the Order falling to each such party which would reflect the composition of the House.

This is to enable those parties indicatively entitled to a Chair to discuss between them which Chairs should be allocated to which parties, and to table a Motion setting out the allocation. Agreement to the Motion starts the new process under which the House elects the Chairs of the relevant committees.

The Election results produce indicative entitlements for the Conservative, Labour and Liberal Democrat parties.<sup>1</sup> It should be noted that it is not required that the Motion allocates Chairs according to the numbers or parties indicated in this letter.

The indicative entitlement on the basis of the 23 committees covered by the Standing Order is as given in the table below. It is however open to the House—either by separate decision or as part of the Motion which the relevant Party Leaders agree to table—to vary the number of relevant committees.<sup>2</sup> Given the recommendation in the Report from the House of Commons Reform Committee chaired by Tony Wright about the number of select committees, I have included figures also for smaller numbers of committees.

<i>No of relevant committees</i>	<i>Conservative</i>	<i>Labour</i>	<i>Liberal Democrat</i>
20	10	8	2
21	10	9	2
22	11	9	2
23	11	10	2

The Standing Order envisages the tabling by the relevant party leaders (ie in this case the Labour, Conservative and Liberal Democrat leaders) of a Motion allocating the posts of Chair for each committee to specific parties. The Motion would be amendable. If and when a Motion is agreed by the House, nominations for any given select committee will then be restricted to members of the party set by the motion. If a motion within the terms of the Standing Order is taken within a week of the Queen's Speech (ie by Tuesday 1 June) then it is subject to a time limited debate of one hour.<sup>3</sup>

The Clerks of the House or I will of course be happy to provide further information if required.

May 2010

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**Memorandum submitted by Angus Robertson MP, Scottish National Party (SNP) Westminster Leader  
(P 39, 2010–12)**

I am very pleased to be able to provide some input into your enquiry into the election of Mr Speaker, his Deputies and select committee chairs and members.

I am satisfied that the procedures for the election of the Speaker and Deputies were effective. It allowed proper scrutiny of every candidate; it was open and transparent and it encouraged all candidates to at least listen to the concerns of our party.

It is worth saying, although it is rather obvious, that if candidates in future were to fail to properly engage in this way, their chance of securing support would be reduced. I think this requirement to properly engage, as most candidates did last time is now a permanent feature of Speaker and Deputy Elections and that is to be welcomed.

Turning to the election of select committee chairs does pose a more intractable problem. Only members from three of Parliament's nine parties are able to contest these elections.

Now I do understand the parliamentary arithmetic which delivers this outcome, but I would hope that you would agree with me that this process runs the risk, at least, of excluding individuals with great experience in certain areas or who are already trusted to chair meetings of this Parliament as members of the Chairman's Panel.

This also means that no minority party MP can ever question the Prime Minister as part of the Liaison Committee as none can ever be committee chairs.

You might like to consider if the chair of the Liaison Committee its self (as it does not shadow a department) might be reserved for a minority party member—or if the chairmanship of the Back Bench Business Committee (another Committee that is denied a minority party member) might be considered in the same way?

Finally is the thorny issue of select committee membership.

Again can I say from the outset that all parties, including the Government and main opposition, sought to and did find a solution to the demands of the other opposition parties as the composition of the select committees at the start of this parliament.

However, this wasn't without some difficulty. It did depend on goodwill which might not always exist and at its heart it demonstrated the complete lack of automaticity for membership of committees.

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<sup>1</sup> In accordance with House practice, I am not taking into account in this exercise parties who have traditionally indicated that they do not propose to take their seats; if the practice of such parties were to change then of course the figures would be revised. The percentage entitlement to a post of chair for the 4th largest party, the Democratic Unionist Party, is well under 0.5 of a post; for the other parties the notional entitlement is of course smaller.

<sup>2</sup> Para 55: "The House must also seek to reduce the number of committees, ending overlapping or duplicate remits and rationing the scarce resource of Members' time and commitment".

<sup>3</sup> Or of 90 minutes if it also includes provisions altering the terms of SO No 152 establishing the departmental select committees.

This included, bizarrely in my opinion, the lack even of automatic membership to the territorial Scottish, Welsh and Northern Irish Select committees for the parties representing those Nations and the Province.

Parliament gave the appearance of being “hung-up” on committee sizes and seemed determined to ensure a “one-size-fits-all” approach when that was inappropriate.

Perhaps, as a compromise, each of the smaller opposition parties could nominate one select committee (or other committee—for example European Scrutiny or Environmental Audit) where there was a specific reason for inclusion and that, instead of bespoke tinkering to accommodate that, Standing Orders would ensure the size was adjusted accordingly.

That would have the advantage of ensuring a form of automaticity for every party in Parliament.

Given there are only four smaller parties with a membership of more than one—and of those, the SNP, Plaid Cymru and DUP already have a select committee place—and given that all of the Scottish, Welsh and Northern Irish parties do have places on their territorial select committees—and given that Caroline Lucas of the Green Party does have a place on the Environmental Scrutiny Committee—it seems unlikely that delivering the certainty and automaticity which I have suggested would cause any real difficulty or a result significantly different to the one which was finally delivered.

I do hope that this letter helps and of course I stand ready to take part in any future discussion you may want to have about this matter.

*November 2010*

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**Memorandum submitted by Rt Hon Nigel Dodds OBE MP, Deputy Leader of the Democratic Unionist Party (DUP) (P 55, 2010–12)**

I have consulted with colleagues and, if it is not too late to have an input, I would be grateful if the following issues could be taken into account:

- Members of the Democratic Unionist Party were content with the way in which the election of the Speaker and Deputy Speakers was conducted and the procedures seem reasonable and fair. Certainly the idea of electing Deputy Speakers is a very welcome development and one which we would want to see continue.
- Regarding select committees, we are concerned at the way in which chairs are allocated in that under the current procedures there is no opportunity for a member of a smaller party to become chair of a select committee. I think that at least one select committee should be open to being chaired by a member of a minority party and that the process of selection of members should be more open and transparent.

*December 2010*

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**Memorandum submitted by Rt Hon James Arbuthnot MP (P 57, 2010–12)**

Thank you for the opportunity to comment. I thought the process for election of chairs worked well. It allowed the House itself a genuine and unfettered say in who should chair the committees. It also ensured in the first few weeks of the Parliament that those of us who were standing in the elections would do our best to get to know the new intake of MPs of all parties. There was not enough time to meet everybody, of course, but we all made a start. And that process itself also encouraged a rapprochement between political parties. There will be different views about this, but in my view that was a good thing.

The e-mail system became overloaded. Those who e-mailed election communications early in the process were more likely to have them read than those who followed, and by the end few communications were being read at all by the electorate. But perhaps there is nothing that can be done about that. It should surely be up to a candidate to choose the best method of communicating the message, rather than for it to be regimented into, for example, election packs.

*December 2010*

**Further memorandum submitted by Rt Hon James Arbuthnot MP (P 156, 2010–12)**

On 26 May I sent to the Leader of the House an e-mail saying the following:

“Please will you organise that the Standing Orders for the election of Committee Chairs is changed in the following respect?

As I understand it, if an MP nominates two candidates, the entire nomination—not just by that MP—of both candidates is invalidated. If I am wrong, and it is merely that MP's nomination that is invalidated, no problem. But if I am right, it is unfair, because the candidates have no control over what his nominators might do. And nominators might absent-mindedly forget, in the confusion of a multitude of elections, what they had done. Or, worse, an MP who supports candidate A could intentionally nominate candidates B and C”.

Today he has replied to me as follows:

“Thank you for your e-mail of 26 May”.

I understand that, when select committee chairs were elected at the beginning of this Parliament, candidates were allowed in practice to submit the names of more than 15 Members who supported their candidacy. Where it was subsequently discovered that a Member had signed more than one nomination for the same committee, although both signatures were invalidated, one of the additional names was moved up the list so that the nomination form still contained 15 valid signatures (all the Members concerned having been notified). Where candidates had submitted more than 15 valid signatures, only the first 15 were printed.

The Procedure Committee is currently considering the arrangements for the election of the Speaker, Deputy Speakers and Chairs of Select Committees. You might like to suggest to them that they recommend a change to the rules along the lines you propose”.

Having raised the issue, may I now leave it to you to consider whether anything needs to be done about it?

*June 2011*

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**Letter from the Speaker (P 75, 2010–12)**

Thank you for your letter of 13 January about your Committee's review of the Speaker, the Deputy Speakers and chairs of select committees and of the selection of select committee members at the start of the 2010 Parliament. You raised two issues.

On the first matter, I would be in favour of allowing Deputy Speaker candidates the opportunity to present themselves briefly to the House in the Chamber, at a point when nominations have closed, and before the ballot is held.

I also welcome the idea of providing the Speaker with the power to appoint temporary Deputies in order that provision might be made to cover any extended absence of elected Deputy Speakers.

*January 2011*

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