

<b>Institution: University College London</b>
<b>Unit of Assessment: 21 – Politics and International Studies</b>
<b>Title of case study: Comparative legislative analysis and House of Commons reform</b>
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>The House of Commons' Backbench Business Committee, established in 2010, is responsible for programming backbench business in the Commons for roughly half a day a week. Its establishment followed the key recommendations of a report by Dr Meg Russell, the principal researcher, and Akash Paun. The report proposed such a committee with the responsibility for the timing of backbench business. The recommendation derived from extensive research in four comparator countries. The new Committee has provided backbenchers with an assured voice in the business of the House, and opened the way for important debates that might not otherwise have taken place.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>In 2001–03, Dr Meg Russell, a member of the UCL Constitution Unit since 1998 and Reader since 2008, was seconded as an adviser to the Leader of the House of Commons, the late Rt. Hon. Robin Cook MP. She noted frustrations by MPs about their lack of control over the parliamentary timetable as well as suggestions from others that this problem might be alleviated through creation of a 'business committee' for agreeing the parliamentary timetable, similar to that existing in other parliaments.</p> <p>At the end of the secondment, Russell sought to investigate the validity of these claims, with the aim of evaluating possible reforms. With funding from the Nuffield Foundation, she conducted a comparative study, looking at practice in four other parliaments (in Australia, New Zealand, Germany and Scotland) all of which have 'business committees' of some kind. Research began in November 2004 and the final report was published in October 2007 [a]. Russell was the principal investigator, supported by a research assistant, Akash Paun. He conducted desk research, using parliamentary papers and secondary sources from the countries concerned, and helped identify interviewees. Russell carried out study trips to the four parliaments, conducted over 60 interviews with parliamentarians and parliamentary staff, and was also responsible for drafting the report. The research focused on business committees, and more broadly on mechanisms by which parliaments may achieve autonomy from the political executive (e.g. by controlling the parliamentary timetable, appointments to committees, changes to parliamentary procedures, and choosing presiding officers or 'Speakers').</p> <p>The central findings of <i>The House Rules?</i> [a] noted that, from a comparative perspective, the Commons had a number of features that facilitated parliamentary control of its own business. For example, the 'independence of the Speaker, coupled with a culture where informal cross-party backbench work and even "cross voting" are common, is not found amongst any of the comparators' (p. 68) and 'UK backbenchers have a whole raft of freedoms not available to their counterparts in New Zealand and Australia' (p. 68). However, the report noted that there was still pressure 'to find a new logic of parliamentary control' (p. 68) and comparator parliaments offered insights into how control could be further extended. Specifically the reports proposed the establishment of a Backbench Business Committee and new category of backbench business (pp. 72–7 and recommendations 3–13, p. 9), with the Committee determining the timetabling of House business. Notably, the report rejected a model of business committees in other parliaments that gave little control to backbench parliamentarians and were dominated by party leaders and whips.</p>
<p><b>3. References to the research</b> (indicative maximum of six references)</p> <p>[a] Russell, M., Paun, A. (2007), <i>The House Rules? International lessons for enhancing the autonomy of the House of Commons</i>. London: Constitution Unit. See:</p>

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<http://www.ucl.ac.uk/spp/publications/unit-publications/142.pdf>

Interim conclusions on the possible benefits of a 'business committee' for the House of Commons were also set out in the following report:

[b] Russell, M., Paun, A. (eds.) (2006), *Managing Parliament Better? A Business Committee for the House of Commons*. London: Constitution Unit. <http://www.ucl.ac.uk/spp/publications/unit-publications/135.pdf>

The research was supported by peer-reviewed funding from the Nuffield Foundation, for £56,972. The title of the project was 'The Governance of Parliament', and the grant ran from 1 November 2004 to 31 October 2007. The key output was the project's final report [a], which summarised the project findings and made recommendations for change.

#### 4. Details of the impact (indicative maximum 750 words)

The House of Commons' Backbench Business Committee, established in 2010, is unique in comparative terms. With its eight-person membership restricted to backbench MPs, who are elected by their peers, and a chair elected in a secret ballot by all MPs across parties, the committee is responsible for scheduling 'backbench business' (a new category since 2010) in the Commons for roughly half a day per week. MPs can bid to the committee for topics that they would like to see debated, and there is no involvement in this process by party leaders. The committee particularly encourages proposals that have cross-party support, and chooses topics that are topical, popular amongst MPs and unlikely to obtain a debate by other means. This process is widely seen as having promoted a more vibrant and independent House of Commons. The reform establishing the Committee stemmed from the research conducted by Dr Russell and described in section 2.

When the MPs' expenses crisis broke in May 2009, Tony Wright, then the Chair of the Public Administration Committee, wrote to Gordon Brown proposing that a new committee should be established to look at options for House of Commons reform. His letter drew particular attention to the proposals in Russell's report [a], which had been published in 2007 [1]. Wright had been one of the practitioner advisers to the research project, and had taken part in the report's launch at Westminster. The report had also been circulated to key individuals, including the Rt. Hon. Jack Straw MP and future Commons Speaker John Bercow MP. Consequently the Select Committee on Reform of the House of Commons was established, with Wright as chair. When it began its work, it appointed Dr Russell as its specialist adviser [2]. In its final report the committee endorsed the central recommendations in *The House Rules?*.

One of the Wright Committee's key recommendations was to establish 'backbench time' and a Backbench Business Committee. At that time, Dr Russell's report was the only one to make such a recommendation, and the arrangements proposed existed in no other parliament [3]. This was acknowledged in a report from the Backbench Business Committee itself, when describing its establishment:

Drawing on research by the UCL Constitution Unit, the Wright Committee noted that the business committees which operated in other parliaments were often little more than an institutionalisation of the usual channels. They tended to provide a forum for the front benches of each party to communicate and were largely exclusive of backbenchers. The Wright Committee concluded that: Ministers should give up their role in the scheduling of any business except that which is exclusively Ministerial business, comprising Ministerial-sponsored legislation and associated motions, substantive non-legislative motions required in support of their policies and Ministerial statements. The rest of the business currently scheduled by Ministers—such as House domestic business, select committee reports and general and topical debates—is for backbenchers to propose and the House to decide (para. 3 in [3]).

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The committee explicitly rejected an ‘all-purpose’ business committee on the basis of the evidence supplied in *House Rules?* [4], and the Backbench Business Committee and new category of backbench business – as outlined in the paragraph above – were closely based on the recommendations in the original report. Other recommendations from the Wright Committee were also in tune with Russell’s proposals, such as those regarding the process for appointing members to select committees, but had also been made by other groups, whereas the proposal for the Backbench Business Committee had not.

The creation of the new committee was controversial in some circles, particularly with party whips, who stood to lose control over part of the parliamentary agenda to backbenchers. But the reforms were debated and agreed in principle at the end of the 2005-10 parliament. They were then put in place at the start of the 2010 parliament, guided by the new Conservative Leader of the House of Commons, Sir George Young (who had also been an adviser to Russell’s original project).

The Committee came into existence in June 2010, and now schedules debates in the chamber regularly. Several of these have proved high profile, for example on Afghanistan, loan sharking and prisoners’ voting rights. Others have been important but low profile, for example on parliamentary reform. None of these would have reached the parliamentary agenda under the old system, because whips could keep matters off the agenda that were uncomfortable for party leaders. The highest profile backbench debate of all was that on EU membership, on 24 October 2011, when 81 Conservative MPs defied the whip to vote in favour of a referendum [5].

The existence of the Backbench Business Committee has been widely noted to have boosted the independence of the House of Commons, and been a healthy development for British democracy. The Wright Committee’s report was described by the *Times* as ‘the most significant change to the way that the House operates in 30 years’ [6]. Likewise, the *House Magazine* described the work of the new committee under the banner headline ‘parliament fights back’, suggesting that it was ‘at the heart of the revitalisation of parliamentary democracy’ [7]. Reviews of the Committee’s operation by the House of Commons Procedure Committee [8] and Political and Constitutional Reform Committee have likewise judged it an important and positive development. For example, the review by the House of Commons Political and Constitutional Reform Committee reported on the operation of the Backbench Business Committee in July 2013. It quoted the Labour Shadow Leader of the House of Commons Angela Eagle’s opinion that the new committee had become ‘a key avenue for Members wanting to give voice to public concern’, and Graham Brady MP, chair of the Conservative 1922 committee, who noted that ‘there are debates that have been held that the Government would not have wished to hold, and that has opened up the process and has opened it up to public opinion far more’ (p. 16 [9]).

##### 5. Sources to corroborate the impact (indicative maximum of 10 references)

[1] The Wright letter is referred to in the following: ‘The proposal arose out of a suggestion for a new special committee set up for a defined period only with a mandate to come forward quickly with parliamentary reform proposals, of which the key one would be to separate the control of Government business from House business. Dr Wright’s letter to the Prime Minister drew particular attention to a report by Meg Russell and Akash Paun of the Constitution Unit, University College London, which had proposed the establishment of a Backbench Business Committee.’ House of Commons Reform Committee (2009). *Rebuilding the House (First Report of Session 2008–09)*, London: House of Commons, at paragraph 7.

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>

[2] Paragraph 14 of the report in [1]: ‘We owe a particular debt of gratitude to our principal specialist adviser, Dr Meg Russell of the Constitution Unit, University College London.’

[3] Backbench Business Committee, *Work of the Committee in Session 2010–12 (Second Special Report of Session 2010–12)*, London: House of Commons.

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmbackben/1926/1926.pdf>

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[4] Paragraph 197 of the report in [1]: 'One option would be an all-purpose Business Committee with responsibility for all scheduling decisions, including backbench business. Any backbenchers on the committee would be in practice overshadowed by the Whips, as on the Committee of Selection. The conclusions of the studies by Meg Russell and Akash Paun of the Constitution Unit is that a Business Committee with wide-ranging and quasi-decisive power will in practice be dominated by party whips, and was so dominated in every case studied where that system currently runs, including Scotland. If such a committee was created and then dominated by the Whips, the House would have gained no more ownership of backbench business than it has at present. **We therefore rejected this option.**'

[5] EU debate selected by the Backbench Business Committee for debate on 24 October 2011: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news/eu-referendum-debate/>; News coverage noted the significance of the backbench rebellion, e.g. <http://www.theguardian.com/politics/2011/oct/24/david-cameron-tory-rebellion-europe>

[6] *The Times* 'New Reforms to Take Control of Commons Business from Whips', 5 March 2010. Available on request.

[7] *House Magazine* vol. 36, no. 1402, 5 December 2011. Available on request.

[8] The House of Commons Procedure Committee conducted a review of the Backbench Business Committee's operation, and reported in 2012 concluding that it had 'been widely welcomed as a successful and effective innovation' (see p. 3), available at: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmproced/168/168.pdf>

[9]: 'Revisiting *Rebuilding the House*: the impact of the Wright Reforms'. Third Report of Session 2013–14, vol. 1. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpolcon/82/82.pdf>