



Political and Constitutional  
Reform Committee

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# Revisiting *Rebuilding the House*: the impact of the Wright reforms

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Third Report of Session 2013–14

*Volume II*

*Written evidence*

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## The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

### Current membership

Mr Graham Allen MP (*Labour, Nottingham North*) (*Chair*)  
Mr Christopher Chope MP (*Conservative, Christchurch*)  
Paul Flynn (*Labour, Newport West*)  
Sheila Gilmore MP (*Labour, Edinburgh East*)  
Andrew Griffiths MP (*Conservative, Burton*)  
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Mrs Eleanor Laing MP (*Conservative, Epping Forest*)  
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Stephen Williams MP (*Liberal Democrat, Bristol West*)

### Powers

The Committee's powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via <http://www.publications.parliament.uk/pa/cm/cmstords.htm>.

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/pcrc](http://www.parliament.uk/pcrc). A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

### Committee staff

The current staff of the Committee are Philip Aylett, (Clerk on the Wright reforms inquiry) Joanna Dodd (Clerk), Adele Brown (Senior Committee Specialist), Emma Fitzsimons (Legal Specialist), Tony Catinella (Senior Committee Assistant), Jim Lawford, (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

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# Written evidence

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## Written evidence submitted by Dr Sarah Wollaston MP

I think Wright has transformed the power of Select Committees. Members are there because they have a genuine interest or expertise and they are able to function largely free from Party dogma. As such they are better able to hold Government and public bodies to account.

As a next step I hope the principle of improved scrutiny will be extended to delegated legislation committees with members being invited to state where they have a particular interest so that they can comment on proposals more effectively.

I hope the committee will also consider reviewing the requirement for PPSs to always vote with the Government or face dismissal. This unreasonably distorts the power of the Executive and I would like to see it possible for PPSs to abstain or vote against the Executive. It would also improve credibility with the public if such posts were subject to application and interview, as in any other walk of life, to reduce the power of patronage in Parliament.

17 December 2012

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## Written evidence submitted by John Hemming MP

The UK constitution has historically (particularly since around 1881) had a model with a weak parliament and a strong executive (and judiciary). This has tended to mean that the scrutiny of executive (and judicial) decisions has been weak. In particular parliament has moved to a model in which it assents to legislation rather than writing it and it is very rare for parliament to change legislation beyond what has been developed in government.

This has tended towards a greater amount of influence for the civil service than would otherwise be ideal. It leads to a legislative framework in which there is often a concentration on making things easier for the executive rather than protecting the rights of the citizens (*vide* Justice and Security Bill and Communications Data Bill). The low level of scrutiny on decisions in the executive has led to bad decisions and then a culture of cover up. The greater powers of scrutiny in local government do, in my view, result in better decision making. It is very difficult to get detailed answer from government and a culture in which SpAds feel it is part of their job to stop questions being answered is not a good culture. Similarly there is a lack of detailed scrutiny as to what happens in the judicial estate of the constitution and a tendency for the public domain to spend a lot of time writing about trivia and personalities rather than issues.

The Wright reforms have taken a first step towards taking power from the executive and civil service and putting it back in the hands of the representatives of the people. It was interesting to see the desire of both front benches to bring back control into the parties of the members of the back bench business committee. This, I think, was a mistake.

The election of select committee chairs and of the other posts has made parliament more responsive to individual parliamentarians rather than being dominated by the front benches. There is, however, a need to strengthen parliament further:

- (a) We need to establish individual parliamentary inquiries into issues without waiting for a media scrum to occur. Issues such as Libor and the Hacking scandal have resulted in parliamentary inquiries, but it would be better if parliament was to be more inclined to look at details before issues become high profile.
- (b) The procedure committee needs to go further in pressing departments to answer questions properly.
- (c) The writing of legislation needs to operate more so in a manner which accepts the need for wide consultation and a review of the instructions prior to the writing of draft clauses. Less time, then can be spent on the formal process of assenting to legislation if more time is spent on reviewing the issues before the legislation is written.

December 2012

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**Written evidence submitted by Rt Hon Mr Andrew Lansley CBE MP, Leader of the House of Commons**

Thank you for your letter of 14 January regarding your current inquiry.

As I indicated in evidence to your Committee, work on the development of proposals for a House Business Committee within Government is still ongoing. I have identified a number of tests which any such committee needs to meet in order to be able to operate effectively and add value to our existing arrangements. For example, any committee needs to be able to guarantee to provide Government control of its legislative programme; respect the remit of the Backbench Business Committee; take into account the views of all parts of the House without becoming unwieldy in size; co-ordinate business with the House of Lords; and retain the flexibility to change the business at short notice in response to fast-moving events. In that context, I am continuing to work on proposals.

You will understand that I cannot share the details of my proposals with you in advance of collective agreement being reached. I hope that it will be possible for me to update the Committee further in due course.

January 2013

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**Written evidence submitted by the Better Government Initiative (BGI)**

The Better Government Initiative (BGI) has in effect replied to Questions 1 & 3 in its report of November 2012, *Good Government, Mid Term Review*. It has done no work on Q2 about giving the public a greater voice in parliamentary proceedings.

This response summarises the BGI's answers to Q1 & Q3 in its Mid Term Review. It also suggests some further changes that were not in the Wright Report but are needed if the full aims of the Report of the Select Committee on Reform of the House of Commons are to be achieved. Those aims included:

“to rebalance its relationship with the executive.”

**Q1 & Q3 IN THE CALL FOR EVIDENCE**

The BGI's Mid Term Review recognised (p17) that the implementation of the Wright recommendations on election of Select Committee chairs and members, which the BGI has supported since 2010, enhanced the status of Select Committees (SCs) and that several of them had made good use of this, helped by the establishment of the Back Bench Business Committee.

One example of an enhanced backbench role, which we quoted in the Mid Term Review, was the setting up (p18) of the Parliamentary Commission on banking standards, which has members from both Houses and is led by the chair of the Commons Treasury Committee. This appears to be working successfully so far.

Another (p 17) was the carriage of a motion, backed by the Public Administration Select Committee and signed by 18 chairs of other Select Committees, which recommended that the Prime Minister's adviser on Ministerial interests should be empowered to institute his own investigations. But unfortunately in this case, as the PASC pointed out on 21.1.13, the Government has not yet responded to this key recommendation, although it is 10 months old compared with a deadline of 3 months for responses to a SC report.

The main recommendation that has not yet been carried out is setting up a House Business Committee. The Coalition is committed to setting one up in the current session, but the Leader of the House has told the PCRC (in evidence on 10.1.13):

“I do not think that it would be on the model recommended by the Wright Committee.”

Meanwhile the BGI recommended in its Mid Term Review (R9, p 17) that, in order to ensure that the gains it has brought are not damaged “the Back Bench Business Committee should continue to have a separate existence after the establishment of the House Business Committee.”

**OTHER REFORMS REQUIRED TO REBALANCE PARLIAMENT'S RELATIONSHIP WITH THE EXECUTIVE**

The BGI considers that other reforms, additional to the Wright proposals, are needed. Many of these are set out in the Liaison Committee's report of November last year on *Select committee effectiveness, resources and powers* (HC 697), which includes some proposals from the Institute for Government, the Constitution Unit, the Politics Department at Sheffield University, and the Better Government Initiative. Most of the Liaison Committee's recommendations are addressed to the Select Committees, in line with the Liaison Committee's first draft objective for itself in the 2010–15 Parliament:

“To increase the effectiveness of committees by agreeing and disseminating best practice and by introducing a programme of continuous professional development for committee members and chairs.”

The BGI generally supports the Liaison Committee's recommendations on these and other subjects, but has some additional points:

- We suggest that recommendations 27 and 28, which pick up the BGI's evidence, should include the proposal (which appears in para 71) that departments should inform Select Committees when decisions on investment projects or programmes involve "departures from established practice" such as the Treasury Green Book (see Annex D of BGI Mid Term Review);
- It would make Select Committees' work on departmental performance easier if R 13 in the BGI's Mid Term Review were adopted so that "costs and value for money/productivity are broken down by service...."; and
- We commend our proposals (in R4 of the Mid Term Review) for introducing explicit standards for the preparation of legislation and for agreeing them with the executive. The BGI chairman wrote about this to the PCRC chair on 29.1.13.

January 2013

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**Written evidence submitted by Barry Winetrobe, formerly Reader in Law, Napier University, Edinburgh, and Honorary Research Associate, Constitution Unit, UCL**

1. I am grateful for this opportunity to contribute to this important inquiry. I worked in and for parliaments, including this House, for many years, and have written on many aspects of parliaments for over 30 years. I am making this submission in a personal capacity.

2. The 2009 expenses scandal provided a once-in-a-generation opportunity for the UK Parliament, especially the House of Commons, to reform itself and make it "fit for purpose" as a 21st century democratic and accountable representative assembly.

3. It blew it.

4. Instead, as usual, what happened was yet another round of incremental, worthy procedural reform, largely orchestrated by the Government, and accompanied by the usual bouts of self-congratulation. The fundamental reality of a Parliament dominated by its Executive, procedurally and operationally, remains virtually untouched, with these most recent reforms, like most before them, absorbed by the Government or appropriated for its own purposes.

5. Acceptance of this situation, so embedded in the culture of the Westminster Parliament, its members and its staff, is so complete that it is relatively rarely even recognised, never mind questioned or opposed. It is taken for granted that if parliamentary reform is required, you ask a Government Minister, the Leader of the House, because he or she is the one holding all the aces. To quote S. O. no 14: "Save as provided in this order, government business shall have precedence at every sitting." This makes the House of Commons, in a very real sense, irresponsible.

6. This would be bad enough for a Parliament of the 18th or 19th century. That it still applies in the 21st century is an affront to modern democratic principles. It is an abdication of responsibility to the most important section of the constitution—the people, the ones Members are elected to represent.

7. This culture of subservience and acquiescence is corrosive, and the whole Wright Committee episode and its continuing aftermath, as well as the expenses scandal that preceded it, further embeds this culture.

8. Almost everyone looked to the Government to "deal with" the expenses crisis, and they made a real mess of it, with knee-jerk legislation and a stripping of another layer of parliamentary autonomy, through IPSA and related legislation. Though it is the public that is ultimately harmed by the enfeebling of their MPs through any lack of effective and available resources, the same public's distrust of MPs has blinded them to these consequences. The prevalent parliamentary culture of insularity and privilege—a corruption of constitutionally acceptable self-regulation—which culminated in the expenses scandal, understandably convinced the public that MPs could not be trusted to run themselves.

9. What has happened since? Promises by the Government to "allow" the creation of a real Business Committee seem to be on hold, to judge from the recent Coalition review documents. The Backbench Business Committee innovation was side-tracked by the Government's unilateral decision to enmesh it into its new Governmental, not parliamentary, e-petitions scheme, to the general confusion of both Parliament and public. The fundamentals of Executive control of Parliament, its business and its operation seem to be untouched. MPs and others still look to Ministers, rather than to the institution itself, and to the public it serves, to initiate parliamentary reform.

10. To accept the Wright Committee path as the only way to meaningful reform is to accept all the existing fundamental inadequacies of the current arrangements, to sign up to many more years of the Oliver Twist Syndrome of asking ministers for "more, please", and to a refusal to confront the status quo for fear of losing the supposed "ultimate prize" of the Wright package, a Business Committee.

11. Your Committee can try to turn this tide, however difficult that may be, by rejecting the path of continuing dependency and incremental, piecemeal reform. It must reject the implicit prevailing acceptance that the only

path of reform is one where change has to be wrung out of Ministers, however and whenever achieved, not grasped proactively on behalf of the public.

12. It can genuinely engage with the public about the creation of a modern, responsible, accountable and open Parliament, one that combines the best of Westminster Model representative democracy with the resources and demands of a more direct, participative democracy. It can address its views and recommendations not to Government, but to Parliament itself, and to the public. This more “revolutionary” approach is the only way to break the stranglehold of Executive dominance, not least over parliamentary reform.

13. The Commons should not just take more control of its own business, sittings, committees and so on, and end the “Leader of the House” mentality. It should also run itself, free from undue Executive control, but subject to appropriate independent audit and full public scrutiny, whether its functions are carried out “in-House” or, as in cases like MPs’ pay and allowances, operated externally on its behalf. Only then can it do its necessary constitutional job properly. Parliamentary autonomy and appropriate self-regulation are essential preconditions for a mature democracy, and they can only exist where the Parliament is fully open and accountable, to show that it is operating effectively on behalf of the public and is not abusing its autonomy for self-interest or worse.

14. All this would require a modern and robust institutional framework and culture, with truly accountable internal management (where was the searching examination of the role of senior Commons management in the culture that allowed the expenses abuses to exist and flourish?). This needs a logical and effective inter-relationship between parliamentarians and staff, because it is in this intertwining of the institutional and the procedural that the “efficient secret” of Parliament lies, and on which an effective institutional culture can be built.

15. Westminster needs both fundamental structural and cultural changes. If we don’t want a US-style separation of Executive and Legislature, we need a new form of “Westminster Model” Parliament. Some, like Holyrood, for all their failings, do operate in a more autonomous, responsible way. So it can be done, and the Commons should deign to look properly and rationally at these nearby models, and not just as a source ad hoc cherry-picking.

16. Parliament is the ultimate constitutional watchdog. If any other watchdog operated under a regime of effective control and manipulation by those it is supposed to scrutinise and hold to account, it would be rightly criticised by public, media and parliamentarians as ineffective and unconstitutional.

17. The traditional Westminster model of a modified “separation of powers” envisages three arms of government: executive, legislature and judiciary. A 21st century model requires the acceptance and involvement of the fourth, and most important, arm—the people. They are no longer the “passive governed”, but should be participants in their governance. Parliament is the appropriate constitutional forum for them to engage in this activity, and that requires a truly autonomous and accountable Parliament. In other words, a Parliament for the People, not a Parliament for its Members or for the Government.

18. That is what your Committee should be aiming at in this inquiry, not just an audit of the Wright Committee reform path, and all that that accepts. Parliament totally missed its golden opportunity in 2009 at a radical insurgency by MPs, a popular “Parliamentary Spring”. This inquiry may be a last chance at snatching democratic victory from the jaws of continuing defeat.

*February 2013*

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**Written evidence submitted by Natascha Engel MP, Chair of the Backbench Business Committee**

Thank you for the opportunity to submit my thoughts on the implementation of the proposals set out in the Wright Committee report. I am writing this both as a former member of the Wright Committee as well as the Chair of the Backbench Business Committee.

I have restricted my submission to the issues surrounding the establishment of a House Business Committee as the Liaison Committee has recently completed its review of the new Select Committee system and the Procedure Committee has reported on its review of the Backbench Business Committee.

I look forward to giving oral evidence.

HOUSE BUSINESS COMMITTEE

*Introduction*

The allocation of time is a great, and often hidden, power in Parliament. Controlling the allocation of time means controlling the agenda.

The Wright Committee looked in detail at the ownership of Parliamentary time and concluded that the Executive had almost total control of it. This meant that Parliament was unable to do its job properly: to scrutinise legislation and to hold the Executive to account.

This, the Wright Committee concluded, often led to bad laws and a discredited Parliament. The Committee proposed the establishment of a House Business Committee to enable Parliament, that is, backbenchers, to hold the Government of the day to account better on their scheduling decisions and redress the power balance between Parliament and the Executive.

On the other hand, the Executive would argue that it has been elected to put through its laws in the manner and time of its choosing. It believes that a House Business Committee would gum up the legislative programme and stop the Government from doing what it was directly elected to do.

#### *Ownership of time*

*Ownership of the time of the House is to be distinguished from responsibility for sponsoring or promoting the business before it. There is a strong case for regarding all time as the House's time. It is not the Government that seeks a debate but the House: what the Government needs are the decisions which enable it to carry out its programme.*

(129. Wright Committee report)

Section 4 of the Wright Committee report *Business of the House* lists the different types of business the House deals with and who controls the scheduling. This has altered somewhat with the introduction of the Backbench Business Committee but still largely holds:

Under the current system, the Executive ultimately controls a significant majority of Parliamentary time. Even Opposition days, Backbench days and Private Members' Bills days, are in the gift of the Government.

1. The Executive controls not just the scheduling of all ministerial business (on what days business is to be taken) but also the timetabling—the decisions about how long each separate part should be, from second reading, to remaining stages and third reading. These are generally negotiated with the official Opposition, but are then imposed on the House. Programme Motions are very rarely defeated.
2. The amount of time a bill is in committee is also decided by the Party managers who appoint their members on the Committee of Selection which, in turn, decides on the membership of the bill committees.
3. The criticism has always been that the Executive chooses by whom it is held to account and who scrutinises its legislation.
4. There are 13 Private Members' Bills Fridays each session. These are determined by the Executive. (The Procedure Committee is currently reviewing Private Members' Bills.)
5. However, it is also true that a full quarter of Commons time is now allocated by the Backbench Business Committee when backbenchers choose the topics for debates and can table votable motions.
6. Opposition parties own 20 days per session on which they can table votable motions on the subjects of their choice.
7. The Liaison Committee largely controls Thursday sittings in Westminster Hall for the debate of Select Committee reports.
8. Adjournment debates and short debates in Westminster Hall are selected on the basis of a random ballot by the Speaker's office. Some are chosen on merit. Currently there are eight Members who put in for each slot.
9. The Speaker has the power to grant Urgent Questions and SO24s (Emergency Debates).
10. The public now also has an indirect power to influence Parliamentary time with the introduction of e-petitions. Once an e-petition reaches 100,000 signatures, if a Member brings it to the Backbench Business Committee, up to three hours in Westminster Hall will be allocated to it, or even be debated on the floor of the House on a votable motion.

#### *How the current system works*

##### Business Managers

The "Business Managers" is the collective name for the whips' offices, the Leader of the House and the civil servants who manage the business. These civil servants are attached to the Cabinet Office and provide the secretariat to the whips, both government and Opposition.

The Principal Private Secretary to the Chief Whip, also called the Usual Channels, does not change when either the Chief Whip changes or when there is a change of government. His job is to ensure that the government of the day gets its business through as quickly and unproblematically as possible. Together with his equivalents in the House of Lords, he has complete oversight of the legislative programme, session by session.

The Whips' Offices negotiate amongst themselves the give-and-take of "we won't push this to a vote if you give us more time on this".

Once the Business is agreed, it is announced at Business Questions by the Leader of the House. The Leader of the House is the bridge between the House and the Cabinet—Parliament's voice on the Executive and the Executive's voice in Parliament.

Backbenchers are allowed to ask one question of the Leader of the House in the usual Departmental Question Time format but there is no real opportunity to interrogate the Government on why it has scheduled that business this week or only given one day to Second Reading and so little time for Report Stage.

#### Clerks

As the Usual Channels provides a civil service to the Executive, so the clerks serve Parliament, and that means backbenchers, to support them in holding the Executive to account.

In the same way that the Usual Channels will find the best way of delivering the government's agenda, so the clerks will help backbenchers to find ways to scrutinise that agenda more thoroughly. The struggle that exists between the Executive and Parliament is therefore played out between the Usual Channels and the clerks.

With the establishment of the Backbench Business Committee, Parliament was given a considerable chunk of the Executive's scheduling powers. This for the first time gave the clerks, who provide the secretariat to the Backbench Business Committee, experience of scheduling business on the floor of the House.

#### The Speaker

The clerks are ultimately responsible to the Speaker. Where the Clerk of the House acts as its Chief Executive, the Speaker is the Chair.

Every day, in private conference with the most senior clerks, the Speaker decides on the running order and timings of the business of the day, whether Urgent Questions or Emergency Debates are granted and which amendments are to be selected. These are non-partisan decisions made on the basis of merit and whether something falls within or without the scope of a bill. These decisions cannot be challenged, nor does the Speaker justify why decisions have been taken.

#### *House Business Committee*

The proposal is to establish a House Business Committee to allow Parliament better scrutiny of the Government's scheduling decisions. However, the proposals in the Wright report are explicitly about shifting power away from the Executive.

It is one thing to take power away from the Executive but quite another where that power is put. How we hold to account those people to whom the power is given is yet another.

This means that we need to answer a number of questions about the purpose of a House Business Committee:

- (1) *Does Parliament want to scrutinise better the scheduling decisions taken by the Executive or does it want involvement in those scheduling decisions?*

This is the most important question as this will determine the membership, powers and output of a House Business Committee.

- (2) *Who sits on the Committee?*

Most legislatures with business committees comprise of whips from the main political parties. The business is negotiated in advance of the meeting and rubber-stamped. This is a formalisation of the Business Managers and would not improve anything in our current system.

So, which representatives from the backbenches should sit on a House Business Committee?

- (a) Should there be ex-officio representation by the Chairs of the Liaison Committee, Committee of Selection and the Backbench Business Committee?
- (b) Should Parliament elect its representatives?
- (c) How many backbenchers should sit on the Committee?
- (d) Who from the Executive should be represented?
- (e) Who from the Opposition parties?
- (f) How are the Party balances calculated?
- (g) What is the balance of power between Executive and Backbench Members and how do the Opposition parties fit into this?

- (3) *What are the Committee's powers?*

One proposal in the Wright report was a votable and amendable business motion every week which would then be debated in place of Business Questions on a Thursday. To pursue such a proposal would mean considering more carefully the composition of a House Business Committee as well as its voting powers.

Alternatively, the House Business Committee could work more like a Select Committee interrogating the Leader of the House on a weekly basis and challenging the Executive's

scheduling decisions before they are brought to the House on a Thursday at Business Questions. This would not give Parliament an input into scheduling decisions, but would provide an opportunity to question the scheduling decisions taken by the Executive.

(4) *Who chairs the Committee?*

- (a) The Speaker: In some legislatures, business committees are chaired by the Speaker or one of the Deputies, for instance, the Chairman of Ways and Means. The advantages are that these are non-partisan roles which would make non-partisan decisions about scheduling. The possible disadvantages are that it brings the Speaker into a political and scheduling realm which may open his non-partisanship up to undue influence over the selection of amendments and the running of business in general.
- (b) The Chief Whip: The Executive will put a strong case for the Chief Whip or the Leader of the House as Business Managers to chair a House Business Committee and to have a Government and Executive majority on it. In which case, the House Business Committee would merely be an extension of the Usual Channels widening it out to include some backbenchers.
- (c) A Backbencher: If a Backbencher were to chair a House Business Committee, who would that be? Would that be an ex-officio position such as the Chair of the Liaison Committee? A backbencher directly elected by the House? And if so, from which political party?

(5) *Does it meet in private or in public?*

Meeting in public would force the Executive to account for its scheduling decisions better but would also mean that it would be less willing to share any confidential information. Meeting in private would allow personal trust relationships to grow between members of the Committee and mean a greater sharing of information which would be impossible in a more adversarial setting in public. It has the clear disadvantage of contradicting the principle of opening scheduling decisions up to greater transparency.

(6) *Who provides the secretariat?*

- (a) The Usual Channels: would it be the civil service that works to the Executive and has total oversight of the administration of scheduling Government time? If it is the Usual Channels, then how can the House Business Committee be sure that it was in possession of all the scheduling facts and not just a selection of facts (such as when a bill is coming out of the Lords, out of committee, how heavily amended it is, when Royal Assents are possible).
- (b) The clerks: what involvement would clerks have? Would they take on the role of informing themselves exactly at what stage every piece of legislation is in order that Parliament has an independent set of scheduling facts? What additional administrative burdens are we proposing to place on clerks?
- (c) Both: what would be the division of responsibilities and who would agree those?

(7) *What happens to the Backbench Business Committee?*

Under some models, the Backbench Business Committee becomes the House Business Committee. This would be either by the Executive making representation to it or by expanding the Backbench Business Committee to include members from the Executive.

Whilst this would certainly mean that backbenchers, elected by the House, would have greater input into the Executive's scheduling decisions, it would be in danger of swamping the Backbench Business Committee, confusing its role and purpose and politicising it.

The Backbench Business Committee has established an independent role for backbenchers to schedule backbench time. Its strength lies in the fact that it cannot instigate legislation, but gives voice to the House. This would be lost if the Backbench Business Committee was anything other than a separate entity from a House Business Committee.

### *Conclusion*

The election of Chairs and Members of Select Committees as well as the establishment of the Backbench Business Committee have been successful reforms in Parliament which have significantly strengthened the hand of backbenchers in holding the Executive to account better.

The establishment of a House Business Committee is not as straightforward as these other reforms and has possible consequences which could, if not done with great care, take away some of the hard-won independence and strength that Parliament has gained.

Established correctly, a House Business Committee would enable Parliament to scrutinise the scheduling decisions made by the Executive. It could address some of the dissatisfactions expressed about report stages of bills as well as challenging the Executive on reasons why little time is allocated to important parts of bills, such as Second Readings.

How, though, such a House Business Committee would be established with all the necessary safeguards is something which is not immediately clear.

As Chair of the Backbench Business Committee, though, I would argue that its independence from any House Business Committee must be retained at all costs.

February 2013

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**Written evidence submitted by Catherine Bochel, Principal Lecturer in Policy Studies, University of Lincoln**

*To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings? Which reforms have been most significant in this context?*

This response focuses on petitions and e-petitions discussed in paras 246–267 of the report.

EXECUTIVE SUMMARY

1. The existence of the e-petitions system is to be welcomed. From the number of petitions submitted it is clearly a popular development with the public.

2. Responses to e-petitions that exceed the 10,000 signature threshold and the possibility of debates on those that exceed the 100,000 signature threshold are a useful starting point. However, the actions taken for the vast majority of petitions are limited. Both the e-petitions and the House of Commons paper systems appear to be giving petitioners the opportunity to air their views, but with little or no real participation, empowerment, or prospect of bringing about change.

3. The purpose of the e-petitions system is unclear both to policy-makers and to members of the public. There is also the risk of a degree of confusion among the public about the difference between the “Government” and the “House of Commons” or “Parliament”.

4. The ownership of the e-petitions system should be resolved, and should ideally rest with the House of Commons.

5. It is possible to learn lessons from the systems in the Scottish Parliament and the National Assembly for Wales to apply to the Government’s e-petitions system.<sup>1</sup> Whilst not all of the practices in relation to petitions are transferable, for example because of the much greater numbers of petitions received by the Government’s e-petitions system, there are a number of possible recommendations which are set out below (paras 16–20).

MY RESEARCH

6. I have been undertaking research into petitions systems in the UK for a number of years. In particular, I have been examining the petitions systems in the Scottish Parliament and the National Assembly for Wales. I have published a number of articles on petitions systems in the UK and I participated in the seminar co-hosted by the Hansard Society and the Backbench Business Committee to discuss how the Government’s e-petitions system could be reformed to improve public engagement with Parliament.

EXISTING PETITIONS SYSTEMS AND THE EXTENT TO WHICH THEY ARE GIVING PEOPLE A GREATER VOICE IN PARLIAMENTARY PROCEEDINGS

7. The statements on the e-petitions website have been and are misleading, and serve to raise expectations among the public that e-petitions are an easy way for them to influence government. The initial statement on the website said “e-petitions is an easy way for you to influence government policy in the UK”; the current statement says “e-petitions are an easy, personal way for you to influence government and parliament in the UK”.

8. In practice, for the vast majority of petitioners this means that they are able to express their views to government, but there is little or no opportunity for real participation or empowerment. Indeed, 97.7% of petitions have less than 1,000 signatures (Hansard Society, 2012, p.20), but it is not until they reach the threshold of 10,000 signatures that they receive a response from Government. Thus the vast majority of petitions receive no response at all. Those that exceed the 100,000 threshold are passed to the Backbench Business Committee to see if any MP is willing to sponsor a debate on the issue raised in the petition. By September 2012, there had been 16,000 admissible petitions and 11 debates had taken place.

9. The hybrid nature of the existing system is also likely to reinforce any confusion that might exist among petitioners and the public, for example, about the distinction between “Government”, “Parliament” and “House of Commons”, and the roles and responsibilities of each. While clear ownership of an e-petitions system

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<sup>1</sup> I am using the term “Government’s e-petitions system” to describe the current hybrid system where petitions are submitted to Government but are then passed to the Backbench Business Committee once they reach the 100,000 signature threshold, because the system does not belong to the House of Commons.

by the House of Commons would not entirely remove such problems, it might provide greater clarity than at present.

10. In addition to the Government's e-petitions system there is the long-standing paper petitions system in the House of Commons, which is primarily a way for petitioners to "mobilise opinion" and attract publicity for an issue they are concerned about (House of Commons Information Office, 2010, p.2). While it is widely recognised that submitting a petition to the House of Commons paper system has little effect in terms of outcomes, petitioners may see their petition presented on the floor of the House, in addition to which they are printed in Hansard and thus remain as a permanent written record. Petitioners only need one signature on such a petition in order to receive a response from the relevant government department. This is in contrast to the Government's e-petitions system where 10,000 signatures are required in order to receive a similar response.

#### POSSIBLE LESSONS FROM THE PETITIONS SYSTEMS IN THE DEVOLVED LEGISLATURES

11. It is important to take into account the process by which petitions are considered, and here it is possible to draw lessons from the experiences of the devolved legislatures. In both the Scottish Parliament and the National Assembly for Wales each petition, regardless of the number of signatures, is considered on its merits by a Petitions Committee and receives a response. Responses can include inviting the petitioner to give evidence to the Petitions Committee, requesting further information from relevant bodies and organisations (the most common form of action), requesting a debate in the chamber of the Parliament or Assembly, holding roundtable evidence sessions, commissioning inquiries, requesting that Ministers attend the Petitions Committee to give evidence in respect of particular petitions, agreeing to the petitioner's request, or taking no further action and closing the petition. The actions that the Petitions Committees can take enable different outcomes, levels of participation and influence. Clearly most petitioners are not going to get a debate in the chamber, or an inquiry, but at a minimum they will have had the opportunity to have their petition discussed by a Petitions Committee and thus the opportunity for their voices to be heard.

12. For any petition, how a successful outcome is defined is likely to depend on the expectations of petitioners, but it will also relate to whether the petitions system has a clear statement of purpose setting out what petitioners can and cannot achieve by submitting a petition. All of the actions listed above (para 11) may be outcomes in themselves. For my research I interviewed a small sample of petitioners and most were realistic about what they could expect to achieve. Clearly most are not going to get what they have asked for in their petition, but it was clear that if they feel that they have been listened to and treated fairly then they are more likely to accept the outcome, even if it was not what they had asked for originally. Process and fairness are therefore arguably key to any petitions system, and indeed this may impact on how petitioners feel about the wider political system.

13. In comparing the different types of petitions systems, it may be helpful to distinguish between "descriptive" systems, such as the House of Commons paper system and the Government's e-petitions system, which for the most part tend to just accept and record petitions and where there is little or no action resulting from petitions, and more "substantive" systems, such as those in the devolved legislatures, where the emphasis is on the content of the petitions, which consider each petition, which are able to act upon them, and which therefore have the potential to influence policies.

14. It is also possible to identify what Sartori (1987) refers to as "strong" and "weak" characteristics of participation. These may not map easily or directly onto "descriptive" and "substantive" types, because some attributes may be found in both, but drawing on my research strong characteristics of petitions systems might include: a clear statement of purpose; direct access to the petitions system; a mechanism such as a Petitions Committee to consider each petition on its merits and to decide how to progress the petition; specific feedback to the petitioner on the petition topic; the opportunity to engage with the political system and perhaps to learn about how it works; the opportunity for the petitioner to receive advice and guidance on their petition before it is submitted; a low signature threshold and the integration of the petitions system into the broader system of the elected body within which it operates.

15. Not all of the lessons from the devolved legislatures are transferable to the Government's e-petitions system, not least because of the much greater numbers of petitions submitted to the system. However there are a number of possible lessons, and these are set out below along with some general recommendations:

#### RECOMMENDATIONS

16. The Government's e-petitions system should have a clear statement of purpose and set out what petitioners can and cannot achieve by submitting a petition. This would help manage expectations. It would also make it clear whether the system is enabling real participation or whether it is just a mechanism for people to communicate their views to government.

17. The ownership of the system should be transferred to the House of Commons. The current hybrid system is confusing, and because the e-petitions website is the responsibility of government it means that the Backbench Business Committee and the House of Commons have no control over the potentially misleading statements on it. Indeed, the transfer of the system to the House of Commons, along with appropriate resourcing, would enable the House to consider the aims and purposes and working methods of the system.

18. Learning from the National Assembly for Wales and the Scottish Parliament, a mechanism such as a Petitions Committee, supported by a Petitions Office (Hansard Society, 2012, pp.19–20), should be introduced to decide how to progress each petition. This would involve the commitment of resources, but would enable the creation of a system that would have greater meaning for petitioners, and potentially for the House, including through links with the public and outreach activities.

19. There should be greater flexibility in decisions about how to respond to petitions. While there might continue to be a need for thresholds, there might, for example, be a variety of different signature thresholds to trigger different actions/responses, so that the Hansard Society report, *What next for e-petitions?* (2012, p.21), suggests that petitions with lower levels of support could, where appropriate, be “tagged to debates, that MPs are made aware of their existence, and petitioners receive some form of feedback”. Consideration should be given to whether the current focus on the number of signatures attached to petitions, is appropriate, rather than, for example, a focus on the content of petitions, as is the case in the devolved legislatures. It may be possible to adapt some of the responses currently used by the petitions systems in the Scottish Parliament and the National Assembly for Wales to the needs of Westminster.

20. Consideration should be given to how any reforms to the e-petitions system will fit with the existing paper system in the House of Commons. It is important that people who do not have access to the internet continue to be able to submit paper petitions. However, the extent to which the purposes of the systems are similar or different should be considered.

February 2013

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#### Written evidence submitted by Ms Angela Eagle MP, Shadow Leader of the House of Commons

We are grateful for the opportunity to contribute evidence to this inquiry. Half way through this Parliament is a sensible time for the committee to be considering the impact of the Wright Report recommendations that have been implemented and the potential benefit of implementing outstanding recommendations.

We were broadly supportive of the report’s recommendations at the time of their publication and remain so. The guiding principle of the report was that: “Government should get its business, the House should get its scrutiny and the public should get listened to”. We fully support this principle and agree with the statements of practice that flowed from the statement of principle.

*To what extent have the Wright reforms succeeded in making the House of Commons matter more, increasing its vitality, and rebalancing its relationship with the Executive? Which reforms have been most significant in this context?*

The election of chairs by secret ballot and election of committee members has strengthened the independence of committees. It is two years since this was implemented following the recommendation of the Wright Report and it has worked well. Select Committees are playing an increasingly prominent role and this is to be welcomed.

There is an issue of resources for the House. It is important that the House itself settles this matter without undue government pressure. MPs must be able to discharge the duties their constituents elected them to do so. The House is right to consider a savings programme, it cannot be immune from cuts being imposed elsewhere, but we must ensure that the scrutiny process is protected and there should be more work done to explain this to the public. The conflation of Government and Parliament is still more often than not the norm in any reporting. There is still not enough understanding of the difference between the legislature and the executive in the public mind.

We note that the Liaison Committee in their recent report drew attention to the high attendance by members to committee hearings (attendance was in the mid 70%), despite the many demands on Members’ time. The Committee said that there were often good reasons why members were unable to attend. It suggests that sanctions for non-attendance, along the lines recommended in Wright, are not needed at this point.

We supported the establishment of the Backbench Business Committee. It enables the House to determine which backbench business is debated. We are concerned about the impact scheduling backbench business on a Thursday has had on the Parliamentary week. This has of course been determined by government business managers and it is impossible not to draw the conclusion that the Government prefers the House to be quiet on Thursdays. There is a case for looking at this again. The Wright report of course recommended Wednesday if a fixed day were considered for backbench business.

*To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings? Which reforms have been most significant in this context?*

The Backbench Business Committee has been a key avenue for Members wanting to give voice to public concern. Members are able, particularly when working on a cross-party basis, to secure a general debate on the floor of the House through the Committee. This has given the public an important way of influencing Parliamentary debate.

The key factor in this process is Members seeking to persuade colleagues on the Backbench Business Committee to consider a topic for debate need to exercise their judgement about the importance their constituents attach to the topic. By contrast e-petitions are more susceptible to manipulation by external pressure groups not least mass circulation newspaper groups. In deciding whether to apply to the Backbench Business Committee members can reflect upon whether an issue is genuinely a concern of constituents.

We are more sceptical of e-petitions because it is easier for external pressure groups to manipulate. However we recognise that for some constituents it is the way that they wish to use to communicate with parliamentarians and it is not an activity we would wish to see cease. What is clear is that the e-petition function does not belong on the No.10 website and should be transferred to the parliamentary site. The current arrangements merely serve to exacerbate the unfortunate confusion between the Executive and the Legislature which I referred to earlier.

Another key route for the views of the public to be heard is pre-legislative scrutiny. The Liaison Committee recently suggested that the relevant Commons select committee should have first choice on whether they do pre-legislative scrutiny rather than it being a decision of the government (on whether to ask a select committee or refer it to a joint committee). We think this is a sensible proposal worth exploring further which could help deliver the Wright Report principle of ensuring that the House had a greater say over its own affairs. It is also worth considering whether we should go one step further. At the moment it is for government to decide whether to use pre-leg scrutiny at all. With appropriate safeguards to ensure government was able to secure its business—another key recommendation of Wright—then it could be a further reform that would strength public engagement in the workings of Parliament.

*Which reforms proposed by the Select Committee on Reform of the House of Commons have not yet been implemented? What is the reason for delay in implementation? What impact would these reforms be likely to have on how the House of Commons functions and is perceived by the public?*

The single most significant recommendation of the Wright Report that has yet to be implemented is the House Business Committee. The Coalition Agreement committed the government to introducing it in year 3 of this Parliament. We are of course now in year 3 of this Parliament and the government have yet to indicate whether they intend to proceed with the establishment of a House Business Committee.

We noted earlier that the Backbench Business Committee had worked successfully and opened up a route for the public to have a stronger voice in Parliament. The House Business Committee would mark a significant shift in the way the House organises its business.

We noted earlier that we fully support the principle the Wright Report recommended that the Government should be able to get its business and the House should be able to scrutinise proposals. The House Business Committee should not mean that this cannot be delivered.

But while the existing system has its frustrations we do not feel that it is without merit. The usual channels should not be regarded as somehow frustrating the will of Parliament. There are more opportunities now for Members to initiate debates. We recognise the frustration but because of the impact it would have on how the House works Members should think carefully of the impact of the change before proceeding.

**Written evidence submitted by Professor Hugh Bochel, and Dr Andrew Defty, School of Social and Political Sciences, University of Lincoln**

1. This submission relates primarily to the Wright Committee's proposals for reform of the Intelligence and Security Committee (ISC) (paras 57–9 of the report), but also has some implications for the work of select committees. It takes account of recent developments and proposals for reform. It draws upon a wider research project on Parliamentary scrutiny of the intelligence and security agencies, which was funded by the Leverhulme Trust. We would be happy to provide the committee with a summary of our findings. This research also informed a submission to the Government's consultation on the *Justice and Security* Green Paper.

EXECUTIVE SUMMARY

2. The recommendation of the Wright Committee for the election of the Chair of the ISC was not taken up by government, although the Committee's recommendation that the Chair should be drawn from the majority party appears to have been reflected in the appointment of the new ISC in 2010.

3. Consideration should be given to appointing the Chair of the ISC from the Opposition.

4. Proposed reforms to the ISC subsequent to the Wright Committee's report, would benefit from a consideration of the ISC's relationship with departmental select committees.

THE ISC AND THE WRIGHT COMMITTEE

5. The Intelligence and Security Committee is a statutory committee established by the Intelligence Services Act, 1994. The ISC's remit reflects that of the departmental select committees in that it examines the "administration, policy and expenditure" of the intelligence and security agencies. Although it is constituted of parliamentarians, it is not a parliamentary committee; it is a statutory committee appointed by and reporting to the Prime Minister. It conducts its business entirely in secret and its reports are subject to scrutiny and redactions within the Cabinet Office before being laid before Parliament and published.

6. In *Rebuilding the House* the Wright Committee recommended that its proposals in relation to the system of electing members and Chairs of the House's select committees should also be applied at the same time to the Intelligence and Security Committee. In addition it suggested that the Chair of the ISC should be one of those which by convention is held by a Member from the majority party.

7. In making these proposals the Committee was responding to a number of limited but innovative suggestions made in the *Governance of Britain* Green Paper of July 2007. The Green Paper conceded that there was a perception that the process of intelligence oversight was "insufficiently transparent" and suggested that confidence in the intelligence agencies and the ISC might be enhanced by bringing the way in which the ISC "is appointed, operates and reports as far as possible into line with that of other select committees." Suggestions in the Green Paper included: greater transparency in appointments to the ISC using a similar process to that for select committees; giving the Committee the option to meet in public; and enhancing the relationship between the ISC and parliament, and in particular with those select committees which have an "overlapping agenda".

8. As the Wright Committee observed, the subsequent *Governance of Britain* White Paper fell short of the Green Paper suggestions but did include changes to the way in which the ISC is appointed to allow parliament, through the Committee of Selection proposing that certain Members be recommended to the Prime Minister for appointment to the ISC. This procedure was endorsed by the House in July 2008 and is the process by which members are now appointed to the ISC.

*Recent developments*

9. Following the 2010 General Election a new Intelligence and Security Committee was appointed. In its first report the Committee included a number of significant proposals designed to enhance the credibility of the ISC. These included that "the Intelligence and Security Committee should become a Committee of Parliament, with necessary safeguards, reporting both to Parliament and the Prime Minister." Proposals for reform of the ISC were included in the *Justice and Security* Green Paper, which was published in October 2011. The Green Paper acknowledged the Wright Committee's proposals for appointments to the ISC, and that the Chair of the ISC should by convention come from the majority party. However, the Green Paper noted that the approach preferred by the ISC (and presumably the Government) was that the House of Commons would be given the final decision on membership by being asked to approve the names of members put on the Order Paper. In short, Parliament would be given the opportunity to reject the proposed membership, whilst the Wright Committee had proposed that Parliament would select members by vote from a list of possible candidates. This is in line with the procedure for appointments to committees such as the Standards and Privileges Committee, but does not reflect the process for appointing members of departmental select committees. These new procedures: that members of the ISC will be nominated by the Prime Minister and appointed by Parliament, and that a member of the ISC will be the Chair, chosen by its members, are included in the Justice and Security Bill, which is currently making its way through Parliament.

*Why were the Wright Committee's proposed reforms not implemented?*

10. The Wright Committee proposals and those of the 2007 *Governance of Britain* Green Paper were based on the assumption that the ISC should as far as possible operate in the manner of a parliamentary select committee. This, in part, reflects an ongoing debate which predates the establishment of the ISC in 1994, as to whether the intelligence and security agencies should be subject to scrutiny by a parliamentary select committee, and since 1994, whether the ISC should be reconstituted as a select committee. While we do not propose to review those arguments here, this has generally been resisted on the grounds that national security considerations mean that a parliamentary intelligence oversight committee cannot be appointed or operate in the same way as other parliamentary committees. This view was perhaps most clearly encapsulated by the then Foreign Secretary, Douglas Hurd, when introducing the Intelligence Services Bill in 1994:

It is a parliamentary committee, but it is not in the same family as other Select Committees of the House. It is unique and special and it will have a unique and special job (*Hansard*, 22 February 1994).

11. However, one consequence of this position is that the ISC has been viewed, in parliament and beyond, as insufficiently transparent and too close to the Executive and/or the agencies, and this has damaged its credibility. Our research, which draws on interviews with over one hundred parliamentarians, indicates widespread, although far from unanimous, parliamentary concern about the anomalous status of the ISC, including the system of appointment, which in the past has led many parliamentarians to question both the independence of the ISC and its ability to hold the agencies to account. Our research also indicated that most parliamentarians recognised the need to protect national security and also that some mechanism would need to be deployed to ensure that members of the ISC could be trusted. In short, we found little desire on the part of parliamentarians to throw open the cupboards and reveal the nation's secrets, and also a candid acceptance that there were some Members whom they did not think should serve on the ISC. However, there was also a widespread belief that Parliament should be able to manage this process, and that the enhancement in the credibility of the ISC outweighed the risks.

12. In this context, in our view, it is regrettable that more of the proposals for reform included in the 2007 Green Paper and in *Rebuilding the House* were not brought forward at that time. Interviews conducted as part of our research, including with current and former ISC members and Cabinet Ministers from the time, indicate that the principal barrier to further reform of the ISC at that time was the ISC itself. In an interview on BBC Radio 4's *The Westminster Hour* in August 2011, the former Chair of the ISC, the Rt. Hon. Kim Howells, strongly opposed electing members of the ISC on the same basis as the select committees on the grounds that it would lead to the election of "conspiracy theorists" and "nutters".<sup>2</sup>

*What is the likely impact of the reforms?*

13. If passed, the reforms to the ISC introduced as part of the Justice and Security Bill, effectively mean that the Wright Committee proposals will have been set aside. Nevertheless, the Justice and Security Bill does represent a significant reform of the ISC. As the Justice and Security Green Paper acknowledged they are based upon an acceptance on the part of the Government and the ISC that intelligence oversight must not only be effective, but must be seen to be effective, both to Parliament and to the public. While the proposals do not change the status of the ISC to that of a departmental select committee, by establishing the ISC as a statutory committee of parliament they do represent a shift in the status of the ISC, which will provide parliament with some ownership of the ISC.

14. Whether this change in the status of the ISC serves to enhance its credibility amongst parliamentarians remains to be seen. This may be dependent on whether reform results in a noticeable change in the composition of the committee. In interviews, many parliamentarians were critical of the kind of people appointed to the ISC. Of the thirty-seven members who have served on the ISC since 1994, twenty-two have held Ministerial office before being appointed to the ISC, and all but one of the six Chairs of the ISC have been Cabinet Ministers. While accepting the need to protect national security and to be somewhat selective in appointments to the ISC, there was a perception amongst some parliamentarians that it would be desirable to rely less on members with Ministerial background, and appoint members who are perceived as being more independently-minded and perhaps more prepared to ask difficult questions.

15. Another significant factor may be the extent to which the ISC now engages with Parliament and in particular with the select committees. Select committee interest in the intelligence agencies pre-dates the establishment of the ISC but has noticeably increased in recent years, in part as a result of successive Governments' more public use of intelligence in support of policy. The 2007 Green Paper recognised the "overlapping agenda" between the ISC and a number of select committees. Our research indicates that in the past the ISC has been resistant to working with the select committees. We believe that the ISC and the government should now recognise that a number of select committees, including the Home and Foreign Affairs Committees and the Joint Committee on Human Rights, have a legitimate interest in intelligence issues, and that the ISC should, where appropriate, seek to work with the departmental select committees as part of a wider parliamentary oversight of intelligence. Whether or how this will work in practice remains to be seen. At a minimum, consideration should be given to putting in place ground rules on the extent of the potentially

<sup>2</sup> [http://news.bbc.co.uk/1/hi/programmes/the\\_westminster\\_hour/9569653.stm](http://news.bbc.co.uk/1/hi/programmes/the_westminster_hour/9569653.stm)

overlapping remits of the ISC and other select committees with “overlapping interests”, and these should be established with the involvement of the select committees and the agreement of Parliament.

16. The Wright Committee’s recommendation that the Chair of the ISC should be held by a member of the majority party do not feature in the Justice and Security Bill, although the appointment of the Rt. Hon. Malcolm Rifkind as Chair of the ISC in 2010 would appear to have continued what has perhaps been a convention since 2001. There has been some debate about whether the Chair of the ISC should always be held by an Opposition MP. This is the practice in some countries, where it is felt to enhance the legitimacy of a parliamentary intelligence oversight body. There have been suggestions that such a convention should be established in the UK, particularly following the retention of the Rt. Hon. Tom King as Chair of the ISC following Labour’s election victory in 1997. The establishment of such a convention might serve both to enhance the legitimacy of the ISC, and also to counter the perception that the committee is too close to the Executive.

*February 2013*

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### **Written evidence submitted by David Howarth (MP for Cambridge 2005–10)**

1. As a member of the Wright Committee in the last parliament I was pleased to see progress being made at the start of this parliament towards the implementation of the Wright Committee’s report, including more democratic procedures for choosing select committee chairs and members and the creation of the Backbench Business Committee to control guaranteed backbench time in the chamber.

2. There is, however, much unfinished business. For example, although backbench business has worked well, and has, as intended, brought to the floor of the House substantive motions that the government, and perhaps both front benches, would have preferred not to have been debated, some restrictions on what can be done in backbench time remain, not least the bar on putting forward proposals to extend the scope of backbench time itself. The current restriction on using backbench time for legislative business might also be reconsidered, at least with regard to matters that themselves might be characterised as debates that both front benches might want to suppress, for example some prayers against negative SIs. One purpose of the restrictions on backbench time was to protect it from incursion by the government, but where there is currently in practice very little chance of the government using its own time for a matter, the restrictive rules function not as protectors of backbench time but as limitations on it.

3. The most important unfinished business, however, is the Wright Committee proposal generally referred to by the shorthand expression “setting up a House Business Committee”. In 2010, the government promised further progress towards this further reform within three years, which means it should be happening this year.

4. It is important that the Wright Committee’s proposal is properly understood. The House Business Committee is not a reform in its own right. It is a means for delivering a reform. That reform is that the House should democratically control its own agenda. The current position, even after the creation of backbench time, is that the government controls the vast majority of parliamentary time. During the government’s time, it can put on whatever business it wants in whatever order it wants. That control, written into Standing Order 14, is held by the government as the government. It matters not at all whether the government commands a majority in the House. SO 14 gives a minority government just as much control over parliamentary time as a majority government. The reform proposed by the Wright Committee is that, apart from backbench time, which would continue to be controlled by the Backbench Business Committee, the agenda of the House should become “votable”, that is that the agenda should be controlled by a majority in the House and not by ministers.

5. The purpose of the “votable agenda” proposal is not to deny the government its business. The Wright Committee was clear that Standing Orders should incorporate the principle that the government should be able to bring all of its proposals to a vote and that it should be able to do so according to a known timescale. The purpose was to change the relationship between the government and the House about how time is used within such timescales. In particular, the purpose was to ensure that the government gives enough time to second reading debates and can only manipulate the timing of backbench days (and opposition days) with the consent of the House.

6. The timing of backbench days did, I believe, become a bone of contention in the early days of the Backbench Business Committee, with the government using its assumed (some would say usurped) power to schedule backbench and opposition days to put pressure on the Backbench Business Committee to avoid contentious business. The government appears to have taken it on itself to schedule backbench business for Thursdays, so that it could sit back and wait for complaints to come rolling in that the Backbench Business Committee was scheduling votes for a day when members wanted to get back to their constituencies. The situation seems to have improved to some degree since then, but a votable agenda would mean that such bad practices would be less likely to return.

7. The principle of agenda setting by resolution is not entirely novel. The programming of report stages, third readings and Lords amendments is already done not by government fiat but by resolution. Governments rarely lose such votes, but the events surrounding the failure of the House of Lords Bill last year show that the threat to defeat a programme motion is not an idle or meaningless one.

8. Those events also illustrate the precise change in relationship the votable agenda is designed to achieve. It is meant to ensure that the government cannot ignore strong feelings on its own backbenches, especially when those feelings are shared by the opposition. One would not in the normal course of events expect many divisions, and when they did occur, one would expect the government to win, but one would also expect negotiation to take place.

9. It might be objected that negotiation on business already takes place through the usual channels. That, however, is negotiation exclusively between the front benches. A votable agenda would require the front benches to recognise the interests of backbenchers and to bring them into the discussion. Of course, it might lead to longer and more complicated negotiations, which will be one of the reasons inveterate frontbenchers will give for resisting it, but the argument for reform is that greater internal democracy is a worth that price.

10. The Wright Committee report contains some details about how a votable agenda motion would be debated. The motion would be put to the House on Thursdays in the time now devoted to business questions. It would be debatable and amendable in the usual way, with the Speaker having a power of selection of amendments. Members would, no doubt, find ways of using the debate to raise matters of general interest in the same way as happens now during business questions, but the formal status of the debate would change from an Urgent Question to a debate on a resolution. The Wright Committee suggested that the current question and answer format could be retained if no amendment were selected, but if there were a selected amendment, a short conventional debate of 45 minutes (with strict time limits on speeches) would follow the question and answer session.

11. The House Business Committee is a mechanism for generating a votable agenda motion for each week (or longer period if desired). It is not the only possible mechanism. The goal of the votable agenda could be attained by the rather simpler method of requiring the Leader of the House to move such a motion. The Wright Committee, however, wanted the process of producing the motion to be more open and participative, in the belief that greater transparency would bring its own benefits. For example, at the moment, the government's ability to conceal its plan for the distribution of parliamentary time across the whole session, and to conceal when it has changed that plan, might give it important political advantages, but it also leads to ill-thought-through debates. In particular, the current system provides an incentive for government backbenchers and opposition parties to table amendments as quickly as possible, often without complete research. Better debates, and thus better scrutiny and ultimately better policy, would emerge from a process in which the timescale for the next stage of a bill was more widely known. A House Business Committee would come to know more about the government's plan for the year and information about that plan would rapidly diffuse through the House.

12. The process for constructing the weekly motion that the Wright Committee envisaged is essentially one of consensus building rather than voting. The task of proposing a motion to the House would be allocated not to the House Business Committee itself but to a Deputy Speaker, who chairs it. The HBC would contain representatives of the government, the official opposition and the other parties, together with the Backbench Business Committee. The fact that the House Business Committee does not vote on the weekly motion means that strict proportionality across the House is not necessary in its composition, so that, for example, minority parties can be represented without increasing the number of members beyond the practical. The government, the official opposition and the Backbench Business Committee would each put in their bids for time and the Deputy Speaker would seek to draft a motion that best reconciled the competing demands. The sessional entitlements to opposition days and backbench time would remain, but with the added guarantee that a Deputy Speaker would be responsible for ensuring that they are met. The current ballot and other arrangements for Westminster Hall and adjournment debates (and for ten-minute rule bills) would also remain in place, if that was what the House wanted.

13. If there is no dissent from the Deputy Speaker's proposal as it emerges, meetings of the House Business Committee might be very short, but the main purpose for the Committee to meet would be to put other options on the record and to discuss them. In addition, one way of simplifying the subsequent procedure in the House would be to restrict amendments in the House to those previously notified to the HBC.

14. One final point worth mentioning is that the House Business Committee process would in no way interfere with or change the powers of the Backbench Business Committee. Backbench business would continue as now, but with the additional feature that the timing of backbench business would not depend on the whim of the government but on the will of the House.

**Written evidence submitted by Dr Meg Russell, Reader in British and Comparative Politics, and  
Constitution Unit Deputy Director, School of Public Policy, University College London**

CONTEXT

1. The committee is currently taking evidence on the impact of the 2010 “Wright Committee” reforms, and on outstanding issues arising from that committee’s report. This document addresses each of the two broad questions in turn, focusing primarily on the second. For context, I am an academic much of whose research concentrates on parliament, and I was also specialist adviser to the Wright Committee. Its proposals for a Backbench Business Committee and House Business Committee were significantly influenced by my prior research. I was also a special adviser to the Leader of the House (Robin Cook) 2001–03.

THE IMPACT OF THE REFORMS

2. The committee starts with important questions about the extent to which the reforms to date have revitalised parliament, improved scrutiny of the executive and given the public a greater voice. I have not formally sought to research the impact of the reforms, in part because that would risk a conflict of interest—as someone closely involved in devising them, I want the reforms to succeed, while a proper assessment of their impact demands objectivity. But also, in some respects (particularly regarding the power of the select committees), it will also only be with longer hindsight that the importance of the reforms can be reliably assessed.

3. Having said this, based on more casual observation I believe that the changes have been both important and beneficial. I was pleased to see that the Procedure Committee’s review of the Backbench Business Committee congratulated it on its success, and the Backbench Business Committee’s own review of its first session was also positive.<sup>3</sup> The committee has clearly succeeded in timetabling some issues for debate that would have had difficulty reaching the agenda otherwise, has enhanced transparency, and has given members of the Commons a greater sense of ownership and control of their own agenda. The select committee reforms likewise involved all members of the 2010 parliament—old and new—in taking key decisions about the running of their institution, which must be good for morale, transparency, and democracy. The extent to which this results in behavioural change on the committees remains to be seen, but the primary purpose of reform was to improve transparency and legitimacy of membership, not fundamentally to change their performance.

SOME PROBLEMS

4. While the reforms have generally gone well they have not been without their teething problems. Some of these were predictable, and were pointed out in the two parliamentary reports just mentioned. For example, the Backbench Business Committee faces uncertainty about the timing of its business—control over which (regrettably in my view) remains with the whips. The Wright Committee also felt it important that “backbench business is not relegated to a backwater”, and suggested that if the day on which it was taken was to be standardised it should be Wednesdays.<sup>4</sup> This recommendation was not taken up.

5. Some further problems have occurred which were less predictable, and have been introduced as a result of actions of the government since the Backbench Business Committee was established. These indicate continued resistance on the part of government to the House of Commons genuinely enjoying control of its own agenda.

6. One recent example was seen in the government’s response to the Procedure Committee report. The Committee’s proposal that the allocation of 35 days per session (27 of them in the chamber) to the Backbench Business Committee should be increased proportionately in sessions of longer than one year was met with the blunt response “Reject”.<sup>5</sup> This is problematic in two respects. First, the Procedure Committee’s suggestion was plainly reasonable. But second, the government clearly still sees itself as the arbiter of how time—including backbench time—is allocated in parliament. This reflects a flawed, but deeply ingrained, logic. Constitutionally it is parliament that is the senior partner, to which government is accountable, not the other way around.

7. Two earlier instances have been more widely commented upon. One was the introduction of the e-petitions system. It remains quite astonishing to me that some figures inside government considered it appropriate unilaterally to announce that petitions submitted via a government website should be automatically scheduled for debate by the Backbench Business Committee. This not only blurred the boundaries between government and parliament, but also appeared to be a clear “land grab” by government for control over backbench time. This matter needs resolution, but in a way that maintains the integrity of the Backbench Business Committee, and its control over backbench business. It must not, for example, be turned into a petitions committee by stealth—though such a committee might appropriately be created separately.

8. The second obviously problematic case was the motion tabled unexpectedly by the government (without consultation with either the Procedure Committee or the Backbench Business Committee) to change the method

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<sup>3</sup> Procedure Committee, “Review of the Backbench Business Committee (Second Report of Session 2012–13),” (London: House of Commons, 2012).; Backbench Business Committee, “Work of the Committee in Session 2010–12 (Second Special Report of Session 2010–12),” (London: House of Commons, 2012)

<sup>4</sup> Reform of the House of Commons Select Committee, “Rebuilding the House (First Report of Session 2008–09),” (London: House of Commons, 2009), paragraph 213

<sup>5</sup> Procedure Committee, “Review of the Backbench Business Committee—Government Response to the Committee’s Second Report of Session 2012–13 (Third Special Report of Session 2012–13),” (London: House of Commons, 2013), paragraph 3

of election for the latter committee's members. I commented on this in my evidence to the Procedure Committee's inquiry, which was clearly unhappy with the government's actions. The change itself was entirely unnecessary and in breach of what the Wright Committee recommended. The process by which it was pursued was also inappropriate—again through government encroaching on patently backbench affairs.

9. These problems indicate that, although a great deal has been achieved, the delineation between government and backbench business (and indeed between government and parliament) has not yet become fully settled and agreed between both sides. This delicate position should be borne in mind when considering future reform.

#### UNFINISHED BUSINESS: THE HOUSE BUSINESS COMMITTEE AND VOTEABLE AGENDA

10. The most obvious item of “unfinished business” from the Wright Committee proposals is the establishment of a House Business Committee. There are various other reforms which are still pending, or could be implemented as an extension of the Wright reforms, and two of these are dealt with separately below. But the most important such item—indeed, I would argue, the most important piece of unfinished business of all—is the Wright Committee's proposal of a “voteable agenda” on the Scottish Parliament model. That is inextricably linked with the question of a House Business Committee, so I deal with these two issues together.

11. The recommendation to create an explicit category of backbench business, and a Backbench Business Committee to control it, was first made in a Constitution Unit report on which I was the lead author in 2007.<sup>6</sup> This was the product of a research project (funded by the Nuffield Foundation) which sought to establish whether the Commons could gain greater control over its agenda. One of the main questions was whether some kind of “business committee”—as existed in other parliaments—would help. The suggestion of such a committee had been floated by some groups, but with little indication of how it should work in detail. My research thus looked at practice in other parliaments. But it concluded that a general-purpose business committee would not tackle the main problems identified at Westminster, and indeed “could in some ways make things worse”.<sup>7</sup> In contrast, “a more limited Backbench Business Committee to manage House [ie backbench] Business would be a more realistic and more fruitful place to start”.<sup>8</sup> The report did note that a wider-scale business committee might develop after a Backbench Business Committee had bedded down.

12. This caution with respect to recommending a general-purpose business committee was drawn directly from observation of such bodies elsewhere, and interviews with insiders. In each case observed (Australia, New Zealand, Germany and Scotland) the business committee was wholly or largely made up of party whips, and the main business was conducted outside the official meetings, which served largely as a “rubber stamp”. In Germany the committee included backbenchers as well as frontbenchers, but they were excluded from the key pre-meetings, with the main meeting being largely taken up (in the words of one interviewee) by “a very good lunch”. New Zealand I attended a fairly typical meeting of the business committee, which lasted only 12 minutes, and passed over the presentation of the next week's agenda (by the Leader of the House) without discussion.<sup>9</sup> It was clear that governments in all of these countries (understandably) closely guarded their ability to get their legislation considered and agreed, and achieved this by using their majority (including where necessary negotiating with frontbenchers in their coalition partner party). In other words, these bodies were essentially just a formalisation of our “usual channels” arrangements.

13. Two other suggestions were made in my report regarding control over timetabling of government business. The first (without much expectation of success) pointed out that one means of democratising the usual channels would be for party whips to be elected in their parties, as in Germany and New Zealand. Despite the comments in the previous paragraph, this mechanism did ensure that the business committees in these parliaments had direct democratic accountability to party groups. The second suggestion, which went on to be taken up by the Wright Committee, was that the agenda for the week ahead negotiated between the whips should be put to the House in the form of an amendable motion, as occurs in Scotland. This would create direct accountability to the chamber for timetabling decisions.

14. The Wright Committee recommended moving to a House Business Committee, and alongside it a voteable agenda on the Scottish model. Notably, the first of these proposals was put to the Commons for approval (and agreed in principle), but the second did not appear in any of the government's motions. This suggests that the government concurred with my analysis, that a voteable agenda represented a more challenging form of accountability than would the establishment of a House Business Committee.

15. I do not believe that the establishment of a House Business Committee would necessarily be a bad thing. But it is crucial to be realistic about what this could achieve, and also to beware of the potential pitfalls. The written evidence to your committee by Natascha Engel (chair of the Backbench Business Committee) set out these issues very well, and I agree with much of that analysis.

16. If we accept that a House Business Committee would essentially be a rebranding of the “usual channels”, this relatively small change could bring benefits. Minimally, it would enhance transparency. The term “usual channels” is almost the antithesis of transparent, and the formal recognition of who is involved in scheduling

<sup>6</sup> Meg Russell and Akash Paun, *The House Rules?: International Lessons for Enhancing the Autonomy of the House of Commons* (London: Constitution Unit, 2007)

<sup>7</sup> *The House Rules?*, page 81

<sup>8</sup> *The House Rules?*, page 82

<sup>9</sup> For a longer discussion see *The House Rules?* pages 38–41 and 60–64.

discussions, through—for example—listing the members of a committee on a webpage could be worthwhile. But expecting a *de facto* change in how those members behave would be unrealistic. Business will always be negotiated between those who can garner the votes, outside formal meetings if necessary, irrespective of who sits on such a committee. Including backbench members and/or requiring the committee to meet in public might provide some accountability, but could well prove largely cosmetic. Alternatively, Natascha Engel's suggestion that the House Business Committee could be a committee of backbenchers to whom the Leader of the House is answerable on the select committee model is an interesting one. But such accountability would be more clearly achieved through a voteable agenda (see paragraph 18 below).

17. A key point, touched on in Natascha Engel's evidence, is that a move to a House Business Committee should not in any way destabilise or interfere with the working of the Backbench Business Committee. This is a risk, particularly if the committees had overlapping memberships (which I recognise was a recommendation made by the Wright Committee). As indicated in paragraph 9 above, there are already clear signs that government is struggling to accept the distinction between backbench and government business. Blurring these lines further could well worsen the situation, and perhaps even risk the benefits achieved so far through establishing the Backbench Business Committee.

18. Whether a House Business Committee is established or not, and in what form, the Wright Committee's suggestion of a voteable agenda should not be forgotten. This arrangement functions well in the Scottish Parliament, and is not as revolutionary as it sounds. If the usual channels/Leader of the House/House Business Committee proposed forward business that was reasonable this might normally be accepted without a division, not least because the government commands a majority in the House. But if there was widespread unhappiness about the agenda it could be challenged.<sup>10</sup> This mechanism would work much like the old system for approving lists of select committee members pre-Wright, when these were proposed by the Committee of Selection. The system gave the chamber an ultimate sanction, which in practice rarely needed to be used (a clear exception being the rejection of the Committee of Selection's lists in 2001 when they excluded Gwyneth Dunwoody and Donald Anderson). This would be a stronger sanction than accountability to a House Business Committee as in paragraph 16 above.

#### OTHER ASPECTS OF UNFINISHED BUSINESS

19. There are other aspects of the Wright Committee's proposals which have not yet been acted upon, and which in my view are important. Two of these are as follows.

20. First, while the membership of select committees has been considerably reformed as a result of the Wright reforms, the membership of legislation committees in the Commons remains untouched. The Wright Committee noted that “the arrangements for appointment of Members to public bill committees are markedly less transparent and democratic than those for select committees”, and concluded that “a review would be desirable of the means of selection of public bill committee members, so that it was subject to a similar level of accountability to that long applied to select committee membership”.<sup>11</sup> I am not sure whether such a review was conducted, but no reform has followed. While the legitimacy of the select committees has been enhanced by the more transparent and democratic means of their selection, the PBCs lag far behind. Even a move to the old pre-Wright model of approval of select committees names would be an improvement, as there remains no accountability whatsoever by the Committee of Selection to the chamber. This feeds suspicions that “awkward” members are kept off the committees, and raises questions about their legitimacy.

21. Second, the Wright Committee proposed greater certainty over the timing of Opposition Days, and I do not believe that these proposals have been acted upon.<sup>12</sup> Indeed I would go further than the Wright Committee did, and suggest that the timing of backbench business, Opposition Days and Private Members' Bills (all of which are subject to similar mechanisms in Standing Order 14) should be both regularised and made explicitly proportional to the length of the session, where this exceeds one year. Following its blunt “Reject” of the proposal of proportionality for backbench business (see paragraph 6 above), the government sought to justify this by pointing out that introducing such a change would be inconsistent with the arrangements for Opposition Days and PMBs. But the best way of avoiding such inconsistency would surely be to introduce proportionality and more fixed timing for all of these forms of non-government business. At present, too much discretion lies at the hands of the whips.

#### CLOSING COMMENT

22. It is important to remember that changes to parliamentary procedure that could be seen in any way as threatening the degree of control by the government and/or party whips are very difficult to achieve. This is

<sup>10</sup> As the Wright Committee noted, the Speaker would also play an important role: “Amendments intended merely to draw attention to some issue without proposing an alternative would not be in order, and we would expect the Chair only to select amendments demonstrating widespread support” (*Rebuilding the House*, paragraph 172).

<sup>11</sup> *Rebuilding the House*, paragraph 21

<sup>12</sup> *Rebuilding the House*, paragraphs 188–90.

widely recognised by parliamentary commentators and scholars.<sup>13</sup> The Wright Committee reforms bucked the trend, as proposals drawn up by backbenchers and pushed through by backbenchers, in the face of considerable opposition from both main frontbenches. The agreement of these reforms was far from automatic, and was achieved only following considerable struggle—as I have documented elsewhere.<sup>14</sup> This was despite the Wright Committee having fully acknowledged government’s right to get its business, and trying hard to navigate the obstacles. It is thus essential to be realistic about what can be achieved, and to work with the grain of what the clear majority of parliamentarians will support.

March 2013

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**Written evidence submitted by Mr Laurence Robertson MP, Chair of the Northern Ireland Affairs Select Committee**

“Procedures” are not something I normally overly concern myself with. However, I do think that the House of Commons could work more efficiently and therefore more productively. I would not wish to deny the government the ability to get its business through. No matter what people say they think about political parties, they still, almost entirely, elect people to the Commons who wear political labels. There is, therefore, an expectation that Parliament, or at least the government, will deliver.

However, there are occasions when time is wasted. Last Wednesday was an example of such, when the Commons sat until around 8.45pm to debate on what day the House should rise for the Easter recess. Was that really necessary? I accept that it was, so to speak, Opposition business, but it was time granted by the government. We talk about wanting to attract different groups of people into the Commons, but would a woman with children really want to waste her time on such nonsense?

Time could be used better. For example, couldn’t the Commons sit from 9.30am on Tuesdays and Wednesdays, as well as on Thursdays? I accept that this would restrict the time which tours around the building could take place, but couldn’t more use be made of Saturdays and Sundays for such purposes? Yes, such sittings would clash with committee work, but the afternoon sessions already do. And couldn’t Westminster Hall sit for longer, to allow for more Adjournment Debates to be held?

I also think that more time should be given for topical questions. On average, there are 15 minutes allocated each day for such. But other questions are largely stage managed and are somewhat Punch and Judy, to coin a phrase. I don’t think Parliament is served well by these sessions. And questioners to Ministers in Northern Ireland, Scotland and Wales have no ability to ask topical questions at all. This should be changed.

Further, I have no objection to recesses, which serve a useful purpose in allowing us to visit schools and so on, and I believe that the September two weeks back should be scrapped and perhaps the conference season brought forward, but I do believe that Ministers should have to answer written questions during recesses in the same way as they do when Parliament is sitting. After all, it’s the civil servants who do most of the work on PQs and they don’t have recesses, just normal holidays.

How to bring about all this ... perhaps it’s not a new committee needed, but a more commonsense approach.

March 2013

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**Written evidence submitted by Mr Graham Brady MP**

I strongly endorse the position of principle set out by Wright that the House should take responsibility for its own time. The committee noted correctly that in our system of parliamentary government it is essential for the Government to be able to introduce its business, especially legislation: in regard to which it must be reasonably certain of the end time of consideration by the House. The House is diminished however, by the current arrangement in which the Government decides the business and the timetable, merely announcing its decisions. Those Wright Committee recommendations that have been introduced already have worked well and the House has risen to the challenge by taking new responsibilities seriously.

The Coalition Agreement gave a commitment to implementing the Wright recommendations “in full” starting with the establishment of a Backbench business committee. The Backbench committee has been a great success, allowing debates to be brought forward that have really connected with the public. I would like to see Backbench time protected as well as time for the Government’s business. The Backbench Committee should be represented on the House Business Committee along with the business managers from both sides of the House. I think it is also essential that there should be a directly elected element on the Committee, although if

<sup>13</sup> Eg Alexandra Kelso, *Parliamentary Reform at Westminster* (Manchester: Manchester University Press, 2009), Philip Norton, “Reforming Parliament in the United Kingdom: The Report of the Commission to Strengthen Parliament,” *Journal of Legislative Studies* 6, no. 3 (2000), Greg Power, “The Politics of Parliamentary Reform: Lessons from the House of Commons (2001–05),” *Parliamentary Affairs* 60, no. 3 (2007), Tony Wright, “Prospects for Parliamentary Reform,” *Parliamentary Affairs* 57, no. 4 (2004)

<sup>14</sup> Meg Russell, “‘Never Allow a Crisis to Go to Waste’: The Wright Committee Reforms to Strengthen the House of Commons,” *Parliamentary Affairs* 64, no. 4 (2011)

the committee is essentially consultative in nature the proportion of elected members to ex officio members is less important.

All these changes are evolutionary but allow for the creation of a more transparent system in which members feel responsible for the effective use of time rather than bridling at the constraints of a timetable that has been imposed.

I should stress that these are entirely my own views, as one who was elected a member of the “Wright Committee” in the last parliament and may not reflect the views of Conservative backbench MPs collectively.

March 2013

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**Written evidence submitted by Mr Bernard Jenkin MP, Chair of the Public Administration Select Committee**

In response to your letter, I am not aware of any aspects of Wright which have not been implemented, except the question of the House Business Committee, which is now getting over due.

The Wright Committee said that the House Business Committee should be implemented:

“Our preferred solution is to have two committees. The task of assembling a draft agenda to put to the House should be undertaken by a unified House Business Committee, comprised of representatives of all parts of the House with a direct interest: backbenchers, Government and Opposition. The House Business Committee should be chaired by the Chairman of Ways and Means (the Deputy Speaker), whose [sic] would have been elected by the House as a whole to that office with this function partly in mind. It would have a secretariat combining the House officers who support the Backbench Business Committee and the Government officials who currently support the usual channels. (Paragraph 200)” (Wright Committee Report, Conclusions and Recommendations, para 25)

When is this going to be implemented? I recall the present government making a commitment to do so in this Parliament.

There is clearly now a dysfunctional relationship between the Leader of the House, who determines government business and the timing of opposition days, and what the BBBC is intended to provide for, from its very limited allocation of time. BBBC has felt the need to respond to demand, from the public as well as from Members. However, the government has made it clear that the BBBC should be using its time to provide for regular debates on subjects like Defence (which used to have five days per year); the EU (which used to be held at least twice per year, prior to meetings of the EU European Council); the Civil Service; the Police and other such matters. Few of these debates ever now take place. There has not been a debate about the Civil Service during this parliament. The government found time immediately for a full day’s debate on the Leveson Inquiry report, but seems to be relying on the BBBC to provide time for debating issues arising from the Francis Report into the Mid Staffs Hospital. There is no objective way to justify this.

The question which Select Committees are now faced with concerns: where next. We had a stab at this in the Liaison Committee Report—which I think in the end was voluminous so that some of the long-term objectives were lost amongst some practical but far less important suggestions about how Select Committees could do things better. I think we wrongly threw away the opportunity to employ experts or counsel to conduct the cross-examination of witnesses—that would have been a step forward, but many colleagues felt that this would be sidelining the role of MPs. The Joint Privileges Committee is spending a lot of time addressing the deficit we have in our powers to summon persons and papers and to deal with witnesses who don’t tell the truth.

The issue which requires more thought concerns what Select Committees might look like in another five to 10 years’ time. For example, how much more effective Select Committee Chairs could be if Select Committee staff were co-located with the Chair’s constituency staff—or each select committee had accommodation which provided for the Chair of the Committee as well. (After all, Ministers get special rooms.) It was suggested that a Select Committee building might be acquired for this purpose.

The other matter concerns the severe limits placed on Select Committee output by the very limited resources we enjoy. The PAC is the exception, which has the whole of the NAO effectively working for it. Would that the Health Select Committee or the Work and Pensions Select Committee could provide a higher volume of scrutiny and oversight to what goes on in their departments! This would still be miles off the powers which Committees of Congress enjoy (they control acquisitions!) but it is a step change in sustained scrutiny which is required, particularly as now the HoC does so little detailed scrutiny of legislation.

Finally, the power of Select Committees and of Back Benchers would be greatly enhanced if the government lost the monopoly power to propose changes to Standing Orders.

March 2013

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**Written evidence submitted by Chris Mullin (MP for Sunderland South, 1987–2010)**

Although a member of the Select Committee on Reform of the House, chaired by Tony Wright, I am not well placed to judge the impact since I retired from Parliament in May 2010. I remain, however, in close touch with former colleagues and what follows is based on what I have heard from them plus my own observations, albeit as an outsider. I hope the committee will forgive me if, with an eye to the future, I stray into one or two areas beyond the strict remit of the present inquiry all of which, however, were touched on by the Wright committee.

1. I am glad to note that the recommendation that Select Committees should be reduced in size and that the chair and members should be elected has been implemented. From what I can see this is working well. The select committees seem to be steadily growing in strength and confidence. Public Accounts, Treasury and Culture, Media and Sport have in particular made a significant impact. At the end of the day, however, how seriously select committees are taken is up to Members themselves. If Members don't take them seriously, then they can't expect the government or the public to do so. For what it is worth, my advice to a new committee member was (a) read your brief in advance of the meeting—and above all do not open the envelope in front of television cameras (b) keep your backside on the seat throughout the session; and (c) ask brief, relevant questions for a which a short course can be arranged if necessary. That and not more resources seems to be the recipe for vigorous scrutiny.
2. The House Business Committee seems also to be functioning well. I am aware that the government is committed to extending its remit to the business of the whole house by the end of this year. This is obviously an essential part of rebalancing the relationship between parliament and the executive. I will, however, be pleasantly surprised if this happens and I wish the committee well in pursuing the matter.
3. I note there has been progress on several other fronts which I welcome. Notably, September sittings. The Wright Committee were divided on this and I am aware that the idea is not popular with many Members and officers of the House. There is, however, no division of opinion among the public who are firmly of the view, however unjustified, that when Members are not at Westminster they are on holiday and no amount of protestations to the contrary will convince them otherwise. More significantly, no parliament that wishes to be taken seriously can afford to grant the executive an 80 day holiday from scrutiny, as was the case until recently. September sittings will need to be jealously guarded since the government and, I suspect, officers of the House will be looking for an excuse to discontinue them and the need for extensive repairs to the palace of Westminster may well be used as an excuse for doing so.
4. I note with approval that the willingness of Mr Speaker to greatly increase the number of urgent questions and to speed up progress at question time has made a significant impact on the accountability of the executive.
5. There is one area in particular where I believe recent reform has been retrograde: the decision that the House should not sit on Tuesday evenings—in addition to the decision made by an earlier parliament as regards Wednesday evenings. I have never understood the suggestion that these new hours are “family friendly”. It does not seem to take account of the fact that 450 or so Members live beyond commuting distance and are not, therefore, able to return to their families of an evening. From the point of view of scrutinising the executive, it means that much committee business has to be crammed into the period before the House sits and, if it overlaps, with the sitting of the House detracts from whatever is going on in the chamber. In addition, it greatly reduces the opportunities for fraternisation between ministers and backbenchers which used to take place of an evening and which formed a valuable part of the relationship between executive and parliament. I hope, when an opportunity arises, consideration will be given to restoring at least one or both of the evening sittings on Tuesday and Wednesday.
6. If evening sittings are not to be restored, however, the Business Committee may wish to consider moving Private Members Bills to Wednesday evening when there is a chance of a significantly better attendance than can reasonably be expected on a Friday morning. No doubt the present arrangement suits the executive very well, but it ought not to suit parliament.
7. Finally, the time has surely come for Parliament to take control of the Intelligence and Security Committee. Without any disrespect to existing and past members of the committee, it is apparent that they have rings run round them on issues such as the government's involvement in rendition and relations with Gaddafi's Libya. Although it represented progress when first established in 1995, I have always taken the view that this should be a committee of parliament rather than a committee appointed by and accountable to the prime minister. I note that the recent Justice and Security Bill conferred greater powers on the committee and I welcome this, but recent changes do not address the fundamental issue; the security services and intelligence services should account to parliament and the chair and members should be elected by parliament.

**Written evidence submitted by Andrew Miller MP, Chair of the Science and Technology Select Committee**

Thank you for your letter of the 4th March, I think the questions you are posing are extremely difficult to assess given the continual changes in the House unrelated to the Wright reforms. The recent change in sitting times for example have caused Select Committees to be put under even more pressure to find the time for quorate meetings during the compressed week. Frankly if we don't address that issue I think we will find there will be less and less attendance at Select Committees. I am constantly losing people to sit on Statutory Instruments or who have other legitimate important engagements or who want to speak on some event on the floor of the House. The current hours mitigate against the effectiveness of Select Committees.

On the positive side the election process has given the Select Committee more authority, particularly in respect of the chairs. Therefore in the right environment I believe this will result in increased public confidence in Parliament but only if the Select Committees are able to undertake their work properly taking into account the fears that I have expressed earlier.

*March 2013*

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**Written evidence submitted by Rt Hon Sir Alan Beith MP, Chair, of the Justice Select Committee and Liaison Committee**

Thank you for your letter of 4 March asking for my views on the impact of the Wright reforms, particularly those relating to select committees, on Parliament and on public confidence in Parliament. As you might expect, as Chair of the Liaison Committee I associate myself closely with the comments on these matters made in that Committee's recent report on select committee effectiveness, resources and powers. In a sense, that report was itself a response to a Wright Committee recommendation (HC 1117, 2009–10, para 93). However, I hope the following additional comments may be helpful to you. They represent my personal views, though I believe they are shared by most of my colleagues on the Liaison Committee.

I believe that the reputation of select committees as the most important means by which Parliament holds the executive to account has been growing for many years, but there has still been a significant positive effect from the introduction of elections of the Chairs and members of select committees. These elections have increased the legitimacy and standing of the Chairs of select committees, and hence of select committees as a whole, in the eyes of the public. This effect has added to the demands and expectations on Chairs to represent their committees in the media and by meeting stakeholders and attending events.

The development of the 60% attendance rule in response to a Wright Committee recommendation has been carried forward by the Liaison Committee and I have established with the Speaker some ground rules for its operation. No committee has yet had occasion to invoke the rule formally, but I believe that it is helpful to have it in the background, not least because of the very great pressure on Members to serve on public bill committees and delegated legislation committees which conflict with select committee service.

In general committees are still slightly too large and there was an unwelcome degree of pressure at the beginning of this Parliament to make some of them larger still, with the addition of a minority party member being used as an argument to add further members.

The Wright reform to establish a Backbench Business Committee has also been of great significance for select committees. The creation of more time, and different opportunities for select committees to bring issues to the floor of the House, such as launching of reports and inquiries or debate on substantive motions relating to select committee work, has given committees more exposure and connected their work more closely with the wider House. There is further work to do to improve procedures for launching reports: the Liaison Committee has recommended that Chairs should be permitted to make statements, on occasions, in a similar way to Ministers. I am in discussion with the Chair of the Procedure Committee and the Leader of the House to try to find a way forward on this.

I would welcome progress to establish a House Business Committee, as recommended by Wright: with the requisite political will this should further enhance the opportunities to increase the visibility and influence of select committee work.

I would summarise by saying that the implementation of the Wright reforms has been a great step forward for select committees and the House as a whole. But while the Government, to its credit, has accepted much of the Wright agenda, some of the old "usual channels" mentality persists. It can be seen, for example, in the way departmentally-related select committees are still too often bypassed in deciding on nominees for ad hoc committees to examine draft bills. There is some way to go before Wright is fully accepted in spirit as well as in letter.

*March 2013*

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**Written evidence submitted by David T C Davies MP, Chair of the Welsh Affairs Select Committee**

Thank you for your letter, dated 4 March 2013, concerning the Political and Constitutional Reform Committee's inquiry into the impact of the Wright reforms. I am very happy to contribute to the inquiry.

On the whole, I generally support the Wright Reforms which were positive and well-intentioned. The move to electing most Select Committee Chairs is a particularly good innovation. It has taken away the potential for the Government of the day to use its influence to put in place Committee Chairs who may not be sufficiently independent in their scrutiny of the Government.

I also believe that the new system of elections of Select Committee members within political parties has, in general, been an improvement on the previous system. The only caveat I would add is that I believe Select Committees, as cross-party bodies, should give a voice to Members who are prepared to challenge the mainstream view and raise issues that do not have widespread support across all the main parties, for example in relation to climate change or international development. In my view, the new system of elections of Select Committee members makes it more difficult for a Member to join a Committee if his or her views differ from the positions of their own political party and other parties. I accept that this was also a fault with the previous system but it has not been solved by the new system.

You ask for my views on other Wright Reforms. The Backbench Business Committee has been a welcome innovation. I have appeared before the Backbench Business Committee twice and I thought the process for deciding debates was well-organised and fair. The Committee is chaired very well and has selected issues for debates that are topical and difficult for the Government. I believe there should be a convention that the Chair of the Backbench Business Committee should always come from the Opposition party, in the same way as the Chair of the Public Accounts Committee.

I hope you find these comments useful.

March 2013

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**Written evidence submitted by Mr Clive Betts MP, Chair of the Communities and Local Government Select Committee**

Thank you for your letter of 4 March about the impact of the Wright Reforms.

1. I agree that the Wright Committee's recommendation that Chairs of departmental select committees be directly elected by secret ballot of the House using the alternative vote has been a successful and, in my view, significant reform. Election by the House, underpinned with cross-party support, has enhanced not only the position of Chairs but of the select committees. The Chairs now have an independence and authority to represent their committees. Similarly, because Members of select committees are now elected from within party groups they have a greater degree of independence and interest in the subject.

2. Having sat on select committees before and after the implementation of the Wright Reforms I have noticed more commitment and interest by members in the subjects committees cover. There is a greater appetite to dig into subjects and more of a tendency to move beyond the conventional approaches used by committees—with, for example, more professional briefings and greater scope for informal meetings with interested parties for whom appearance at the horse-shoe can be daunting.

3. I welcome the opportunity for select committee business to be announced and debated in the House. The current arrangements allow committees to decide which business to put to the House and I think the balance is about right. The next step must be for voteable motions to be tabled on key committee recommendations.

4. Looking more widely across the House, the Backbench Business Committee has been a clear success. I see a case for a business committee for all of the House's business, and I would like to see a review of this proposal and a decision on it in this Parliament.

March 2013

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**Written evidence submitted by Rt Hon Mr James Arbuthnot MP, Chair of the Defence Select Committee**

1. Thank you for your letter of 4 March, and also for extending the deadline for reply in view of the Committee's visit to Scotland last week.

2. I do not think the Defence Committee has noticed any change in the relationship between the Ministry of Defence and itself since the move to electing of Chairs and Members. Conversely, while it is difficult to provide evidence for this, the relationship between the Committee on the one hand and Parliament and the media on the other has probably been strengthened by a greater sense that the Committee is speaking for the people about defence issues.

3. On another part of your terms of reference, I am concerned that including in the time at the disposal of the Backbench Business Committee the five days a session previously allotted to defence (as well as other

previously dedicated time such as Welsh Affairs days), the House is increasingly debating matters which are topical at the expense of those which are less topical but nonetheless important.

March 2013

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#### **Written evidence submitted by Mrs Louise Ellman MP, Chair of the Transport Select Committee**

1. Thank you for your letter of 4 March in which you ask, in relation to your Committee's inquiry into the impact of the Wright reforms, how the election of select committee chairs and members has strengthened Parliament.

2. Having served on select committees since I was first elected to the House in 1997 I am confident that select committees are now more effective than ever before. In my view, the election of chairs and members has lent greater authority to committees and reinforced their independence from Government. Media coverage of committee work has increased significantly and it is now common for an item about a committee report or meeting to be one of the lead items of news three or four times per week. These factors can only serve to make select committee reports more influential with ministers.

3. It is worth noting that aside from the public-facing aspects of my work as committee chair I undertake a wide variety of meetings and engagements on transport issues which are not in the public domain. These include speeches at conferences and participation in seminars. Outreach work of this sort has increased significantly since 2010, reflecting the increased standing of the select committee.

March 2013

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#### **Written evidence submitted by Mr Andrew Tyrie MP, Chair of the Treasury Select Committee**

1. Thank you for your letter of 4 March seeking views about the impact of the election of Committee Chairmen. I have added some more general comments about the Wright reforms which may also be helpful for your inquiry.

#### **IMPACT OF ELECTED COMMITTEE CHAIRS**

2. Select committees are now increasing the effectiveness of Parliament in its core tasks. They are requiring the Government to explain its proposals and justify its actions in unprecedented detail. More than the Chamber of the House, Committees are often able to question ministers closely and, if need be, relentlessly, and get to the bottom of why a Department is doing something. They are also the only realistic means by which Parliament can hope to hold the wider "quango state" to account. They are now doing more than in previous Parliaments. It is natural that the executive might wish to resist having to provide more explanation of what it does. But in the long run, better quality explanation, and the knowledge that decisions must be tested in Parliament, will usually provide better government.

3. The election by secret ballot of the whole House of select committee chairmen played a crucial role in enabling more effective scrutiny. This is further helped by the measure of independence from the whips that has come with intra-party election of members of committees. Election has reduced the partisan influence of the whips. Elected chairs feel accountable not to their party machines but to those who elected them—their parliamentary colleagues. The mandate from the House gives them more authority to hold the executive to account and to press when necessary.

4. There is some way to go before the full effects of election in the committee system are known. It is probably the single most significant parliamentary reform since the creation of the present select committee system in 1979. It has also reinforced the tendency for the House of Commons to exercise its influence in the committee corridor rather than the Chamber.

5. The Treasury Committee has attempted a number of innovations. These could provide useful precedents for other committees. For example:

- The Committee has taken an innovative approach to holding the Financial Services Authority to account. The Committee appointed specialist advisers to act on its behalf within the FSA during the preparation of the Authority's report into the failure of the Royal Bank of Scotland. For all practical purposes the specialist advisers acted as Parliament's investigators. Their job was to investigate the FSA's behaviour and performance, to ensure both that the report was a fair reflection of the evidence and also that the FSA did not shy away from addressing any of its own failures. The FSA undertook to provide the advisers with the resources and staff support they needed for their work.

This was the first time that a select committee had sent its own advisers into a quango to examine it from the inside and to report back. The Committee is now carrying out a similar exercise in respect of the FSA's investigation into the collapse of HBOS. This is a route that other committees may wish to consider when faced with large and powerful quangoes.

- At the time of the creation of the Office for Budget Responsibility in 2010 the Committee pressed the Government for, and obtained, a statutory veto on the appointment of its Chairman and two principal colleagues, and over their dismissal. This was, I have been told, a first for Parliament. The so-called “double-lock” protects the independence of the OBR from political control. It also illustrates its direct accountability to Parliament.
- The Committee has developed its practice of holding appointment hearings with new members of the Bank of England Monetary Policy Committee to include external members of the Financial Policy Committee. The Committee also took a lot of detailed oral and written evidence from the new Governor of the Bank of England in advance of him taking up his duties. This amounted to a first pre-appointment hearing for the appointee to the Governorship. The Committee has similarly held appointment hearings with the new Deputy Governor for Prudential Regulation and with the Chairman appointed to the new Financial Conduct Authority. These hearings not only allow Parliament to ensure that the people concerned are up to the job; they also allow the wider public to reach a view, based on a good deal of written and oral evidence, on how they will address their new responsibilities. In the case of the Governor of the Bank of England, Treasury Committee endorsement should also reinforce the appointee’s independence from the inevitable day to day political pressures that can be expected when in office.
- The Financial Services Bill—the biggest shake-up of financial regulation for more than a decade—went through Parliament in 2012. The Committee has taken a number of novel steps to scrutinize it. First, the Committee tabled its own amendment at Report stage in the Commons. This produced a Government concession on the floor of the House. Second, the Committee published a Report containing its views on what was still needed to improve the Bill, to coincide with the introduction of the Bill in the Lords. The Committee’s proposals formed the basis for much of the debate in the Lords and a series of Government amendments to the Bill gave effect to some of our most important recommendations. The Bill was improved as a result.

#### PARLIAMENTARY COMMISSION ON BANKING STANDARDS

6. The creation of the Parliamentary Commission on Banking Standards is an important institutional step forward for Parliament. The select committee on the Marconi affair in 1913 split on party lines and discredited the idea of parliamentary commissions of inquiry into major policy questions or failures for a century. Since then extra-parliamentary inquiries have been the rule, supported by the Tribunals of Inquiry (Evidence) Act 1921. Some have been successful. There are, however, many recent examples of ineffective, over-long or expensive inquiries, suggesting that parliamentary commissions may sometimes offer a better route.

7. The Banking Commission comprises experienced members of both Houses. It has taken a vast amount of oral and written evidence in a comparatively short time. It has worked in innovative ways. For example, it has used legal counsel to examine witnesses; it has gathered much of its evidence through panels led by individual members. The Banking Commission will issue its final report before the summer. It has already examined the draft legislation on banking reform and agreed a report on the collapse of HBOS. It will conclude its work within 10 months of our creation. It will have cost a fraction of the cost of a judge-led inquiry. When there is a need for an inquiry into a major matter in future, the option of a parliamentary commission is now on the table.

#### OTHER WRIGHT RECOMMENDATIONS

8. The Coalition Agreement stated that it would “bring forward the proposals of the Wright Committee for reform to the House of Commons in full”.<sup>15</sup> There is some way still to go.

9. *House Business Committee*: The Wright Committee recommended a House Business Committee to draw up a weekly agenda for the House. The Coalition Agreement undertook to set it up by the third year of the Parliament. The Conservative Party’s Democracy Task Force, chaired by Kenneth Clarke, on which I served in 2008, recommended a similar body. My support for the idea was tempered at the time by the likelihood that any such body could and probably would be stymied by the executive. The effectiveness of a Business Committee, however constructed, will be under attack should the executive conclude that it is a serious threat to its freedom of action.

10. *Intelligence and Security Committee*: The Wright Committee thought it unsatisfactory that the proposed election of chairmen and Members of select committees would not apply to the Intelligence and Security Committee. Wright proposed applying the system of elected chairmen as far as possible to the ISC. You and I both recently tabled amendments to the Justice and Security Bill to that effect.

11. *Committee size*: Wright concluded that the appropriate size for departmental select committees should be no more than 11. Any more carries the risk of the committee being unwieldy. Although most committees have been reduced in size to 11 Members, the Treasury Committee is one of several which has more: the Treasury Committee has 13 Members. The Government originally proposed that it should have 16 Members. This was reduced to 13 only after a row with the Liaison Committee. The government committed to reduce

<sup>15</sup> HM Government, *The Coalition: Our Programme for Government*, May 2010, p27

the size of the Committee to 11 after the election but has subsequently declined to confirm this in writing. 11 is probably still on the large side. The temptation to inflate membership size in order to seek to ensure that a decent number of Members attend should be resisted. If the quorum is an enduring concern, there is probably a deeper problem to address.

12. These, and a few other, ideas have been set out in *Mr Blair's Poodle goes to War* (Centre for Policy Studies 2004)

(<http://www.cps.org.uk/publications/reports/mr-blair-s-poodle-goes-to-war-the-house-of-commons-congress-and-iraq/>);

and *Government by Explanation* (Institute for Government, 2011)

(<http://www.instituteforgovernment.org.uk/publications/government-explanation>).

25 March 2013

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#### Written evidence submitted by Rt Hon Mr Michael Meacher MP

1. In 2010 the Government in their Coalition Agreement promised to move towards setting up a House Business Committee within three years, ie by May 2013. This is the most important reform recommended by the Wright Committee which so far has not been implemented.

2. The purpose of the House Business Committee (HBC) as proposed by the Wright Committee was to enable the House to gain control of its own agenda. At present the Executive under Standing Order 14 overwhelmingly controls the use of parliamentary time, even after the creation of the Back-Bench Business Committee (BBBC). It not only decides the business that is to be put to the House, but also the scheduling of that business. The Wright proposal was that the House agenda should not be unilaterally determined by Ministers, but rather by the House itself working in collaboration with Ministers.

3. The main reform recommended by Wright for this purpose was that the House agenda for the next week or weeks should be able to be voted on by the House as a whole as opposed to being delivered to the House ex cathedra by the Leader of the Commons, though sometimes after consultation with the Opposition on the “usual channels” basis. This would in no way prevent the Government—indeed this could be written into Standing Orders if necessary—from being able to bring forward all its business for proper debate and vote on the floor of the House, and within an agreed timescale.

4. The aim was rather to ensure that the remainder of parliamentary business was managed in a way that required the consent of the House and was not manipulated in a manner designed to suit the interests of the Executive. At present BBBC debates are invariably shunted to Thursdays, following a last vote on Government business on the Wednesday, so that many Members may already have departed for other commitments. Private Members’ Bills are largely marginalised by being confined to Fridays with a high voting bar required to obtain second reading when most MPs are in their constituencies, by severe time constraints, and by readily being squeezed out through filibustering of prior Bills on the same day. Report stages of Bills currently often present a caricature of scrutiny when inadequate time is allotted for some very important issues, many Members have not been properly informed what they were voting on, and many significant amendments are simply not reached at all. Equally, Lords amendments, which generally focus on the most central controversial issues, are frequently not given the time and consideration that they deserve. And given time pressures, less important business is often given a measure of priority which could be challenged.

5. All of these drawbacks and deficiencies could begin to be redressed by the principle of a votable agenda. Of course the Government would still command a majority within the House, but it would have to listen much more carefully to the strongly held views of Members, particularly when there was a consensus on procedural matters between the Opposition and Government Back-Benchers. It would introduce a transparency into agenda-setting which potentially involved all Members, not simply the Front Benches engaged in the behind-the-scenes “usual channels” discussions.

6. The Wright Committee envisaged that the votable agenda motion would supersede the current Thursday’s business questions and would be subject to debate and amendment with the Speaker having the right to select and group amendments as happens now with other business. If an amendment were selected, it could be debated for up to 45 minutes, with time-limited speeches of no more than 5 minutes. If no amendment were tabled, there could still be a question and answer session similar to what happens now.

7. Clearly a votable motion could be presented to the House by the Leader of the Commons and amended via the formalities of open debate on the floor followed by a division. However, the whole process of agreeing the business agenda is likely to be far better negotiated in a more inclusive and participative manner if there had already been detailed discussions between representatives of both the Executive and Legislature beforehand. Openness is a key to achieving better democratic accountability, and regular (at least weekly) meetings between both sides in the forum of a HBC are much more likely to secure that the management of Government business is a genuinely shared process, not open to hidden traps which the House only discovers to its cost at a later stage. The aim of the exercise should be the building of consensus, not the contesting of votes. It is about involvement in the actual making of decisions on the scheduling of Government business, not merely scrutiny of decisions already taken.

8. How then should a HBC work? There are several questions here which need to be settled. First, it should not pre-empt, incorporate or supersede in any way the current operation of the BBC. The latter has an entirely different function, and by general consent has worked extremely well in fulfilling that function. It has established the right of Back-Benchers to debate issues which might otherwise never have been debated and which may not accord with the wishes of either Front Bench. That should continue and not become confused with the very separate role of scheduling specifically Government business.

9. Second, if the HBC is not to be the “Usual Channels” writ large, it should not be chaired by either the Government Chief Whip or the Leader of the House. Since the essential characteristic for the chair should be exercise of a non-partisan role, the obvious person to chair it is the Speaker.

10. Third, the membership of the HBC should be equally balanced between the Executive and the Legislature. In a committee of (say) 15 Members, the Executive would choose its own seven representatives and the other seven might be composed of (i) three chosen by the Opposition parties, (ii) two elected by Back-Benchers, ie excluding both Front Benches, and (iii) two ex officio (the chair of the Liaison Committee and the chair of the BBBC).

11. Fourth, the secretariat would have to be provided both by the seconded civil servants who work for the Executive and by the clerks whose broad role is to support parliament in holding the Executive to account. Any disputes between them would have to be decided by the HBC itself.

April 2013

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### Written evidence submitted by Unlock Democracy

#### ABOUT US

Unlock Democracy is the UK’s leading campaign for democracy, rights and freedoms. A grassroots movement, we are owned and run by our members. In particular, we campaign for fair, open and honest elections, stronger parliament and accountable government, and a written constitution. We want to bring power closer to the people and create a culture of informed political interest and responsibility.

#### INTRODUCTION

Unlock Democracy welcomed the publication of the Rebuilding the House report and campaigned to ensure that its proposals were implemented. We are grateful for this opportunity to reflect on the impact of these reforms.

Although on balance we argue that the reforms have improved the work of parliament, in particular in differentiating the work of parliament from the government, they have done little to improve public engagement with parliament. In particular we are disappointed with the way that petitioning has been implemented and the failure to take action on exploring options for agenda initiative.

We have limited our comments to the issues and recommendations made in Rebuilding the House. However there are a number of ways that we believe Parliament could go further in engaging the public with the legislative process such as the use of Citizens Veto. This mechanism would allow the public to trigger a referendum to reject a piece of legislation that had been passed. While there are extensive debates about whether referendums should be held on contentious issues, they can currently only be initiated by the government. Unlock Democracy also believes that it should also be possible for citizens to initiate referendums in certain circumstances.

*To what extent have the Wright reforms succeeded in making the House of Commons matter more, increasing its vitality, and rebalancing its relationship with the Executive?*

#### Backbench Business Committee

1. The Wright reforms have certainly strengthened the role of backbenchers within Parliament. The Backbench Business Committee has given Parliament greater control over timetabling business than it had previously. This is a significant step, but it could be taken further. The Procedure Committee recommend that it should be a regularly scheduled slot, for example once a week in the parliamentary calendar. This would allow for better planning, although there may need to be exceptions, such as for debates on the Queen’s Speech or the Budget. However, this is a principle that should be established.

2. So far, the Backbench Business Committee has scheduled debates on a wide range of topics such as Afghanistan, Iran, a European referendum and other subjects which the government were not necessarily keen on making time for. This is good for public perception of MPs and the reputation of debate in parliament.

3. However, the House Business Committee has not yet been implemented. This was recommended in the Wright reforms as a means to allow for greater involvement in and scrutiny of government business. This should be addressed.

4. Furthermore, it is regrettable that the government took the decision to change the way the Backbench Business Committee was elected. It was envisaged originally that having the whole House elect the Committee would ensure that members had cross-party support, providing a career path for backbench MPs outside of the party system. The different method of electing members to the committee reflected how the Backbench Business Committee differed from other committees in its role. The move to party caucuses- as is the case with other committees- is particularly disappointing as the government did not wait until the Procedure Committee had completed its inquiry into the Backbench Business Committee. It shows that the cultural change towards giving backbenchers more autonomy will take some time, and that the process in moving towards this shift needs to be defended.

#### Elections of Select Committee chairs and members

5. Two years ago, the Wright recommendation that chairs of committees should be elected by secret ballot was implemented, along with the election of committee members. This is working very well. The independence of select committees has been strengthened, with a number of positive consequences. Chairs of select committees have been increasingly using their mandate to develop the investigative nature of the committees beyond scrutiny and into policy development. In general, select committees are playing an increasingly prominent role both in parliament and in the eyes of the public, and this is to be welcomed.

#### *To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings?*

6. The Wright reforms have had very limited success in giving the public a greater voice in parliamentary proceedings. The mechanism for petitioning was not implemented as recommended in the Wright report, where it was recommended that the Procedure Committee would become the Procedure and Petitions Committee, and giving petitions a greater significance in House proceedings.

#### Petitions

7. Rather than implement the Wright Committee recommendations the government chose to introduce e-petitions and link them to the Backbench Business Committee without any consultation. At launch, publicity raised expectations of the public beyond the capability of the e-petitions system: a large number of citizens hold the belief that 100,000 signatures on an e-petition will automatically trigger a debate. Rather, the committee has to consider whether a debate should be held which is considerably weaker. As there are a limited number of days for backbench business and there will always be a number of competing demands for this time, this does not give much opportunity for the debate of petitions. Also the mechanism forces MPs to become gatekeepers to which petitions are debated in parliament, rather than having set criteria.

8. Unlock Democracy is particularly concerned about the focus on e-petitions. While a large number of people are using the internet, there are many, particularly from already-disadvantaged groups who do not, and therefore an e-petitions system is inadequate in giving many citizens a greater voice in parliamentary proceedings. We argued when the reforms were first proposed that any petitioning mechanism should be as widely-accessible as possible so that those without the resources or skills to participate may be able to do so.

9. E-petitions do not actually promote engagement with parliament, as there is no discussion or deliberation between signatories and parliament. Politics is all too often seen as something that is remote, incomprehensible and only conducted in Westminster. This mechanism does nothing to change this perception.

10. We have consistently argued that a better alternative to this would be to introduce a Petitions Committee, which would give the process a human face, but it also has the advantage of increasing engagement by bringing the process outside of Westminster. A comparison here is the Scottish Petitions Committee which has gone into schools to take evidence from pupils on the public health impact of cheap alcohol.

11. The Public Petitions Committee (PPC) in Scotland accepts petitions from any individual who is not an MSP, and there is no threshold in relation to the number of signatures. An individual can submit a petition with one signature and as long as it is a devolved matter it will be considered by the Committee. We recognise that the House of Commons may be concerned about the number of petitions that any equivalent committee may receive. Therefore, the House may wish to consider setting a threshold of a certain number of signatures that a petition has to receive before it can be considered.

12. The PPC meets fortnightly when the Parliament is sitting and all its meetings are held in public. Its membership broadly reflects the balance of the various political groupings in the Parliament. About eight new petitions are normally considered at each meeting as well as a number of current petitions. Should the PPC consider it necessary, in order to broaden its understanding of a petition, it may invite a petitioner to give oral evidence before it. This may be where a petition raises a new issue. Petitioners may also provide written evidence in support of their petition.

13. The role of the PPC is to ensure that appropriate action is taken in respect of each admissible petition. In fulfilling this function, it takes responsibility for the initial consideration of the issues raised.

14. This may involve hearing oral evidence from the petitioners or seeking written evidence from organisations with an interest in the issues raised eg the Scottish Government. Following consideration of the written and any oral evidence, a decision will be taken as to whether the issues raised merit further consideration. The PPC may also refer a petition to the relevant subject committee of the Parliament for further investigation. It can also bid for parliamentary time for a petition to be debated by the whole Parliament. Having considered a petition the PPC (or the relevant subject committee) may agree that no further action is required and close it. In all cases, the petitioner will be notified of any action.

15. Unlock Democracy believes that it is the involvement of the petitioner in the process and the fact that they are kept informed at each stage that makes the PPC a particularly valuable example of how petitioning can be used to enable the public to initiate debates and proceedings in the House of Commons.

#### Public Bill Reading Stage

16. In the spirit of the recommendation that parliament should be more open to influencing the content of draft laws, the Coalition has piloted a “public reading” stage for the Protections of Freedoms Bill and Small Charitable Donations Bill (for which a special website was set up). To date, the way this has been implemented seems to be very similar to a public consultation.

17. It is not yet clear what action will be taken in bringing this forward, and what resources will be put into this mechanism. How it is resourced is likely to be crucial to the success of this process. We have already seen in the first pilot that the briefing document on public comments on the Bill was not circulated to committee members in advance. This made it very difficult for them to be considered in detail. Unlock Democracy has run several processes facilitating public engagement with select committee inquiries and government consultations—the level of response ranging from 1,330 to over 4,000. We are very keen to continue promoting this engagement but committees are not resourced to be able to handle significant public engagement.

18. We also question whether this is an appropriate stage at which to involve the public, as the policy has already been decided on. It is likely that a more robust petitioning service and the agenda initiative (see below) would have a greater impact in getting the public involved.

*Which reforms proposed by the Select Committee on Reform of the House of Commons have not yet been implemented?*

19. The Wright Committee called for “the House to commission an investigation of the practicalities of such a procedure at national level, drawing on local and international experience”. Unlock Democracy is disappointed that this recommendation has been ignored.

20. Unlock Democracy believes that it should be possible for members of the public to suggest issues for consideration by Parliament. All too often political participation is seen as nothing more than cast a vote once every four or five years. We believe that enabling the public to propose ideas for discussion in Parliament is one way to start to fix the disconnect between Parliament and the public. The measures we recommend would also encourage the public to engage with the work that Parliament does outside the media set-pieces such as Prime Minister’s Questions (which is far from representative of the work of the legislature).

21. Agenda initiative is a direct democracy tool but it does not lead to a referendum and decision-making rests firmly with the legislature, rather than being held jointly with citizens. Generally speaking an agenda initiative leads to either a committee of the Legislature, or the Legislature as a whole examining the issue, deciding whether it has merit and how if at all it should be taken forward.

22. An agenda initiative procedure is the right of a group of voters, meeting predetermined requirements, to initiate a process for the revision of a law, the introduction of a new law or an amendment to the constitution. While it is voters who make the proposal, the Legislature retains full decision-making power.

23. Agenda initiative procedures first began to be used in Europe in the aftermath of the First World War and are now used in 22 countries across Europe, with a further seven countries allowing agenda initiatives only at a sub-national level. The types of issues that have been raised include proposals to improve the teacher training programme in Poland and the introduction of a 40-hour week in Austria. The Lisbon Treaty also established a process whereby EU citizens<sup>16</sup> are able to petition the EU Commission to bring forward proposals. A petition on access to water<sup>17</sup> has now exceeded the 1 million signature threshold.

24. The predetermined requirements that have to be met can include the subjects on which proposals can be made, the number of signatures required for a proposal to be considered, the amount of time allowed to collect the signatures and how the signatures can be collected.

25. These requirements determine how easy or difficult it is to use this tool and how likely it is that the public will engage with it. For example, the requirement to collect a high number of signatures, in a short period of time, and with those signatures required to have been collected in specific places means that very few proposals will be successful. This may discourage people from trying to use the tool. However those that are successful are guaranteed to have widespread support. An agenda initiative system which requires a low

<sup>16</sup> See <http://ec.europa.eu/citizens-initiative/public/basic-facts> for more information

<sup>17</sup> <http://www.right2water.eu/>

number of signatures which can be collected over a long period of time means that many more proposals are likely to reach the threshold and be considered by the Legislature. This makes it more likely that the public will use the tool but may create more work for the legislature. Unlock Democracy believes that it should be difficult to submit a proposal under an agenda initiative system but that it should be possible. We would therefore support high thresholds.

26. Some countries restrict the subjects on which an agenda initiative can be proposed. For example Austria, Brazil, Cape Verde and Thailand do not allow agenda initiative to be used for amendments to the constitution while Niger does not allow agenda initiative on devolution.

27. Although petitions and agenda initiatives are different mechanisms they are both tools designed to make Parliament more responsive to voters in between elections. These tools enable voters to raise issues, demonstrate that there is a significant level of public support and provide a formal mechanism for Parliament to respond. We believe that these mechanisms will help to address the disconnect between Parliament and the public.

*What is the reason for delay in implementation?*

28. It is not clear what the delay in implementation is, we can only assume a lack of political leadership in taking this issue forward.

*What impact would these reforms be likely to have on how the House of Commons functions and is perceived by the public?*

29. The impact of these reforms are likely to have little impact on public perception, as they have done little to improve public involvement. It is possible that there will be an increased negative perception due to petitions not working in the way many had assumed they did.

April 2013

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#### **Written evidence submitted by Nick Palmer (MP for Broxtowe 1997–2010)**

1. These short notes are submitted from a slightly unusual perspective, as a former MP and member of the Wright Committee currently out of Parliament, but potentially seeking to return to Parliament. I'm currently Director of Policy for an NGO and therefore have a particular current interest in the ways in which issues are brought to the House's attention; however, the comments are in a private capacity.

2. Viewed from outside the House, the Wright changes do seem to have facilitated some progress in enabling backbenchers to bring votable motions before the House and achieve a full debate. The attention given to Parliament's view of the European referendum and animal circus issues following the BBC-organised debates undoubtedly helped raise the profile of the issues and enabled backbenchers to exert leverage in a way not previously easily available to them.

3. There remain two areas of unfinished business. First, as noted in the terms of reference, the concept of a House Business Committee is real the most important of the reforms in the Wright package. I've never believed in the unique wisdom of backbenchers and would not support a measure to facilitate disruption of the Government's agenda by procedural means, but it seems to me entirely reasonable that the House should be able to decide which aspects of the Government's agenda they most wish to discuss and vote upon. The procedural manoeuvres to avoid discussion of awkward issues are one of the least attractive features of Parliament, and they do not really contribute to good governance even in the narrow sense of getting legislation through quickly: the outcome and its date are not in question, but the focus of scrutiny on the way is a reasonable thing for MPs to worry about and seek to control.

4. Second, the Wright findings created a perception that a sufficiently large petition would result in debate in the Commons in some meaningful way, but in practice this has not really filtered through to the public as something that they might use effectively. It would be useful to review ways that the public could influence the subjects of debate. One possibility might be to enable members of the public to indicate online support for Early Day Motions, with a convention that a certain number of signatures from both MPs and the public would influence the Backbench Committee to organise a debate on the motion. That would serve a useful purpose in bringing together three separate mechanisms—the BBC, EDMs and public petitions—into one overall framework, in addition raising the value of EDMs over their current effective function of collective press releases.

April 2013

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### Written evidence submitted by Professor Patrick Dunleavy, Co-Director of Democratic Audit

1. For ordinary citizens, many aspects of the Wright Reforms are not very visible, because they do not attract sufficient media attention and discussion to become systematically perceived by people not already working within Parliament itself. The exceptions are those reforms affecting the composition and operations of the House of Commons Select Committees, especially the reforms designed to make them more effective—more independent of the executive in terms of their membership and in the selection of their Chairs. As Tony Wright himself observed in a previous evidence session to the Political and Constitutional Reform Committee:

“The [external, media] attention that the House gets comes far more now from the Select Committee system than from anywhere else. That is affecting perceptions, behaviour, incentive structures. It is making a big change”. (*PCRC, Oral evidence session, 21 March 2013: Q83*)

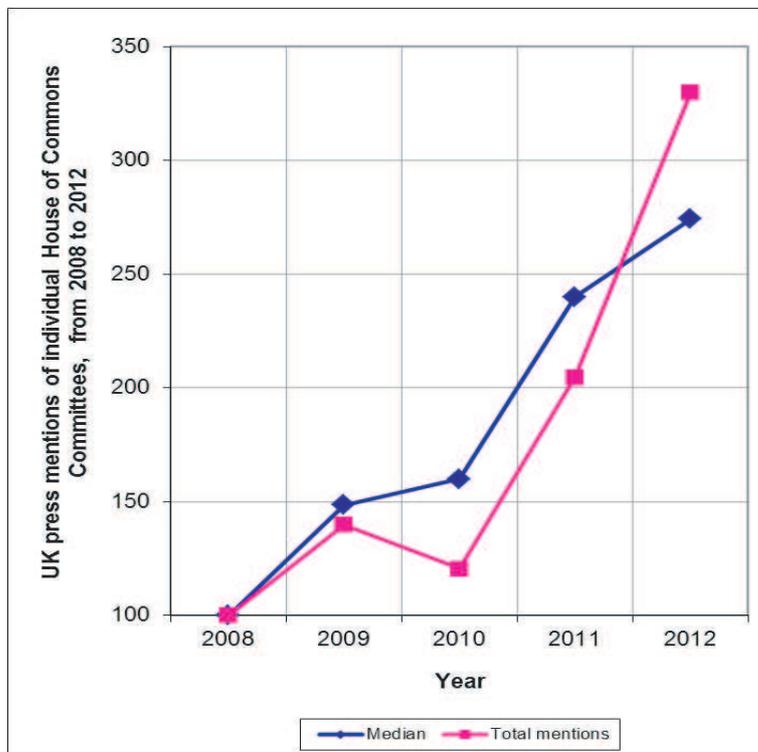
2. It is still early days to consider the evidence of the Wright reforms making a difference to public perceptions of the Commons and Parliament. However, we can at least look to see if the qualitative impressions of select committees attracting more attention and media coverage are borne out in statistical analyses. Accordingly we undertook a *preliminary* analysis of the most important UK press database (run by Lexis-Nexis), comparing variations in press coverage from 2008 to 2012.

3. The results in *Figure 1* show that there has been a substantial growth in the overall mentions of Commons committees across the five years. Setting 2008 levels at 100, then total mentions and one average indicators (the mean) both increased to 330 by 2012, while a further average (the median) grew to 274.

4. Detailed analysis in *Table 1* shows that much of the total increase in mentions has taken place in four exceptionally prominent committees:

**Figure 1**

THERE HAS BEEN A SUBSTANTIAL INCREASE IN PRESS COVERAGE OF HOUSE OF COMMONS COMMITTEES SINCE 2008



- the Committee of Public Accounts, long rated the most influential Commons committee, is supported by the National Audit Office, and has had a dynamic new Chair in Margaret Hodge MP since the 2010 general election;
- the Home Affairs Select Committee was already the second-most important committee in 2008. Its press mentions increased sharply in 2011 and 2013, following the summer riots and the Committee’s inquiries into them;
- the Treasury Select Committee, again an already important committee in 2008; and
- the Culture, Media and Sport select committee, whose prominence has grown greatly during the media behaviour scandal and the subsequent Levenson Inquiry process.

However, *Table 1* also shows that there has been a more consistent growth of press coverage of a further seven other Commons committees, making coverage expansion a broad-based trend.

**Table 1**

THERE HAS BEEN A SHARP GROWTH IN MENTIONS OF THE TOP FOUR COMMITTEES (IN BOLD), AND CONSISTENT GROWTH IN A FURTHER SEVEN COMMITTEES (IN ITALIC)

	2008	2009	2010	2011	2012
<b>Home Affairs Select Committee</b>	<b>295</b>	<b>405</b>	<b>302</b>	<b>989</b>	<b>2,033</b>
<b>Public Accounts Committee</b>	<b>557</b>	<b>644</b>	<b>639</b>	<b>813</b>	<b>1,956</b>
<b>Treasury Committee</b>	<b>213</b>	<b>418</b>	<b>277</b>	<b>308</b>	<b>530</b>
<b>Culture, Media and Sport Committee</b>	<b>49</b>	<b>85</b>	<b>102</b>	<b>573</b>	<b>476</b>
<i>Transport Committee</i>	<i>135</i>	<i>113</i>	<i>90</i>	<i>186</i>	<i>229</i>
<i>Public Administration Select Committee</i>	<i>58</i>	<i>90</i>	<i>80</i>	<i>81</i>	<i>200</i>
<i>Energy and Climate Change Committee</i>	<i>55</i>	<i>58</i>	<i>86</i>	<i>101</i>	<i>148</i>
<i>International Development Committee</i>	<i>27</i>	<i>15</i>	<i>13</i>	<i>42</i>	<i>112</i>
Standards and Privileges Committee	143	333	181	98	94
<i>Scottish Affairs Committee</i>	<i>17</i>	<i>48</i>	<i>24</i>	<i>37</i>	<i>73</i>
Health Committee	30	36	42	54	70
Environmental Audit Committee	83	54	50	79	62
European Scrutiny Committee	16	15	40	68	58
Science and Technology Committee	35	25	83	71	58
Defence Committee	81	94	73	108	56
<i>Education Committee</i>	<i>10</i>	<i>7</i>	<i>20</i>	<i>39</i>	<i>55</i>
<i>Business, Innovation and Skills Committee</i>	<i>0</i>	<i>10</i>	<i>49</i>	<i>46</i>	<i>54</i>
Work and Pensions Committee	17	27	18	58	42
Backbench Business Committee	0	3	28	121	41
Foreign Affairs Committee	44	65	40	42	36
Commons Liaison Committee	13	44	28	17	34
Justice Committee	25	30	32	31	32
Procedure Committee	9	18	24	30	28
Communities and Local Government Committee	25	33	16	18	24
Political and Constitutional Reform Committee		2	20	27	21
Environment, Food and Rural Affairs Committee	13	11	9	8	18
Northern Ireland Affairs Committee	14	9	22	12	9
Welsh Affairs Committee	5	1	4	5	4
Finance and Services Committee	0	1	1	0	2
Administration Committee	0	0	0	1	1
Members' Expenses Committee	0	0	0	3	1
Armed Forces Bill Committee	0	0	0	3	0
Commons Privileges Committee	1	0	4	0	0
Regulatory Reform Committee	18	5	0	2	0

*Source:* Democratic Audit analysis of Lexis-Nexis press database. Note: We searched across years in a standard grid, so committees may not exist in all years covered.

**Table 2**

INDEX NUMBERS SHOW THAT 14 COMMITTEES MORE THAN DOUBLED THEIR PRESS MENTIONS BETWEEN 2008 AND 2012 (IN BOLD), A FURTHER FOUR SAW SMALLER INCREASES (IN ROMAN) AND SEVEN RECEIVED LESS COVERAGE (IN ITALIC)

	<i>Index 2012/2008</i>
<b>Culture, Media and Sport Committee</b>	<b>971</b>
<b>Home Affairs Select Committee</b>	<b>689</b>
<b>Education Committee</b>	<b>550</b>
<b>Scottish Affairs Committee</b>	<b>429</b>
<b>International Development Committee</b>	<b>415</b>
<b>European Scrutiny Committee</b>	<b>363</b>
<b>Public Accounts Committee</b>	<b>351</b>
<b>Public Administration Select Committee</b>	<b>345</b>
<b>Procedure Committee</b>	<b>311</b>
<b>Energy and Climate Change Committee</b>	<b>269</b>

	<i>Index 2012/2008</i>
<b>Commons Liaison Committee</b>	<b>262</b>
<b>Treasury Committee</b>	<b>249</b>
<b>Work and Pensions Committee</b>	<b>247</b>
<b>Health Committee</b>	<b>233</b>
Transport Committee	170
Science and Technology Committee	166
Environment, Food and Rural Affairs Committee	138
Justice Committee	128
<i>Communities and Local Government Committee</i>	96
<i>Commons Foreign Affairs Committee</i>	82
<i>Welsh Affairs Committee</i>	80
<i>Environmental Audit Committee</i>	75
<i>Defence Committee</i>	69
<i>Standards and Privileges Committee</i>	66
<i>Northern Ireland Affairs Committee</i>	64

*Source:* Democratic Audit analysis of Lexis-Nexis press database

5. Looking at the index numbers comparing committees' coverage in 2012 with that in 2008, *Table 2* shows the largest group of committees with more than double their earlier coverage—but also several cases where coverage has declined.

**Table 3**

STATISTICAL ANALYSIS SHOWS THAT INCREASING UK PRESS MENTIONS WAS A BROADLY BASED MOVEMENT, AFFECTING MANY (BUT NOT ALL) COMMITTEES

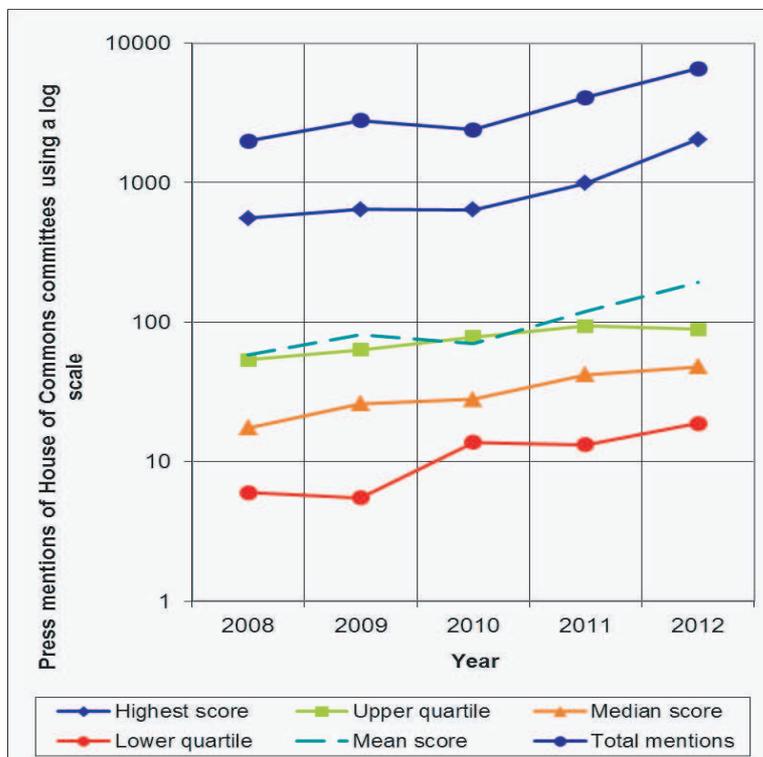
(focus: House of Commons Committees, 2008 to 2012)

	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Total mentions	1,988	2,779	2,397	4,071	6,557
Mean	58.5	81.7	70.5	1,19.7	192.9
Top score	557	644	639	989	2,033
Upper quartile	54	63	78	94	89
Median	18	26	28	42	48
Lower quartile	6	6	14	13	19
Bottom score	0	0	0	0	0

*Source:* Democratic Audit analysis of Lexis-Nexis press database

Figure 2

GRAPHING THE SUMMARY STATISTICS FOR UK PRESS MENTIONS OF COMMONS COMMITTEES CONFIRMS THAT ALL INDICES SHOW GROWTH OVER TIME



Source: Democratic Audit analysis of Lexis-Nexis press database

6. We have also sought to assess how general has been the increase in the media visibility of House of Commons committees using a number of more technical methods. Without going into too much technical detail, Table 3 shows that increases have also occurred in the “quartiles” of the data across the years, as well as in the overall averages (median and mean) and the top scoring committee (first PAC, later Home Affairs). Graphing these data on a logarithmic scale in Figure 2 confirms this impression of consistent growth.

## CONCLUSIONS

7. There is strong evidence that UK press coverage of committees in the House of Commons has increased in the last five years. This trend offers *prima facie* evidence supporting the qualitative impressions of almost all external observers that the Wright reforms have been successful in greatly improving the external visibility of parliamentary activity.

8. We believe that it is likely that the data covered here under-estimate the extent of change, because press coverage as a means of communication has somewhat declined in salience across this period. In the digital era a large part of the surveillance of Parliament by citizens and outside actors is now focused on social media, which are more suited to the detailed communication of parliamentary activity to a wide audience. In addition, there is some evidence that although committee Chairs were not generally a focus of much press attention, in the growing area of 24 hour news TV (as well as in other broadcasting) their visibility to the public may well have increased. These are topics to which we hope to return in future work.

April 2013

### Written evidence submitted by Mr Charles Walker MP

1. Thank you for inviting me to give evidence to your inquiry which is looking at the progress being made towards introducing the various strands of the Wright Reforms. I am submitting this response in a personal capacity and not as Chairman of the Procedure Committee.

2. We elect Governments to run the Country not the business of the House of Commons. Unfortunately, over the past hundred or so years, the House of Commons has been successfully expropriated by the Executive with the result that Members of Parliament have been reduced to passive bystanders when it comes to deciding and setting the order of business in their Chamber. The Executive’s control of the timetable is total and well

demonstrated by the fact that it solely retains the power to extend House business beyond the point of interruption.

3. The Wright Reforms, introduced at the start of this Parliament, have begun the process of reversing the enormous imbalance of power between the Executive and this Country's elected representatives. However, one of the key pillars of these reforms, a House Business Committee, has yet to be introduced. Until such a Committee is put in place Members and the House Committees on which they serve, will be left in the intolerable position of begging favours off Government to secure a hearing.

4. The Government may choose to defend its position by pointing to the success of the Backbench Business Committee. However, in common with Select Committees, the Backbench Business Committee is solely reliant on the Executive's generosity to secure its allocation of days. The time given to this and other House Committees should not be in the gift of Government but in the gift of the House, through an arrangement where the Government's voice is heard but not dominant.

5. A properly convened House Business Committee would be cooperative and consensual, fully supporting the need of the Executive to transact its legislative programme, while recognising that the House of Commons, as a powerful entity in its own right, also has a central part to play in our nation's political life. The Government would not be ceding its powers to the House it would simply be returning the relationship to one based on a healthier footing. Of course, elements hostile to the creation of a Business Committee will suck their teeth and manufacture reasons not to progress. Such theatre in support of the status quo should be resisted. The House is full of bright people and the courtesies of the Committee would not be difficult to work out and pose no barrier to its establishment.

6. In conclusion, I would suggest to the Political and Constitutional Reform Select Committee that the Government has two clear choices. It can embrace the Wright Reforms with good grace and energetically drive them forward, demonstrating a commitment to the reinvigoration of our Parliamentary democracy. Alternatively, it can choose to drag its feet, make faces and play to type.

March 2013

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**Written evidence submitted by Rt Hon Keith Vaz MP, Chair of the Home Affairs Select Committee**

Thank you for your letter asking me for my views on the impact of the Wright Reforms.

It is my opinion that the introduction of the House Business Committee and the introduction of the election of Select Committee Chairs and Select Committee Members have considerably strengthened the power of Parliament to scrutinise the work of Government and address the issues of greatest concern to the British people. It has certainly increased the legitimacy of Committees and increased their independence from the bodies they scrutinise.

For proof of our increased effectiveness you need look no further than the Leveson Inquiry and IPCC reforms which came about as a direct result of Home Affairs Select Committee recommendations and inquiries. The UKBA was abolished last week following a series of damning reports on its processes by the Committee. Inquiries such as Olympic Security and phone hacking generated substantial media coverage, raising awareness of the role of the House and her Committees amongst the public, but also playing a vital role in changing future practice, from procurement to policing, for the better.

5 April 2013

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**Written evidence submitted by Rt Hon Mr Elfyn Llwyd MP**

1. *To what extent have the Wright reforms succeeded in making the House of Commons matter more, increasing its vitality, and rebalancing its relationship with the Executive?*

*Which reforms have been most significant in this context?*

It was a privilege to sit on the Wright Committee and to participate in exciting discussions about the future directions that this House might take. One of the principal motivations behind the committee's formation, of course, was the wish to attune the balance between the Executive and the legislature, to give the latter more say in what is debated, when, and for how long—as well as the mechanisms which determine this.

Two ways in which (modest) reform has already been achieved are the changes which have been brought to the election of select committee chairs (who are now elected by secret ballot) and, of course, the formation of the Backbench Business Committee.

Certainly, these changes represent an improvement on the way things were before. These advances notwithstanding, however, there is still an effective block on Members representing minority parties taking a full part in the workings of this House.

The reforms achieved thus far, that is, have yet to guard against the fact that the current system is loaded against minority parties. This point was raised during discussions in the Wright Committee and assurances

were given that some form of accommodation would be arrived at for the minority parties—that is, Plaid Cymru, the SNP, DUP, SDLP, Sinn Fein, Alliance, Green Party and Respect Party, as well Independents. So far, no such accommodation has been made and minority parties are therefore prejudiced against by not being part of the usual channels.

The same is true of the new Backbench Business Committee—a positive innovation, certainly, but one that has also failed to find a way of representing adequately the views of minority parties. I speak for my own party, Plaid Cymru, in this regard, but also for the other minority parties who are similarly disadvantaged. There is no representative for minority parties on the Backbench Business Committee. Surely, it is fundamentally wrong that 31 Members of Parliament have been effectively disenfranchised and are unable to take on a full participatory role in the Backbench Business Committee.

*2. To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings?*

*Which reforms have been most significant in this context?*

The driving force behind all of the reforms proposed by the committee was to make the Executive more accountable to Members who have been elected to represent their constituents in this place. In this regard, even the modest reforms which have been achieved so far have indirectly given the public a greater voice.

More immediately, though, the committee had recommended establishing an e-petitions system which would set up an express link with the public. The committee also recommended that the Procedure Committee become a Procedure and Petitions Committee, though this has not materialised.

The jury is still out, however, on the effectiveness of the e-petitions regime which has come about as a result of this recommendation. There is significant confusion about the arbitrary number of signatures needed to initiate a debate (purportedly 100,000, though petitions can be presented to the Backbench Business Committee with far fewer signatures, or no signatures at all, in order to be considered eligible as the basis for a debate).

Perhaps the new system has not had the effect desired by the committee since only fifteen debates have so far been pursued under the new system.

(The list below is copied from the Backbench Business Committee's publication *Outcomes of e-petitions that have reached the 100,000 signatory threshold.*)

<i>E-petition title</i>	<i>Outcome (debate led by)</i>
Convicted London rioters should lose all benefits	Half day in Westminster Hall on 13 October 2011 in Backbench time as part of a wider debate on the response to the riots (Gavin Barwell)
Full disclosure of all government documents relating to 1989 Hillsborough disaster	Half day in the Chamber on 17 October 2011 in Backbench time (Steve Rotheram)
Cheaper petrol and diesel, by Robert Halfon and FairFuel UK	Half day in the Chamber on 15 November 2011 in Backbench time (Robert Halfon)
Put Babar Ahmad on trial in the UK	Half day in Westminster Hall on 24 November 2011 in Backbench time as part of a wider debate on extradition (Mr Dominic Raab)
Make financial education a compulsory part of the school curriculum	Half day in the Chamber on 15 December 2011 in Backbench time (Justin Tomlinson)
Give Kevin Williams his inquest under section 13 of the coroners Act, we have all the evidence under this section but keep getting refused	90 minutes in Westminster Hall on 22 February 2012 allocated through the Speaker's ballot (Stephen Mosley)
Public & Private Pension Increases—change from RPI to CPI	Half day in the Chamber on 1 March 2012 in Backbench time (John McDonnell)
Drop the Health Bill	Half day in the Chamber on 13 March 2012 in Opposition time
Return VAT on Air Ambulance fuel payments	Half day in the Chamber on 11 July 2012 in Backbench time (Guy Opperman)
No to 70 million	Half day in the Chamber on 6 September 2012 in Backbench time (Nicholas Soames and Mr Frank Field)
Reconsider West Coast Mainline franchise decision	Half day in Westminster Hall on Monday 17 September 2012 in Backbench time (Rosie Cooper)
Children's cardiac surgery at the East Midlands Congenital Heart Centre at Glenfield, Leicester	Half day in Westminster Hall on Monday 22 October 2012 in Backbench time (Sir Edward Garnier)
Stop the badger cull	Full day in the Chamber on 25 October 2012 in Backbench time (Caroline Lucas, Alison McGovern, Henry Smith and Mike Weatherley)

<i>E-petition title</i>	<i>Outcome (debate led by)</i>
Beer duty escalator	Half day in the Chamber on 1 November 2012 in Backbench time (Andrew Griffiths and Greg Mulholland)
The Oliver King Foundation—Sudden Adult Death Syndrome	Half day in Westminster Hall on Monday 25 March 2013 in Backbench time (Steve Rotheram)

3. Which reforms proposed by the Select Committee on Reform of the House of Commons have not yet been implemented?

*What is the reason for delay in implementation?*

*What impact would these reforms be likely to have on how the House of Commons functions and is perceived by the public?*

The reasons for the delay in implementing some of the committee's other recommendations are not for me to set out.

We were aware, as a committee, that the recommendations we made would not be implemented straightaway. The ways in which this House works are rather arcane and we could hardly have expected to achieve every one of our recommendations overnight. But there are some crucial points which have yet to be implemented, despite the current government hinting that action would be taken to address them.

The implementation of a House Business Committee, for example, comprising members of the Backbench Business Committee and representatives of the government, opposition and (I would argue) minority parties, would allow us to finish the process started with the establishment of the Backbench Business Committee. The (Wright) committee recommended that a House Business Committee should produce a draft agenda every week under the chairmanship of the Chairman of Ways and Means.

At present, the Backbench Business Committee is hampered by its not having the power to determine when even a backbench business debate is held.

As part of the Coalition Agreement, the government committed itself to setting up a House Business Committee in its third year. We are now into the third year of this Parliament and no such committee has been established.

The fact that a mechanism like the Backbench Business Committee exists is a decisive step in the right direction. But until the legislature has more of a say in the general timetable of business, its voice will be muffled at best.

It is also frustrating that no ground has yet been made on reforming the way in which business is scheduled after the committee stage of bills. As our report pointed out, Report stage is the one time when the House as a whole considers legislation in detail, and when every Member has the chance to lay amendments. All too frequently, however, this stage is rushed through and amendments which would have been within the scope of a bill are allowed to fall. Allotting more time to Report stage would certainly improve the accountability of the Executive to Parliament—and give more backbenchers the chance to have their say (which is surely what they've been elected here to do).

The report recommended a number of measures which could tackle this, including introducing speaking time restrictions at Report stage and allowing the House Business Committee to agree the length of time which is to be allocated to the Report stage of any particular bill. Fundamentally, it was our recommendation that enough time should be given so that the House is able to vote on amendments in every group and that there should be a presumption that no major group of new clauses or amendments should go undebated. In this way, Members of this House would be given the same opportunities as Members of the Lords.

We also made similar recommendations surrounding the consideration of Lords amendments. The default position is that Lords amendments are considered in sequential order, leaving motions to agree or disagree until later in proceedings which can fall after the guillotine. We suggested that speaking time restrictions should apply for the purpose of consideration of Lords amendments, and that the timetabling of this stage should also be reconsidered.

Crucially, our report pointed out that the current assumption is that time "belongs" to the government, meaning that the governing party (or parties) can dominate the House's agenda. Broadly, each of the reforms we proposed sought to give more power to backbenchers (of all parties) so that the House as a whole can have more say in the way in which business is debated and time allocated.

**Written evidence submitted by Miss Anne McIntosh MP, Chair of the Environment, Food and Rural Affairs Select Committee**

Thank you for inviting my views on the reforms introduced as a result of the “Rebuilding The House” report, and I congratulate your Committee on conducting follow-up work on the impact of those reforms.

Like you, I was among the first “elected” Chairs of a Select Committee. The transfer of the choice of a Committee Chair from the “usual channels” to open and transparent election by the House as a whole has been beneficial in widening the range of those who occupy Committee Chairs and in giving Chairs an enhanced authority and security in the role. The election within parties of those Members who will serve on Committees has performed a similar function in enabling Members with deep knowledge of or interest in particular subject areas to claim places that might not otherwise have been made available to them under the previous system. The reform has placed more control of the Committees in the hands of the whole House and is welcome in that respect.

There remain a number of Committees, principally those concerned with the internal affairs of the House, to which Members are still appointed under the “usual channels” system and which continue to choose their own Chairs themselves. There are good arguments both for and against continuing with that system for internal advisory Committees such as the Administration and Finance and Services Committees, but I hope that your inquiry will consider whether the success of election of Chairs and Members elsewhere, and the increase in autonomy and authority for Members of the House that has resulted, might justify requiring similar election to more, or indeed all, Select Committees of the House.

The introduction of the Back Bench Business Committee has been a significant success in providing more opportunities for Back Bench Members to debate issues on the Floor of the House and in Westminster Hall. I hope that your Committee will consider whether the BBBC should continue to be regulated by Sessional Standing Order rather than being appointed for a full Parliament; in my view, the success of the BBBC justifies its being appointed for a Parliament in the same way that departmental Select Committees are.

I look forward to reading the results of your deliberations.

9 May 2013

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**Letter from Mr Graham Allen MP, Chair of the Political and Constitutional Reform Select Committee to all the Chairs of Select Committees**

REVISITING REBUILDING THE HOUSE: THE IMPACT OF THE WRIGHT REFORMS

As you may be aware, the Political and Constitutional Reform Committee is conducting an inquiry into the impact of the Wright reforms. So far we have received written evidence from only one Chair of a Select Committee. The move to electing most Select Committee Chairs by secret ballot of the whole House was a key, and in my view, successful reform. I hope that you will take the time to set down how you think the election of Select Committee Chairs, and Select Committee members, has strengthened Parliament, and whether this has, as was intended, increased public confidence in Parliament.

The inquiry’s full terms of reference are below, if you also wish to add any wider comments on the impact of the Wright reforms.

1. To what extent have the Wright reforms succeeded in making the House of Commons matter more, increasing its vitality, and rebalancing its relationship with the Executive?

— Which reforms have been most significant in this context?

2. To what extent have the Wright reforms succeeded in giving the public a greater voice in parliamentary proceedings?

— Which reforms have been most significant in this context?

3. Which reforms proposed by the Select Committee on Reform of the House of Commons have not yet been implemented?

— What is the reason for delay in implementation?

— What impact would these reforms be likely to have on how the House of Commons functions and is perceived by the public?

4 March 2013

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**Further written evidence submitted by Rt Hon Mr Andrew Lansley CBE MP, Leader of the House of Commons**

You wrote to me enquiring about the timetable for the establishment of House Business Committee.

As I have outlined in evidence to your Committee, there are a number of issues to be resolved about the way in which a House Business Committee could make a contribution to the effective workings of the House. I am working through those issues with colleagues, and in consultation, with a view to seeing the right result, and as quickly as is consistent with that.

I look forward to being able to say more about this when I give evidence to your Committee in May and I look forward to your Committee's views.

*25 March 2013*

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