



'Opening up the Usual Channels: next steps for reform of the House of Commons'

The Speaker of the House of Commons,
The Rt Hon. John Bercow MP

11 October, 2017

Speaker's House, Palace of Westminster

Thank you all for making the time to be here at the start of what I suspect might be a longer stretch of parliamentary activity than has proved to be the norm this year. With the slight delay to the Queen's Speech back in June, a relatively swift spurt between then and the Summer Recess and the very short September sitting, it is not unreasonable to assert that in many ways this week represents the real start to this House of Commons. It seems an appropriate moment, therefore, to reflect a little on the recent transition of the House as a political institution and to ask ourselves if there is yet more change that could and should be made. It will come as no surprise to those who know me well, and especially those who have worked with me, that I am inclined to be restless for improvement.

It is now some eighteen years since Philip Gould, later as Lord Gould, a member of the Upper House, published his political treatise entitled *Unfinished Revolution*. In my remarks tonight, I do not intend to deploy language or to set out an objective as sweeping as he did then, but it would not be unfair to characterise my sentiments with the words *Unfinished Restoration*. It will be my thesis tonight that much has changed for the better for the House over the past decade but that we would be complacent in the extreme if we were to assume that the authority of the House of Commons is restored and that we should declare ourselves fully satisfied. Reform and renewal are a process, not an event. I have three particular areas which I want to explore with you but I would not pretend that they are exhaustive. New ideas are always needed. The three include one area where the House has already expressed its will but not had it realised, another where a very

important component of this House, namely the Procedure Committee, has put considerable thought into a matter of real importance but where the House has yet to have its chance to offer its opinion and finally, another, which is at an earlier stage in terms of the procedure that might be required to enact it, but which I know to be a running sore that should be treated.

Before I reach those specifics, I would like to set out why I am so upbeat about how the House of Commons has developed since 2009 after what can only be described as the institutional near-death experience of the expenses scandal endured more than eight years ago. Although there will always be a professional contrarian to make the opposite claim, I think, that by common consent, the House today is a much more relevant political entity than it was in the first decade of this century.

This has come to pass for three main reasons. The first is a set of changes in how we operate. These were mostly the work of the Wright Committee of 2009-2010, whose recommendations have led to the Select Committee Chairs being elected by the whole House and Select Committee membership being determined by the various political parties on the basis of internal and secret ballots. The Wright Committee also recommended the creation of the Backbench Business Committee which has, to borrow a phrase, acted to "take back control" of a section of our timetable on behalf of backbench MPs, aka the poor bloody infantry. These overdue innovations have, I hope, been complemented by my own efforts to put the House centre stage through the resuscitation of the Urgent Question, a change which was deemed controversial at that time but which I am convinced has been widely accepted, indeed embraced, although for understandable reasons not necessarily by ministers who have their diaries upended. The Urgent Question enables the House to hold Ministers to account on topical issues, some of which are raging controversies. It has also acted as a magnet for MPs to come to the Chamber instead of resorting to a radio or TV interview or penning a letter. On 385 occasions since I took up post, Ministerial feet have been held to the fire in this way.

The knowledge that the UQ is there and is a weapon which is frequently used has I am sure had the secondary effect that departments would prefer to volunteer ministerial statements rather than be seen to be dragged to the despatch box, a development which is an undoubted boon to scrutiny. Although again I accept that this might not always be the cause of cheer in Whitehall, I have also sought to ensure that major statements on serious issues are followed by a substantial round of questions from Members if they wish to ask them and not just a tiny number delivered by a privileged few.

This process has, in candour, been assisted by a second, more political factor. The past three general elections have produced what by late 20th century standards would be considered highly atypical outcomes. After May 2010, we had a situation of no overall majority followed by the relative novelty for the UK at a national level of a formal coalition administration. This was followed after 2015 by the restoration of a single party majority government but one with a majority that was too small to allow it to ride roughshod over sections of its own party, never mind the House as a whole. And as of June we have had a minority administration, albeit one which is sustained and reinforced by what is again the very unusual arrangement of an accord which extends well beyond that of confidence and supply and is more open-ended than, say, the Lib-Lab Pact of 1977-1978, but which falls short of coalition. If this Parliament runs its full course then we will have 12 years of somewhat abnormal high politics in the House of Commons. It has almost certainly been easier for reform to take root in these very interesting conditions than would have been probable if there had been super-majorities instead.

The final element, and I raise it because I think it is an underestimated element in the equation, has been a change in the culture at Westminster. Over the past decade, we have seen through the new intakes of MPs much greater diversity, not least in terms of age, occupation and life experience. Moreover, the Parliament elected in 2017, in terms of gender, ethnicity and sexual orientation, is more representative of modern Britain than any of its predecessors.

A House that is increasingly driven by the new and the different was always far less inclined simply to accept rules and norms because they were the old and the same. In my experience Conservative MPs as much as Labour MPs have been content to challenge orthodoxy and to ask not only of the House when it conducts itself through the chamber and its multiple committees but also those running the Parliamentary estate why they do not function as did the world of work with which they were familiar before they crossed the threshold of the Palace of Westminster. This new spirit of enquiry is a critical part of the restoration story. It has enabled us to move on from what now seems a truly ludicrous row over whether to have a nursery, a saga which raged in the early months of my tenure, to a wonderful Education Centre and an intelligent discussion about the opportunities as well as the inconveniences that may be created when we decide how best to deal with this building.

Having set the scene, I would now like to outline my three core points in a little more detail to you.

The first is the missing element in the Wright Committee architecture. That body recommended both the creation of a House Business Committee to deal with what has come to be termed as

“government time” and a Backbench Business Committee to deal with “non-government time”. Although some might consider such a separation cumbersome, actually it is extremely logical. These are different aspects of our schedule and they deserve to be treated differently. The House as a whole manifestly agreed because it approved the creation of these arrangements on March 4th 2010. As noted, the Backbench Business Committee has been delivered and has swiftly become, in the best sense of the term, “part of the furniture”. The House Business Committee, by contrast, which was meant to have been established within three years of that 2010 vote, a commitment explicitly endorsed by the Conservative-Liberal Democrat coalition agreement of May 2010, has not arrived. It is missing in action, confined to something akin to parliamentary purgatory. Nailed to its perch.

As a matter of basic democratic principle this will not do. The House decided to back the concept of a House Business Committee along the lines of the Wright Committee recommendations. One of three courses of action should follow. The House should have its decision implemented. Alternatively, it should be consulted on some other design for a House Business Committee. Or the House should determine in a vote that it has changed its mind on the issue. It should not be side lined in this fashion. It is quite wrong for there to be a vacuum. This is as inappropriate as, for example, legislating to hold a referendum on a major question of the day and then simply ignoring the outcome. The longer that this state of affairs persists the more profoundly unsatisfactory I believe it to be.

The Wright formula, to remind enthusiasts in the room for such detail, was very balanced. It did not seek to defenestrate the Whips Offices. It recognised that the Government of the day had a right to have its business tabled. Elections would be rendered impotent affairs if this were not the case. Ministers are, therefore, in my view entitled to a majority but not a monopoly on a House Business Committee. The legitimate issue for the House as a whole is the balance of allocation of time across the various measures that constitute a legislative programme. The Wright Committee also underlined the importance of the Official Opposition – and other opposition parties – being given more say on scheduling their business, and envisaged, I am reliably informed, the House Business Committee as the forum for such discussions. I dare venture that some of the recent tensions over scheduling Opposition Days or more accurately not scheduling Opposition days, might have been avoided if there had been a House Business Committee to hand.

Any such Committee should be chaired by an independent figure. Wright suggested the Senior Deputy Speaker. It should have a backbench component as well as representation from the smaller parties. It would also be desirable to link the chamber to the select committees perhaps via the presence of the Chair of the Liaison Committee. Finally, if not instantly but over time, it

should include the direct election of the backbench members in the spirit of the various other reforms which Wright offered to the House more than eight years ago and which the House chose to adopt.

As alluded to earlier, I do not regard any of these components as sacrosanct. They could and would be revisited if the House thought it preferred an alternative alignment. But at the risk of repeating myself, it is for the House as a whole to determine the fate of the House Business Committee. It should not be held hostage against its will. I have no authority here bar a modest moral authority. What I have I would dedicate to asking those who have the ability to place this matter back on the floor of the House for a final decision as to how to proceed with it to do just that and to do it without delay. Especially in the context of a House with no single party majority, the notion of a House Business Committee is entirely reasonable. It would be open, democratic and transparent, features which with the best will in the world cannot be claimed for the underworld that is the "Usual Channels".

The second item concerns the role and status of Private Members' Bills. A legislature should have the capacity to generate legislation of its own and not merely contemplate and scrutinise the legislation of the executive. It is not the primary function of the House but it would be extremely strange if this opportunity did not exist at all. It should be an important if perhaps comparatively rarely utilised part of the arsenal of any backbencher. In times past it did indeed have that quality. The brutal truth is that today while we set aside thirteen sitting Fridays for 20 such bills, the chances of any more than a handful becoming law are meagre. The talking out of Bills, though done both within our rules and often with destructive skill, has not enhanced the reputation of the House.

The Procedure Committee, which in recent years appears to have taken a new and encouraging lease of life, has considered these matters very carefully in the past few sessions of Parliament. It has not sought to be especially revolutionary, even though it could have opted to recommend that the solution to this saga lies in essence in moving the consideration of this legislation from Fridays, the outer solar system of the parliamentary week, to somewhere closer to Jupiter or Saturn. It has stayed its hand in this regard, as I read it, because it would prefer to attempt to improve the Friday option first before determining whether or not a more fundamental move is the only real answer.

The core of the Committee's deliberations, which as I said have been extensive, is to introduce an element of peer group review alongside the luck of the ballot and to crack down on alleged sharp practice in the manner in which this legislation is considered. The Committee suggested

that the total number of bills selected be reduced from 20 to 14. Of those 14 slots, up to four would be filled by bills to be chosen on their merits by the Backbench Business Committee on the basis of serious evidence both of preparation and prior scrutiny and of support on both sides of the House for such measures inside and, crucially, outside of the House. Those bills would have a form of “fast track” while the other slots would be filled by bills presented by Members chosen through the ballot as is done at present.

Furthermore, the Committee proposes that Standing Orders be changed to ensure that, for the first seven sitting Fridays of a session, debate on the second reading of a bill which has lasted the whole sitting should be concluded with a vote. This provision would provide the certainty necessary for the Chair to introduce time limits on speeches in such debates, if required. There would be a number of other even more technical changes to the process and the legislation would be renamed “backbencher bills”.

It is not for me to offer judgement here on whether the formula proposed is optimal or if it would command the majority in the House that it would need in order to be introduced. There is, nevertheless, one obvious means of finding this out. Colleagues should have the time to debate the matter and decide whether they were attracted by this particular blueprint, wanted an alternative version of it, or were inclined to be bolder and shift these measures out of Fridays. Alternatively, at the other end of the spectrum, the House could determine that Fridays were constituency days and if Private Members' Bills had to be sacrificed in order to make that happen then so be it. I am sure that Charles Walker and his colleagues on the Committee would be content to be directed by the House on this matter. What is missing is a pledge for a date and a time for their diligent work to be debated and voted on by the House.

My final area concerns the recall of the House from recess to address some matter of importance – be it at home or abroad – that has suddenly emerged and which should be considered by the House of Commons immediately rather than kept on hold indefinitely. I do not pretend that this is a matter which is quite as significant as the other two areas which I have set out but once again there is a matter of principle involved. As matters stand, only the Government can seek a recall of Parliament. In my view, the Government and in effect the Prime Minister should have that authority and I cannot conceive of circumstances in which that request would be denied. It has happened 6 times since 2009. The question is whether only the Government can even seek to petition for a recall or whether some other mechanism should be devised to allow Members as a whole to do so.

If such a reform were to be introduced, it would have to be thought through carefully. I can see many difficulties, for example, with a procedure that allowed, for instance, 100 or 200 MPs to seek the Speaker's agreement to a recall as this could be exploited for partisan purposes rather than responding to a genuine urgent situation. Indeed, this could put the Speaker of the day in an extremely awkward position. It is not beyond the wit of man and woman to devise some sensible safeguards. To offer one model, a petition for a recall could be launched if it involved a relatively high number of our 650 MPs, perhaps a quarter of them, provided that at least a quarter of that quarter were drawn from those who support the Government and at least a quarter from the Opposition. This would ensure both a degree of balance and a testing threshold for a recall bid to cross.

Why, I sense some of you asking, bother with an innovation that might be very rarely used? To me there is both a practical and a philosophical argument for thinking about it. The practical thesis is just as the revival of the UQ has led to ministers volunteering statements they might otherwise have sought to avoid because of the inconvenience, so the knowledge that a cross party set of MPs had a right to seek a recall might convince the Government of the day to jump before it was pushed and bring the House back even in the depths of August with all the aggravation that this may entail. The philosophical aspect is this, "Whose House is it anyway?" Government and Parliament obviously overlap but they are not two different ways of being or saying the same thing. The House at the end of the day belongs to all of its members and not the minority of it who occupy ministerial office. I think the case for at least a debate in this space is overdue and I hope that it will happen shortly.

This brings me to the finish of my Unfinished Restoration. I am proud of the manner in which the House has evolved in the past decade and hope that this has been recognised outside of it. As many of you appreciate, I think there is more to be done away from the chamber and the committees in terms of digital democracy and public participation but I have banged that drum before and will doubtless do so again. This evening I have set out an argument for further strengthening the House as a whole but in truth the backbench MP in particular, by finally putting flesh on the forlorn bone of the House Business Committee, by permitting the studious work of the Procedure Committee on Private Members' Bills to reach the House as a whole and be debated and voted upon and by offering an alternative means by which the House can be brought back into session if the times demand it. This is not exactly an "October Revolution" of an agenda I acknowledge. It is definitely Menshevik and not Bolshevik in outlook.

Thank you for listening to it and I look forward to your questions on it.