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DELIVERING HOUSE OF COMMONS REFORM: WHAT WORKS?

THOMAS FLEMING AND HANNAH KELLY

The Constitution Unit

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Thomas Fleming and Hannah Kelly

The Constitution Unit
University College London

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Executive Summary

Recent years have seen many proposals for reforming the internal procedures of the House of Commons, against a backdrop of clear public dissatisfaction with parliament. Less attention has been given to the question of how such reforms might best be developed and delivered.

This report therefore provides an evidence-based assessment of four different approaches to developing and delivering proposals for Commons reform. By comparing how these approaches have worked in the past, and with what consequences, we hope to inform policymakers' considerations of how to implement an agenda of Commons reform in the next parliament. The report is not aimed at any particular party, and does not endorse any particular reforms: we focus on understanding the means of reform rather than the ends.

Chapter 1 defines what we mean by 'Commons reform', and summarises four institutional approaches to developing and delivering reform proposals. The first is a government-led approach; the other three are different models of select committee: a permanent backbench committee, a temporary backbench committee, or a committee that includes both backbenchers and frontbenchers and is chaired by the Leader of the House. To understand these three committee models, we study the main recent cases of each: the House's permanent Procedure Committee, the 2009–10 Select Committee on Reform of the House of Commons ('Wright Committee'), and the 1997–2010 Modernisation Committee.

Chapter 2 then introduces the three main questions we ask about these approaches. Our questions all capture features of the reform process which are important, are likely to be of interest to reformers, and might plausibly differ between the four approaches. We ask (a) what kinds of proposals were produced, (b) how far those proposals were implemented, and (c) how far they attracted wide support among MPs. Chapter 2 also explains the evidence we use to explore these questions.

Chapter 3 addresses the first of these questions, by examining the substance of past Commons reform proposals produced via the four routes. We first focus on how far each route produced proposals that sought substantive changes to the House's rules rather than more technical 'housekeeping' updates. We then compare which topics those substantive proposals addressed, and how far they focused on a narrow or broad range of topics. Finally, we analyse how far proposals from each approach were motivated by a goal which we think current reform advocates are particularly likely to value: making the Commons more 'effective' at holding ministers to account.

Chapter 4 turns to asking how far reform proposals produced via each route actually went on to be implemented. We also explore how far any non-implementation was due to MPs voting against proposals, or to proposals not being put to the House for a decision. Finally, we ask whether the implementation rate of proposals has depended on their goals, and particularly explore whether reforms motivated by 'effectiveness' are less likely to be adopted.

Chapter 5 focuses on the three committees we study, and asks how far each of them has been able to build broad support for its proposals. We use data on formal votes ('divisions') within each committee and in the wider chamber to explore how far they were internally divided and externally

divisive. We also draw on earlier work to highlight the impact that (dis)agreement within government can have on the process of Commons reform.

Our concluding chapter draws together the findings from Chapters 3 to 5, and sets out their main lessons. We argue that the government-led route is rarely used to develop significant procedural reforms, and that past attempts to do so have faced criticism. A government or party pursuing reform would therefore be well-advised to work through and with a select committee. The select committees studied here reflect three different models which could be adopted. Our evidence shows that they varied across all of the dimensions we explored: the substance of their proposals, their success at getting those proposals implemented, and their ability to attract wide support for those proposals.

Overall, we expect that politicians seeking Commons reform in the next parliament may well favour an approach similar to that of the Modernisation Committee. This is because, of the three committees studied here, it had by far the most success at actually getting its proposals implemented. Because it was chaired by the Leader of the House, the committee was largely able to ensure that its proposals were debated and adopted by MPs rather than being blocked by the government or forgotten about. However, this unusual chairing arrangement also had a clear downside: the Modernisation Committee was more divided, divisive, and controversial than the other two committees, especially when compared with the more consensual Procedure Committee. This often reflected a sense among some opposition MPs that the Modernisation Committee was a vehicle for rubber-stamping government ideas rather than developing reforms through genuine cross-party discussion. We therefore argue that any future committee of this kind would need to find ways to avoid re-creating this perception.

Finally, we end the report with a note of warning. The institutional vehicles used for developing procedural reforms are important, and should be designed carefully. But they are only part of the story. Delivering successful reform also requires ideas, leadership, and political skill.

Introduction

With a new parliament shortly to be elected, reform of the House of Commons is on the political agenda. Many voters are dissatisfied with how parliament works. That dissatisfaction is understandable, as a series of expert observers have argued that the Commons too often provides inadequate scrutiny of government, fails to prevent and punish misconduct by its members, and works in a way that ordinary members of the public struggle to understand (Bryant 2023; Dunt 2023; White 2022). For such critics, at least part of the solution lies in reforming the Commons' internal rules and procedures. Would-be reformers face no shortage of potential reform options, with an ever-growing list of proposals from think tanks, academia, and politicians (for a recent summary see Russell et al. 2023). Change may therefore be on the horizon, especially given that general elections can provide a 'window of opportunity' for parliamentary reform under a freshly (re-)elected government (Norton 2000: 13).

However, there has been less extensive discussion of how House of Commons reform might actually be delivered. This matters, because a number of different vehicles can be used for developing and drafting procedural changes. Should government draft reforms entirely on its own, or entrust this task to a select committee of MPs? Should such a select committee be permanent or temporary? Should it be composed only of backbenchers, or should it also include members of the cabinet and opposition parties' front benches? Past experience suggests that these questions matter for what kinds of reform proposals emerge from the process, and for the impact those proposals have. So any politicians with an agenda for Commons reform should give serious thought to the mechanism for delivering that agenda.

The goal of this report is therefore to provide an evidence-based assessment of four different approaches to developing and delivering proposals for Commons reform. We summarise these four approaches and study key past uses of each, to understand whether and how they differed in (a) the substance of their reform proposals, (b) how far those proposals were implemented, and (c) how far they attracted wide support among MPs. We do this by combining insights from a new dataset of past reform proposals from ministers and committees, interviews with current and former MPs, and secondary literature.

The report particularly focuses on how a government party that wished to deliver Commons reform might go about doing so. This emphasis reflects the fact that governments are often the key driver of reforms, and that political parties are currently setting out their platforms – and plans for delivering them – in the general election. However, the report is not aimed at any particular party, as politicians on all sides of the Commons have expressed an interest in reform. Nor do we take a stance on what kinds of reform might be desirable: our focus is on understanding the mechanisms for delivering that reform. As a result, our evidence is intended to be useful for any political party with any kind of reform agenda. We also expect its lessons to be of wider interest for politicians, campaigners, journalists, or academics seeking or studying Commons reform.

The report is structured as follows. Chapter 1 explains what we mean by 'House of Commons reform' and introduces four potential approaches to developing reform proposals. Chapter 2 outlines how we study past uses of these four approaches, and our sources of evidence. The subsequent three chapters then present our findings, showing how these approaches have differed

in the kinds of proposals they produced (Chapter 3), the extent to which those proposals were implemented (Chapter 4), and how far they attracted broad support (Chapter 5). The final chapter concludes by summarising the trade-offs and practical considerations which might inform the choice of a vehicle for developing and delivering Commons reform proposals in the next parliament.

Chapter 1. Four Approaches to Commons Reform

There are multiple ways to organise processes for developing Commons reform proposals. This report assesses the four most common options. The first is for proposals to be drawn up by the government. The other three involve different kinds of select committee: a permanent backbench committee, a temporary backbench committee, or a committee which includes frontbenchers.

This chapter outlines these four approaches in more depth, explains the key differences between them, and discusses the prominent past cases of each which we then analyse in the remainder of the report. We also demonstrate the significance of these four approaches by showing how far each has been used to develop Commons reforms since 1997. But we begin by clarifying how we define 'House of Commons reform' and discussing the recent growth in attention to this topic.

What is 'House of Commons reform'?

When we discuss House of Commons reform in this report, we mean changes to the formal rules governing the internal working of the House of Commons. These rules cover a broad range of subjects, from when the House sits and how its agenda is decided, to how select committee chairs are chosen and how MPs' misconduct is investigated and punished. Hence, our focus excludes questions of how MPs are elected in the first place (i.e. electoral reform), and the powers and composition of the upper chamber (i.e. Lords reform).

The Commons' formal internal rules can be found in a number of sources (summarised in Blackburn 2017: 282–86). Many rules have been explicitly adopted by the House itself, in its standing orders, resolutions, or other documents like the MPs' code of conduct. Some areas of procedure, such as MPs' proxy voting, are regulated by more detailed schemes which are produced by the Speaker under the House's authority. Pieces of primary legislation, like the Statutory Instruments Act 1946, can also have implications for Commons procedures, although these often rely on standing orders for their practical implementation.[1] Beyond formal rules, more informal sources of procedure include long-standing conventions, and rulings from the chair, many of which are summarised in the authoritative description of parliamentary procedure usually referred to simply as *Erskine May*, after its original author.[2]

MPs are largely free to adapt their procedures as they see fit. There is no special process for the House to change its standing orders or agree a resolution: it only requires a motion to be approved by a simple majority. Even in areas traditionally governed by convention, MPs can establish new formal rules by agreeing changes to their standing orders. Indeed, over time, there has been a move towards larger amounts of Commons procedure being codified in this way. The standing orders have grown substantially in length (see Goet et al. 2020: 42) as 'modern practice has become more and more defined in written form by positive orders and resolutions, and distinct orders and rules

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[1] For example, the Legislative and Regulatory Reform Act 2006 provides for strengthened parliamentary scrutiny of certain kinds of secondary legislation, while Standing Order No. 141 sets out the detailed process for that scrutiny.
[2] Latest version available online at: https://erskinemay.parliament.uk/ (last accessed 18 April 2024).

of increasing complexity have come to dominate over ancient usage' (Patrick 2017: 205). As a result, Commons reform now largely comes through explicit decisions of the House to create, amend, or remove formal written rules.

Commons reform should be distinguished from several other closely-related processes. First, MPs can change how they use existing rules, rather than changing the rules themselves. One example of this dynamic is opposition parties' revival of 'motions for a return' during and since the Brexit process, to obtain information from the government (see Defty 2017). Another is the increased granting of urgent questions during (and since) John Bercow's tenure as Speaker (Watson 2020). Second, the Speaker can change how they interpret existing rules, as with Bercow's controversial Brexit-era decision to allow emergency debates under Standing Order No. 24 on motions which were not expressed in neutral terms.[3] Changes of interpretation like this can prompt subsequent formal rule changes to clarify matters. For instance, the Speaker's selection of amendments on the last day of the 2013 debate on the Queen's Speech led to the relevant standing order being re-written (Kelly 2015). Nonetheless, changes in how rules are used or interpreted are clearly distinct from formal changes to those rules.

In short, this is a report about proposals to change the rules governing how the House of Commons works. We focus particularly on formal rules, as set out in the House's standing orders, resolutions, and other similar documents, in relevant legislation, and in processes adopted by the House's officers or committees.

Proposals for Commons reform

Proposals for Commons reform are not currently in short supply. The last two years have seen a flurry of books discussing the shortcomings of parliament (and, in some cases, the wider political system). Their general tone can be seen from their titles, such as Hannah White's (2022) *Held in Contempt: What's Wrong with the House of Commons?*, Ian Dunt's (2023) *How Westminster Works … and Why it Doesn't,* and Chris Bryant's (2023) *Code of Conduct: Why We Need to Fix Parliament – and How to Do It.* These authors offer similar diagnoses of the Commons' failings, even if they differ in their prescriptions. Their books highlight failings in the conduct of MPs and the regulation of that conduct, ineffective scrutiny of primary and secondary legislation, excessive government control of the parliamentary timetable, and opaque ways of working which many voters – and even some MPs – struggle to understand. As well as emphasising the role of cultural change in addressing these issues, they all propose adopting specific reforms to the House of Commons' internal procedures (Bryant 2023; Dunt 2023; Harvey and Tyler 2023; White 2022).

Similar criticisms, and detailed reform proposals, can also be found in a number of recent reports. A previous Constitution Unit report from Russell and Gover (2021) argued for reducing the government's control of when the House of Commons sits and what it discusses. The Institute for Government and Bennett Institute for Public Policy have proposed various ways to improve the Commons' scrutiny of primary legislation (2022). The Hansard Society has been conducting a review of how parliament scrutinises secondary (or 'delegated') legislation, and published interim reform proposals in 2023 (Hansard Society 2023). The same issue has been investigated by several

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[3] Though it should be noted that the scope for this re-interpretation stemmed partly from ambiguously worded changes to the relevant standing orders in 2007 (see Lee and Berry 2020).

House of Lords select committees (Delegated Powers and Regulatory Reform Committee 2021; Secondary Legislation Scrutiny Committee 2021). Within the Commons, the Procedure Committee has published a number of reports which we discuss in subsequent chapters, the Committee on Standards (2024) recently reviewed the House's overall 'standards landscape' , and the Public Administration and Constitutional Affairs Committee (2024) has proposed changes to how parliament scrutinises international agreements. Finally, several reports on wider constitutional and political reform have included sections focused on the House of Commons (Russell et al. 2023; UK Governance Project 2024).

These proposals come against a backdrop of profound public dissatisfaction with the UK parliament. A Constitution Unit survey of public opinion in 2022 found just 20% of respondents reporting some degree of trust in parliament to 'act in the best interests of people in the UK', while 52% reported some degree of distrust (Renwick et al. 2023: 9). More recent evidence from the Office for National Statistics shows a similar picture, with 24% reporting high or moderately high trust in parliament, and 57% reporting low or no trust (Office for National Statistics 2024). Reforming the House of Commons' procedures is clearly not a panacea for distrust in politics. Nor is it an issue that is likely to come up on many doorsteps during the general election. Nonetheless, these attitudes starkly highlight the need for politicians to explore ways of enhancing the Commons' reputation.

Our report does not explicitly endorse any of these proposals: we are focused here on the means of achieving Commons reform rather than the ends. Moreover, an effective and coherent reform programme should start from an overarching diagnosis of what the Commons could do better, the extent to which procedural reforms could form part of the solution, and what those reforms might be. So reform-minded politicians would be well-advised to avoid simply cherry-picking individual proposals from these existing books and reports, or seeking to combine them all into one long reformers' wish-list. Nonetheless, the growing weight of evidence of the Commons' failings, and of suggestions for how to remedy them, presents the clear basis of a reform agenda for the next parliament.

We now turn to summarising the four most common past approaches to developing Commons reform proposals, and the key cases of each which we study in this report.

Approach 1: Government initiative

Some past reforms have simply been government proposals, drawn up under the authority of ministers. Those ministers might informally consult relevant MPs or select committees, draw on ideas from elsewhere, or respond to suggestions from officials. But the key feature of this approach is that the initiative for developing and bringing forward reform proposals lies with the government, and especially with the Leader of the House of Commons. This gives most MPs a largely reactive role, considering and (usually) approving government-led proposals rather than developing their own.

This approach is often used for making minor technical changes which do not require particularly detailed deliberation. For example, the Commons has a system of departmental select committees which largely mirrors the organisation of government departments. Whitehall reorganisations – so-called 'machinery of government changes' – can therefore mean that these select committees

need to be renamed, merged, or split. Such administrative changes are usually straightforward and uncontentious, and so are brought forward by the government and put to MPs for their approval.[4]

However, the government-led approach can also produce more significant changes. The most prominent in recent decades were the 2015 introduction of a form of 'English Votes for English Laws' (EVEL), and its abolition just six years later.[5] EVEL had its origins in long-standing debates about the so-called 'West Lothian Question', and had been investigated by various commissions and committees over the years (Gover and Kenny 2016). But the short-term impetus came from the Conservative Party's response to the 2014 Scottish independence referendum, and the detailed proposals which were implemented after the 2015 general election were developed within government.[6] Moreover, the 2021 decision to repeal the EVEL procedures was also initiated by ministers, as part of a wider change in their approach to the Union (Evans 2022).

Approach 2: Permanent backbench select committee

Parliamentary select committees are the main alternative route for developing Commons reform proposals. However, there is no single model for how such committees can be designed. This section and the next two therefore introduce the three main models which have been used in recent decades, and the three committees reflecting those models which we study in this report.

The most straightforward select committee model is a permanent backbench committee tasked with investigating procedure and recommending reforms. This approach reflects the standard set-up of Commons select committees: a group of backbench MPs with an ongoing remit to consider a particular subject area.

The primary past and current case of this approach, and the one we study in this report, is the House of Commons Procedure Committee.[7] This committee is set up in each parliament under Standing Order No. 147 with a remit to 'consider the practice and procedure of the House in the conduct of public business, and to make recommendations' (House of Commons 2023: 152). The committee has the power to take evidence, travel, and appoint specialist advisers. It consists of up to 17 members, all of whom are backbench MPs. Since 2010, its chair – as with most select committees – has been elected by a vote of all MPs at the start of each parliament (or when the role falls vacant).

A key feature of this kind of committee is its development of focused expertise. This partly stems from having a specialised remit looking solely at procedural questions. It also stems from the committee's permanence: by lasting throughout a parliament, and with some members serving in multiple parliaments, it can develop a degree of institutional memory. This permanence potentially also allows the committee to follow up on issues which it has previously reviewed, so as to maintain pressure for reform. For example, in the mid-2010s the committee published a series of connected

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[4] Some of these changes can be less straightforward, and require trickier decisions about how the Commons' select committees should best reflect a new departmental structure (see Natzler 2023).

[5] This created – and then removed – a 'double veto' process whereby MPs representing English (or English and Welsh) constituencies could veto laws which only affected England (or England and Wales).

[6] The Procedure Committee did play some role in the development of this reform, producing an interim report on the government's proposals which was frequently cited in the Commons debate on their adoption (Procedure Committee 2015). But its role was reactive, examining proposals drafted within government.

[7] The next most relevant is the Committee on Standards, which makes recommendations about the general regulation of Commons standards as well as about specific individual cases.

reports on the Commons' private members' bill procedures (Procedure Committee 2013, 2014, 2016b), which we discuss further in Chapter 4. More recently, the committee produced multiple reports on how the House should adapt its procedures during the Covid-19 pandemic (e.g. Procedure Committee 2020a, 2020b).

Since 1997, the Procedure Committee has been free to choose which issues it investigates, but often responds to events or to requests from other parliamentary actors rather than pursuing a single overarching strategy. For instance, one recent report examined options for House of Commons scrutiny of Secretaries of State who sit in the House of Lords. That report looked specifically at the case of the new Foreign Secretary, Lord (David) Cameron of Chipping Norton, and was produced at the request of the Speaker (Procedure Committee 2024). However, the committee is also free to decline such requests, as it did recently when both the Leader of the House and the Speaker suggested that it investigate the rules governing the selection of amendments on opposition days.[8]

Approach 3: Temporary backbench select committee

Backbench select committees can also be established *temporarily* with a remit to investigate and report on a particular area of procedure. Unlike the Procedure Committee's running brief to consider procedure in general, a committee of this kind can be set up to conduct an inquiry into a particular topic or problem. It can be given various powers to aid that inquiry, including the powers to take evidence and to appoint specialist advisers, and can be required to report back to the House by a specified date.

The most recent case of a committee of this kind with a procedural remit is the 2009–10 Select Committee on Reform of the House of Commons, better known as the 'Wright Committee' after its chair, the Labour MP Tony Wright.[9] This was appointed in the wake of the 2009 MPs' expenses scandal, to review four specific areas of procedure (and other connected matters). The idea for such a committee was first proposed by Tony Wright, and then taken up by the Prime Minister, Gordon Brown. The committee was established in July 2009, with 18 members elected by their respective parties, and Wright was appointed as its chair.[10] The motion appointing the committee outlined the areas of procedure it could consider and set a deadline of November 2009 for its report.

The Wright Committee's first report, *Rebuilding the House*, made a number of recommendations for major procedural reform (House of Commons Reform Committee 2009). In particular, it argued that the chairs and members of select committees should be elected by their fellow MPs rather than being chosen by party whips. The report also proposed allowing MPs to vote on the Commons' weekly agenda rather than it being set by ministers, creating a new cross-party House Business Committee to draft that agenda, and allocating time to a new category of 'backbench business' scheduled by a Backbench Business Committee.

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[8] This followed a high-profile Commons row over the selection of amendments on a Scottish National Party opposition day in February 2024. For discussion of the procedural background to, and implications of, that episode, see Evans (2024) and Fleming (2024).

[9] An earlier example was the 'Jopling Committee' that considered the House's sitting hours in the early 1990s.

[10] HC Deb 20 July 2009, vol 496, cc689–719.

The Commons did implement some of the Wright Committee's core recommendations: most select committee chairs are now elected by MPs, and the Backbench Business Committee was established with a remit to choose the business discussed on 35 days in each session (divided between the main chamber and the parallel chamber sitting in Westminster Hall). But the House Business Committee and votable agenda were never returned to, despite a commitment to them in the 2010 Conservative–Liberal Democrat coalition agreement (HM Government 2010: 27). Moreover, even those proposals which were introduced had to overcome resistance from both the Labour and Conservative front benches (Russell 2011).

It should be noted from the outset that there are good reasons to question how far the Wright Committee offers a guide to what to expect from any new committee organised along similar lines. The Wright Committee emerged from a very particular political moment, with the damage to parliament's reputation providing a window for quite radical reforms (even if those reforms had nothing to do with the original issue of MPs' expenses). Moreover, it had a very specific remit to investigate certain areas. Any future committee based on this temporary backbench-only model would almost certainly be asked to investigate different areas, with consequences for the kinds of proposals it would adopt, and the reception those proposals might receive. We therefore include the Wright Committee in our study as an important recent example of how to develop Commons reform, but avoid drawing overly broad conclusions from it about the wider model of a temporary backbench committee.

Approach 4: Government-chaired select committee

The three approaches described so far directly involve either the government or backbench MPs. The fourth approach combines both, in a select committee chaired by a government minister.

The only recent case of this approach is the Select Committee on Modernisation of the House of Commons, more often known simply as the Modernisation Committee. This was first established by the newly elected Labour government in 1997 with a remit to 'consider how the practices and procedures of the House should be modernised, and to make recommendations thereon'.[11] It then continued after Labour's 2001 and 2005 election victories, but ceased to meet after the 2007–08 session (see Maer 2019: 769). It was never written into the House's permanent standing orders, and was not re-appointed after 2010 by the incoming coalition government.

Unlike other select committees, the Modernisation Committee was chaired by a government minister: the Leader of the House of Commons. This was seen by all (and criticised by some) as highly unusual, given that select committees usually only include backbench MPs.[12] The committee usually also included the Conservative Party's Shadow Leader of the House and a Liberal Democrat spokesperson, alongside backbench MPs from all three of the (then) largest parties in the Commons.[13]

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[11] HC Deb 4 June 1997, vol 295, c500.
[12] There are some 19th-century precedents for this approach. For example, a committee set up in 1871 to investigate Commons procedure was chaired by the Chancellor of the Exchequer Robert Lowe and included the opposition leader Benjamin Disraeli (see Fraser 1960: 457). The Leader of the House also chaired the Commons' Committee of Privileges and the Select Committee on House of Commons (Services) as recently as the 1990s.
[13] The Shadow Leader from 2001 to 2003, Eric Forth, refused to serve on the committee (Flinders 2007: 186).

Given its novelty, the Modernisation Committee has been the focus of many studies (Brazier et al. 2005; Flinders 2002, 2007; Gay 2005; Kelso 2007; Kennon 2001; Power 2007). One of the key conclusions of this literature is that the committee's unusual composition was a double-edged sword. On the one hand, being chaired by a government minister made the committee more likely to receive government backing – and, crucially, parliamentary time – for its proposals. On the other hand, this composition may also have altered what kinds of issues the committee discussed and the proposals it reached. In particular, it may have made the committee less open to reforms which sought to challenge the executive's dominant position in the Commons and empower opposition parties and backbench MPs. Kelso (2007: 154) summarised this conclusion as follows:

> … the Modernisation Committee has been viewed largely as a creature of government, particularly given that it is chaired by the Leader of the House, and has therefore pursued a modernisation agenda that is seen as benefiting government objectives rather than contributing to enhanced scrutiny of the government by the House of Commons.

Nonetheless, the Modernisation Committee's work varied, and did give some consideration to questions of enhancing scrutiny. Kelso herself has shown that the committee's focus shifted over time depending on the interests and goals of each Leader of the House. For example, Robin Cook (Leader between 2001 and 2003) is often viewed as having been more supportive of reforms to enhance scrutiny and the role of backbench MPs than his immediate predecessor, Margaret Beckett (Kelso 2007: 142–43). Moreover, some of the committee's later work under Jack Straw tackled this kind of reform very directly, most obviously in the report *Revitalising the Chamber: the role of the back bench Member* (Modernisation Committee 2007).

Frequency of the four approaches

How frequently have these four approaches been used in recent decades? Table 1.1 probes this by exploring the relative influence of each approach on changes to the Commons' (public business) standing orders between 1997 and 2022. We have identified every change to the standing orders in that period, and – for each separate motion passed by the House – traced whether it was based (even if only partially) on proposals from a committee, the government, or some other body within or beyond parliament. We exclude 30 of these changes (out of a total of 158) on the basis that they are simply technical/consequential, and do not change the material substance of the rules governing parliamentary business.[14] Of course, standing orders are only one source of parliamentary procedure, and do not tell us the whole story.[15] Nonetheless, this provides a simple snapshot of how far the main procedural changes since 1997 have come about via the four routes discussed here.

Table 1.1 shows a few clear patterns. First, around 40% of standing order changes over the whole period were based directly on proposals brought forward by the government, while over 50% implemented proposals from various select committees. The remaining 5% came from some other body like the House of Commons Commission. Second, the three committees discussed above make up the bulk of select committee proposals which were implemented in this period (and around a third of all changes), although other permanent backbench committees were also

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[14] For further explanation of how we define 'substantive' or 'technical' changes, see Chapter 3.
[15] The data analysed in later chapters has a broader focus than only permanent standing order changes, so captures more procedural recommendations and reforms than are reflected in Table 1.1.

influential. The largest contributors to our 'other backbench committee' category were the Liaison Committee (the source of seven changes), and the Standards (and Privileges) Committee (the source of 10). The remaining 11 came from various other committees, which each lay behind only one or two changes. Third, there was some variation across time. The post-2015 period saw notably fewer changes being based on Procedure Committee recommendations, and more based on the work of other bodies like the Commission (even after accounting for the smaller overall number of changes in that period). This is the only one of the three periods presented in Table 1.1 which saw the same number of changes be based on committee proposals and government proposals. Nonetheless, government proposals lay behind only a minority of changes in all three periods, and committee proposals lay behind a majority in the first two.

Table 1.1. Source of standing order changes, 1997–2022

Source	Labour (1997–2010)	Coalition (2010–15)	Conservative (2015–22)	Total
Government	31	11	8	50 (39.1%)
Procedure Committee	11	8	2	21 (16.4%)
Modernisation Committee	15	-	-	15 (11.7%)
Wright Committee	3	5	-	8 (6.3%)
Other backbench committee	15	7	6	28 (21.9%)
Other	0	2	4	6 (4.7%)
Total	75	33	20	128 (100%)

Note: Shows the number of motions amending the House of Commons public business standing orders, by the reforms' original proposers. Excludes 'technical' or 'consequential' changes. The 'Modernisation Committee' category includes two motions which were also based directly on the work of another committee (the Liaison Committee in one case, and the Procedure Committee in the other). Percentages may not sum to 100 due to rounding.

Summary

This chapter has described four different approaches for developing Commons reform proposals, and introduced key examples of each. It showed that proposals can be developed and introduced by government without any very direct involvement of other MPs. But this approach is not the norm. Instead, it is more common for proposals to be developed by committees of some kind.

Committees tasked with developing Commons reform proposals can be organised in a number of ways. Recent decades have seen three main models which vary in their permanence, membership, and remit. The first possibility is a permanent backbench committee with an ongoing remit to consider procedural questions. The second is a temporary backbench committee appointed with a more focused remit to investigate and report on a specific issue or issues. A third is something of a hybrid: a select committee of MPs which includes frontbench MPs and – crucially – is chaired by a government minister. Our report focuses on the key recent uses of each of these three approaches: the Procedure Committee, the Wright Committee, and the Modernisation Committee.

The central goal of this report is to compare how these four approaches have worked in the past, to inform current policymakers who might be considering how to pursue their own reform agenda. In the following chapter, we explain our approach to comparing the four approaches, before

Chapters 3 to 5 present our evidence, and we finally conclude by summarising the report's key findings and lessons.

Chapter 2. Our Study

Our overall approach in this report can be summarised relatively simply: we study recent cases of the four main institutional routes to developing House of Commons reforms. These are government initiative, the Procedure Committee, the Wright Committee, and the Modernisation Committee. By doing so, we hope to help present-day reform advocates better understand how to turn their reforming ambitions into successful changes. This chapter therefore introduces the three key questions we ask about past reform processes, and explains the different kinds of evidence with which we answer them.

Key questions

Our report's three key questions address in turn the substance, implementation, and popularity of procedural reform proposals produced by the government and by three select committees. This allows us to build up a picture of what kinds of proposals have been produced via each route, how far those proposals were implemented, and how far they attracted wide support or caused division.

All three questions reflect important features of the reform process, which we think capture the key issues that would-be reformers might wish to consider. Moreover, they cover areas in which it is particularly plausible to expect the approaches to differ due to their different remits and memberships.

What kinds of proposals are produced?

Chapter 3 asks how far the four different approaches have previously produced different kinds of reform proposals. We first ask how far proposals sought substantive changes to the Commons' procedures, rather than minor technical updates. We then focus only on those substantive proposals, and explore two issues in particular: which areas of procedure they related to, and what goals they pursued.

Asking which areas of procedure were addressed by each approach allows us to understand which topics they prioritised and how far they focused on a few priorities or spread their attention more widely. These questions are both likely to be important to reformers, especially as it is plausible to expect differences across the models. The four approaches studied here each involved different actors, who might therefore be interested in different areas of procedure. They also – in the case of the three committees – had different remits and chairing arrangements which could affect how far they focused their attention on a particular agenda or adopted a more piecemeal approach. For instance, as discussed more in Chapter 3, the Wright Committee was set up with a very specific remit which we might expect to have produced more narrowly focused recommendations.

We study the goals of reform proposals for similar reasons: reformers may want to know whether particular kinds of reforms are more or less likely to emerge from each approach, and we think the different interests represented in each approach make such variation plausible. We particularly focus on how far the four approaches produced proposals aimed at making the House of Commons more 'effective'. Kelso (2007: 14) defines such 'effectiveness' reforms as 'mainly concerned with re-balancing executive–legislative relations in favour of parliament'. We thus

identify those proposals which sought to enhance scrutiny of the government or otherwise increase the powers and resources of non-government actors within the Commons.[16] We expect these kinds of proposals to be particularly salient, given that various commentators have criticised how the Commons performs its scrutiny functions (Bryant 2023; Dunt 2023; White 2022). Moreover, the different approaches examined here may well vary in their emphasis on enhancing effectiveness. In particular, those involving ministers might value this less, and prefer to prioritise the swift and unimpeded passage of government policies. This has been a particularly frequent claim about the Modernisation Committee in past literature (Flinders 2002; Kelso 2007, 2009; Wright 2004).

How far are proposals implemented?

Chapter 4 explores how far proposals produced via each route were successfully implemented. Again, we expect this to be a highly important consideration for those interested in delivering Commons reform, as they want their proposals to be adopted rather than simply gathering dust. And there are good reasons for thinking that proposals emanating from each approach might have differing degrees of success. The approaches involving ministers may be more likely to get the necessary parliamentary time and majority support to be passed by the Commons, while those without direct ministerial involvement may find it harder to muster these crucial resources. This point was captured starkly by the then Leader of the House, Geoff Hoon, in 2005. Asked what the Modernisation Committee could do that the Procedure Committee could not, Hoon responded that 'the short answer is probably "deliver"'.[17]

We shed light on this question by examining how far proposals produced via each approach were actually implemented. We also dig further into this overall pattern by exploring the various obstacles to proposals being implemented. This allows us to distinguish between a number of different reasons for reforms not being adopted, and particularly between them being voted down by MPs or never even being brought forward for a decision. Chapter 4 closes by linking these findings to our data on reform proposals' goals, to explore whether proposals aimed at enhancing the Commons' effectiveness faced a tougher time getting implemented.

Do proposals attract widespread support?

Chapter 5 compares the breadth of parliamentary support attracted by proposals from the three committees studied here. We expect reformers to care about this for partly pragmatic reasons: proposals which attract wide support should be more likely to be implemented, and potentially less vulnerable to later repeal under a different government. For instance, the Procedure Committee (2016a: 22) criticised the 'English Votes for English Laws' procedures in 2016 on the basis that they:

> [did] not command the respect and support across all parties that they should if the system is to be sustainable through the political stresses it must expect to face in the future. This is not a sound basis for a major long-term change to the legislative process in this House.

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[16] For methodological reasons explained below, this analysis focuses on reform proposals from the three select committees, and does not include those from ministers.
[17] HC Deb 13 July 2005, vol 436, c848.

In some cases, a degree of 'buy-in' from MPs across the House may also be necessary for any changes to have their intended (or any) effects: there is no point creating new parliamentary tools if MPs show little interest in using them. Finally, reformers might simply value a wide degree of support as an inherently desirable feature of a reform process, on the basis that the shared rules governing MPs' work ought to be accepted by all parts of the House rather than imposed by one particular party or group. This does not mean that a good idea for reform necessarily becomes a bad idea if the opposition or other MPs take against it. But we think it likely that reformers might value pursuing wide support where possible.

We examine how far past reform proposals attracted widespread support by looking at voting patterns in two different parliamentary arenas: within the committee, and on the floor of the House. Commons select committees typically operate with strong norms of reaching consensus (Lynch and Whitaker 2021). We therefore ask how often the three committees studied here failed to achieve this and instead resorted to deciding by a formal vote. We further ask how often each committee split along party lines, with the governing party or parties using their majority to impose decisions. Existing literature suggests that this might be something particularly seen in the Modernisation Committee, given that the presence of a minister in the chair led to it sometimes being seen through the lens of government–opposition conflict (see e.g. Kelso 2009: 51–57). We then ask a set of similar questions about those committee reports which were actually put to the House for a decision. We investigate whether they were passed by consensus, and – where they were not – explore the patterns of disagreement. Finally, we close Chapter 5 by using the findings of existing literature to look beyond parliament and highlight how (dis)agreement within government can impact the Commons reform process.

Methodology

To address these three questions, we study procedural reform proposals from the government, the Procedure Committee, the Modernisation Committee, and the Wright Committee.

We focus on the period from 1997 to 2022. We begin in 1997 so as to capture the full lifetime of the Modernisation Committee, and we continue up to 2022 to provide the most recent evidence possible. We stop there rather than continuing up to the present day to ensure that we can distinguish between proposals which have clearly failed to get implemented and those which are simply too recent to have yet had a chance to be debated. As two of the three committees only existed for part of this 25-year window, we take care to probe how far this might explain any apparent differences between them.

We draw on three kinds of evidence. We primarily analyse newly collected secondary data recording various features of select committee reports and procedural recommendations from committees and ministers. This allows us to produce quantitative summaries of the various outcomes discussed above. That quantitative evidence is useful for charting a comprehensive overall pattern for each approach rather than relying on selective examples and anecdotes that may not accurately represent the wider picture. But it cannot tell the whole story: the quantitative patterns require interpretation, and may mask important behind-the-scenes dynamics. We also therefore draw on two further types of evidence. First, we have conducted a handful of interviews with current and former MPs involved with one or more of the three committees which we study. This helps to inform our interpretation of the patterns in our quantitative data with important

background context. Second, we also draw on findings from previous studies, especially work on the Modernisation Committee (much of which is itself based on interviews with politicians involved in the reform process). The remainder of this chapter explains each of these three kinds of evidence.

New secondary data

We draw on three types of newly-collected secondary data, relating to committee reports, committee recommendations, and government recommendations.

Committee reports

Our first source of evidence is a dataset of select committee reports. This covers all reports published by the Procedure Committee, Modernisation Committee, and Wright Committee between the 1997–98 and 2021–22 sessions of parliament. When compiling this list, we excluded any reports which simply published the government's response to an earlier report, as long as such reports did not add any analysis or commentary. This produced an initial list of 135 reports, which we then filtered further to exclude 16 which were focused only on reviewing the committee's work, monitoring some aspect of a government department's performance, or discussing a government's response to an earlier report. This gave us a final list of 119 'standard' reports. For each report, we also identified how far it caused formal votes ('divisions') in the committee and in the Commons as a whole. This facilitates our analysis, in Chapter 5, of committees' breadth of support.

Committee recommendations

We then created a separate dataset of the individual recommendations contained in those 119 reports. Select committee reports generally highlight their conclusions and recommendations by writing them in bold and/or repeating them in a concluding chapter. We thus extracted each of these individually highlighted conclusions or recommendations.[18] This yielded a list of 1339, which we filtered to include only 891 which were 'true' recommendations in the sense of calling for a particular course of (in)action. We did so using criteria developed in previous Constitution Unit research on the impact of select committees (Russell and Benton 2011: 24).[19] Finally, we filtered the list further to focus only on those recommendations most relevant to the topic of this report: recommendations for specific procedural changes. This meant excluding proposals which were vague (e.g. those too broad for us to assess whether they were implemented), which didn't relate to the Commons' formal rules (e.g. recommendations for how MPs should behave), or which endorsed the procedural status quo rather than seeking change.[20]

These successive steps left us with 392 recommendations for procedural reform. For each of these we recorded further information about its substance (see Chapter 3) and about whether and how it was implemented (see Chapter 4). Of course, committees do not start with a blank slate. They build on earlier work, take new evidence, and draw on suggestions from MPs, ministers, and

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[18] A few cases contained recommendations without highlighting them. We extracted these by reading through the report and identifying any paragraphs which met our criteria for being 'true' recommendations.

[19] This distinguishes recommendations from other kinds of statement like expressions of approval or disapproval.

[20] We nonetheless treat proposals as seeking procedural change if they recommend extending a temporarily adopted practice or placing it on a permanent footing.

outside experts. So we are not claiming here that these 392 recommendations all reflect ideas which had their origins in select committees. Indeed, some of them were explicitly phrased as endorsing ideas first proposed elsewhere.[21] Instead, our focus is on committees as the immediate forum in which these specific proposals were developed. This reflects our overall focus on asking how a party or government with an agenda for reform could establish institutions for developing and delivering that agenda.

Government recommendations

Our third source of secondary data provides information about procedural reform proposals from the government, rather than from committees. Identifying these proposals required a different approach, as there is no clear equivalent of select committee reports from which we can identify a complete set of 'government proposals'.

We thus examine government-led proposals for one especially important kind of procedural change: amendments to the House of Commons' standing orders. In particular, we identified all motions moved in the House of Commons during our period of study that sought to make permanent changes to the House's standing orders for public business.

We compiled this list in two ways. First, we identified all House of Commons motions which amended the standing orders between 1997 and 2022.[22] We then studied the content and context of these motions to gauge which had been based on proposals from select committees or other bodies like the House of Commons Commission, and which were instead primarily government-led proposals.[23] The latter group form our list of successfully implemented government proposals. Some of these may well have had their origins in suggestions from officials or parliamentarians, including those outside government. But their distinguishing feature is that they were not directly developed by parliamentary committees or other non-government bodies. Second, we then used the House of Commons Journal to identify any further such motions which were moved in the House of Commons but not actually passed, and again assessed which of these can be viewed as government-led rather than implementing committee proposals.[24] Adding those to our list of successful motions gave us an overall list of 70 individual government recommendations for procedural reform. Having compiled this list of 70 government proposals, we collected further information on their content and their implementation, just as for our list of committee proposals.

This approach to identifying government recommendations has some unavoidable limitations. It does not capture those which were tabled but then not moved (although we have found no evidence that this has happened very frequently since 1997). Nor do we – or could we – capture government plans which were considered but never publicly proposed. We know from past studies of parliament's influence that ministers often tailor their proposals to what they think parliament will actually accept (Russell and Gover 2017). But it is ultimately not possible to trace all of these *potential* proposals in a systematic way. This means that we should avoid assuming that any high

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[21] We exclude one such case from our data, where the Modernisation Committee endorsed a proposal from the Procedure Committee, to avoid double-counting it by attributing it to both committees.

[22] We identify those motions using a list of dates on which the standing orders were amended, as provided by the *ParlRulesData Project* (Goet et al. 2020) at www.parlrulesdata.org (last accessed 18 April 2024).

[23] This is the basis of the data presented in Table 1.1 above.

[24] For the period from 1997 to 2015, unsuccessful motions of this kind are listed in the Index to the Journal. The Index is not yet available for the period after 2015, so we checked every negatived division in the 'Concatenated Votes and Proceedings' to establish whether it was on a motion to amend the standing orders.

implementation rates for government proposals suggest that ministers can always get everything passed which they would like to (Russell et al. 2016). Instead, our data is only able to tell us about those government proposals which ministers do choose to bring forward. This makes it a little less comparable to our data on committee recommendations, but reflects inherent differences between how governments and parliamentary committees produce reform proposals. A further difference between our lists of government recommendations and committee recommendations is that the latter covers a broader range of procedural reforms than just changes to standing orders.

Interviews

To aid our interpretation of this secondary data, we also conducted a small number of semi-structured interviews with former members of the Procedure Committee, Modernisation Committee, and Wright Committee. In each of these, we asked questions about the three main issues addressed by the report: the kinds of proposals the committee produced, the extent to which those proposals were implemented, and the extent to which they caused division within and beyond the committee. This helps us to better understand the patterns shown in our secondary data, and also to probe the possible explanations for those patterns. We have thus primarily used the interviews here as background material informing the analysis, rather than quoting from them directly. Where we have quoted from them, we do so anonymously.

Previous studies

Our final kind of evidence comes from previous literature on the procedural reform process at Westminster. A large amount has been written about the Modernisation Committee, its lessons, and – to a lesser extent – its comparison to the Procedure Committee (Brazier et al. 2005; Cowley 2001; Flinders 2002, 2007; Gay 2005; Kelso 2003, 2007, 2009; Kennon 2001; Power 2007; Wright 2004). Other relevant work has shed light on the Wright Committee (Russell 2011), and on the wider reform process and the role of committees therein (Egan 2017). We therefore draw on this literature where appropriate in order to supplement, and aid interpretation of, our own data.

Summary

Our report therefore uses various sources of new and existing evidence to study four institutional routes to developing Commons reforms: government initiative, the Procedure Committee, the Modernisation Committee, and the Wright Committee. These reflect the main possible institutional approaches to organising the development of procedural reform proposals. We use quantitative and qualitative data, interviews, and earlier academic work to understand more about the substance, success, and divisiveness of the proposals produced via these four routes. In so doing, we hope to provide lessons that can inform the approach of current advocates of Commons reform.

Chapter 3. Substance of Reform

Have different past approaches to developing Commons reform produced different kinds of proposals? This chapter addresses that question in three main ways, using our data to compare the substance of reform proposals produced by ministers and three select committees. First, we show how far proposals sought material changes to the Commons' rules rather than merely technical updates to them. Second, we analyse the procedural topics addressed by these proposals, and how far each approach focused on a small number of topics or spread its attention more widely. Third, we examine how far reform proposals from the three committees aimed to enhance the 'effectiveness' of the House of Commons.

Substantiveness

We first explore how far each route produced 'substantive' proposals: those which would materially alter the content of the Commons' rules if implemented. We contrast these with proposals which we instead view as 'technical' or 'consequential'. We classified proposals as 'technical' if they only aimed to reorganise committees to straightforwardly reflect machinery of government changes, to change language in the House's rules but not their substance, or to alter how the House records and provides information. 'Consequential' proposals are those which solely reflect knock-on implications of other proposed changes, rather than being distinct propositions.

Table 3.1. Substantiveness of procedural reform proposals

Approach	Substantive	Technical / Consequential	Total
Government	51 (72.9%)	19 (27.1%)	70 (100%)
Procedure Committee	257 (95.5%)	12 (4.5%)	269 (100%)
Modernisation Committee	93 (90.3%)	10 (9.7%)	103 (100%)
Wright Committee	20 (100%)	0 (0%)	20 (100%)

Note: Shows the number and percentage of 'substantive' or 'technical/consequential' recommendations produced via each approach. Percentages may not sum to 100 due to rounding.

Table 3.1 reports the number of recommendations produced via each route which we have classified as either substantive or technical/consequential. This shows that government-led proposals during our period of study were far more likely to be technical or consequential than were those coming directly from select committees. While a majority of government-led proposals were substantive, 19 out of 70 (27.1%) were technical or consequential. In large part, these were just minor exercises in housekeeping, updating the House's procedures in light of changes to the names or structure of government departments. By contrast, far fewer of the reform proposals from committees fell into this category – just 12 out of 269 from the Procedure Committee (4.5%) and 10 out of 103 from the Modernisation Committee (9.7%). Moreover, these appear to often be a different kind of proposal, seeking changes to how the Commons provides information, or to the terminology it uses. For example, the Modernisation Committee (2002a) recommended renaming 'Private Notice Questions' as 'Urgent Questions', and the Procedure Committee (2013)

recommended renaming 'private members' bills' as 'backbench bills' (the first of these happened; the second did not). While we've excluded these from our definition of 'substantive' changes, they are nonetheless proposals for a kind of reform, and others have highlighted the value of ensuring that parliamentary rules are written in a way that citizens – and MPs themselves – can actually understand (White 2022).

It should be noted that our goal here is not to equate 'substantiveness' with 'significance' or 'importance'. Rather, we have created this variable to ensure we can focus our subsequent analysis on those proposals which genuinely sought to change the substance of the rules. This is because it is difficult to gauge the 'importance' of individual reform proposals in any reliable way: people will form different verdicts depending on their priorities and interests. Moreover, many of these proposals were never implemented, making it an even harder task to assess their potential impact. We have therefore avoided trying to quantify such judgements.

Nonetheless, a qualitative reading of these reform proposals suggests that it is fairly rare for the government-led route to be used for developing major reforms that significantly alter how the House conducts its business. Among the 51 'substantive' government proposals were many apparently rather minor changes to the select committee system and the legislative process. For example, in May 2021 the government brought forward a motion to abolish the Regulatory Reform Committee and transfer its functions to one of the departmental select committees. Other similar motions have altered the size of particular committees, or established which committees should carry out functions established by primary legislation (such as the scrutiny of draft orders under the Public Bodies Act 2011). The few unambiguously significant changes, like the introduction and later abolition of 'English Votes for English Laws' (EVEL), seem to be the exception rather than the norm.

Moreover, when the government has tried to introduce more significant proposals via this route, it has been criticised on the grounds that changes to the House's rules should be a matter for the its committees. For example, in a 2000 debate on re-establishing a 'Standing Committee on Regional Affairs', the Shadow Leader of the House George Young complained that:

> The proposal for this new Standing Committee has not been put to the House with the approval of the Select Committees on Modernisation or on Procedure – the preferred way of changing how the House works – but comes from the Government.[25]

Similar views were expressed in 2012 when the government tabled a motion to change how members of the Backbench Business Committee would be elected. When that committee was first established in 2010, the relevant standing order provided for its members to be elected by the whole House. The government's proposal in 2012 would replace this with internal party elections (as are used for most other select committees). That proposal was brought forward (and approved) while the Procedure Committee was conducting a review of the Backbench Business Committee, leading many MPs to ask why the government appeared to be pre-empting its conclusions. This included a number of government backbenchers. For instance, Conservative MP James Gray – who was one of 30 Conservative MPs to vote against the motion – said that:

> … the question of whether the Committee should be elected on a party basis is a difficult matter that I shall be considering very carefully during the forthcoming proceedings of the Procedure

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[25] HC Deb 11 April 2000, vol 348, c295.

Committee. In the meantime, given that he [the Deputy Leader of the House] is proposing to make that change without such consideration having taken place, I have no option other than to vote against the Government this evening.[26]

Later in the 2010–15 parliament, a dispute arose between ministers and the Procedure Committee over proposals to place an explicit limit on how many amendments the Speaker can select for a vote at the end of the debate on the Queen's/King's Speech. As noted above, this was a response to Speaker John Bercow's selection of amendments in 2013. The usual practice had been for three amendments to be selected in total: one on the penultimate day of the debate, and two on the final day. Bercow departed from this practice by also selecting a third amendment on the final day (and therefore four in total). The government thus proposed formalising previous practice in the standing orders. In a point of order, the Procedure Committee's chair, Charles Walker, highlighted that the committee was pushing instead for the new limit to be four amendments rather than three, and asked 'is it not the established principle that it is the Procedure Committee in this House, not the Executive, that leads changes to Standing Orders?'.[27] In the end, this pressure on the government resulted in a concession, and the final changes passed in May 2014 established a limit of four amendments (one on the penultimate day and three on the final day).

On a further, more pragmatic note, one interviewee – a former member of the Modernisation Committee – suggested that ensuring reform proposals are discussed in a committee is valuable for reducing the amount of time taken up by later discussion in the House. Reflecting on whether the Labour government could have introduced proposals directly to the House rather than working through the Modernisation Committee, they suggested the latter course 'would have been either very time-consuming, or unsatisfactory because you had to curtail the debate the whole time'.

All of these examples illustrate what Egan (2017: 222) has called an 'expectation that significant procedural change will be discussed in committee before implementation'. In a similar vein, Patrick's (2017: 193) overview of standing order changes since the early nineteenth century suggests that '[m]ost changes in procedure have been preceded by select committee inquiries'. While ministers often provide the impetus for procedural changes, there seems to be a norm – both in principle and in practice – that they should work with and through parliamentary committees. Moreover, departures from that norm have seen ministers face complaints from opposition politicians, committee members, and their own backbenchers.

Topics

We now turn to the second main outcome explored in this chapter: the topics addressed by reform proposals. We analysed every substantive recommendation to identify which area of procedure it primarily related to and assigned it to one of 13 different categories, which include the legislative process, committees, and the Commons' timetable (see Table 3.2 for the full list).[28] This allows us to explore how far proposals produced via the four routes have tended to address different topics.

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[26] HC Deb 12 March 2012, vol 542, c36.
[27] HC Deb 27 November 2013, vol 571, c296.
[28] The 'committees' category only includes proposals which can't be matched more directly to one of the preceding five categories. So, for instance, proposed changes to the Standards Committee would be categorised under 'MPs'

Table 3.2 shows that there were clear differences between the four approaches studied here. Some topics – most notably the legislative process, committees, and the Commons' timetable – received attention under all or most of them. This is perhaps unsurprising, as these three are all core elements of Commons procedure. Other topics only got substantial attention from one committee. Some stark examples of this pattern are voting procedures and the election of the (Deputy) Speaker(s). Both of these were addressed at length by the Procedure Committee but almost not at all via the other three routes.[29] Between these two extremes, many of the other topics also saw some, albeit less dramatic, variation in attention between the approaches.

Table 3.2. Topics of procedural reform proposals

Topic	Government		Procedure Committee		Modernisation Committee		Wright Committee	
	N	%	N	%	N	%	N	%
Legislative process	8	16%	49	19%	16	17%	2	10%
Financial scrutiny	6	12%	10	4%	0	0%	1	5%
MPs' conduct and expenses	6	12%	9	4%	1	1%	0	0%
Timetable	2	4%	18	7%	17	18%	8	40%
European integration	1	2%	7	3%	16	17%	0	0%
Committees	24	47%	16	6%	19	20%	6	30%
Questions and statements	2	4%	37	14%	2	2%	0	0%
Electing (Deputy) Speaker(s)	1	2%	37	14%	0	0%	0	0%
Conduct of debates	0	0%	20	8%	10	11%	1	5%
Petitions	0	0%	12	5%	0	0%	1	5%
Westminster Hall	0	0%	13	5%	11	12%	1	5%
Voting	1	2%	24	9%	0	0%	0	0%
Other	0	0%	5	2%	1	1%	0	0%
Total	51	100%	257	100%	93	100%	20	100%

Note: Shows the number and percentage of substantive reform recommendations which primarily relate to each of thirteen procedural topics. Percentages may not sum to 100 due to rounding.

This therefore provides confirmation that the different approaches have previously produced proposals addressing different topics, so might vary similarly in the future. But there is no guarantee that the specific topics they focused on would be replicated in a changed political context. It is therefore useful not just to explore the topics themselves, but also to ask how far proposals from each approach focused on only a few topics or spread their attention more widely.

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conduct and expenses', while an increase in the size of departmental select committees falls under 'committees'. The 'timetable' category includes any proposals related to when the Commons sits or how its agenda is set, but proposals relating to the programming of legislation are categorised instead as 'legislative process'.

[29] The 'voting' topic here mostly captures the committee's recent reports into proxy voting (Procedure Committee 2018, 2020).

Figure 3.1. Breadth of procedural reform proposal topics
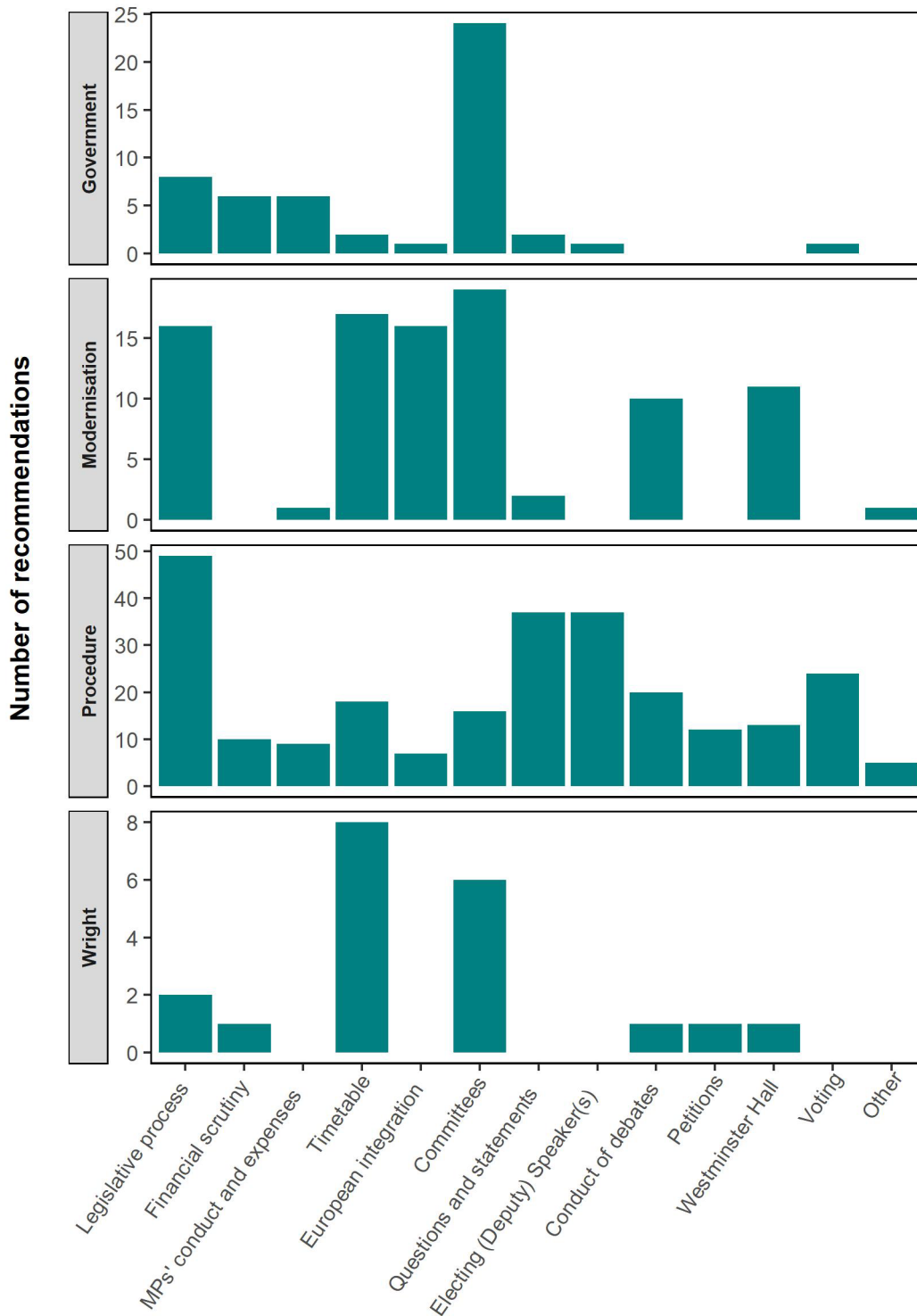
To explore this visually, Figure 3.1 shows the distribution of proposals across topics for each approach. Combining this with Table 3.2 shows that the approaches did vary substantially in their breadth of focus. The government-led route was very focused on just one category, with 47% of its recommendations relating to committees. It also gave substantial attention to three other topics that each made up at least 10% of its proposals: the legislative process, financial scrutiny, and MPs' conduct and expenses. Among the committees, the Wright Committee's proposals were the most

tightly focused. Its temporary nature meant it produced comparatively few recommendations, and these were almost entirely focused on just two topics: the timetable (40%) and committees (30%). The Modernisation Committee spread its attention a little more widely, but did still have some fairly prominent categories, six of which attracted at least 10% of its proposals. The Procedure Committee saw the most even spread in its attention, and was the only committee to make at least one recommendation in every category. This is not solely driven by the fact our data for the Procedure Committee covers a longer timespan than that for the other committees. However, that does have some impact, as focusing only on the 1997–2010 period shows a slightly less balanced spread, with 28% of proposals looking at the rules governing (Deputy) Speaker elections and 24% at questions and statements.

These differences between the three committees fit intuitively with what we might expect given their varied remits and structures. The Wright Committee was set up with a mandate to consider four specific areas: how members and chairs of select committees were appointed, how the Deputy Speakers were appointed, the scheduling of business in the Commons, and allowing the public to initiate discussions in the House. The second of these ended up being superseded by a separate Procedure Committee investigation, and so the Wright Committee agreed to focus on the remaining three (House of Commons Reform Committee 2009: 15–16). Our data suggests that this focus was reflected in the committee's eventual recommendations: 15 of 20 separate proposals related to committees, the scheduling of Commons business, or petitions from the public. This highlights how establishing a committee with a very specific remit can be effective at producing a set of tightly-focused recommendations.

The Modernisation Committee's remit to 'consider how the practices and procedures of the House should be modernised, and to make recommendations thereon' was far less precise. Moreover, observers have highlighted that the committee itself did not produce a clear blueprint of how it understood its goals (Brazier et al. 2005: 78). However, our data suggests that it did tend to focus most of its recommendations on a few key areas: committees (20%), the House's timetable (18%), the legislative process (17%) and scrutiny of EU-related policy-making (17%). It is possible that having the Leader of the House as the committee's chair contributed to this pattern. It has been well-documented elsewhere that the committee's vague remit meant its goals and priorities varied over time according to the interests of successive – and often rapidly reshuffled – Leaders (Kelso 2007: 139–143). However, it may be that despite their different priorities, these chairs were likely to be interested in broadly similar procedural topics, by virtue of the government office they held. Most obviously, government's clear interest in the rules governing how the House manages its time and scrutinises legislation might have contributed to the committee's focus on these topics.

Lastly, the Procedure Committee has the broadest remit of these three committees, being tasked to 'consider the practice and procedure of the House in the conduct of public business, and to make recommendations'. This doesn't constrain it to considering specific areas, like the Wright Committee, or to pursuing particular (even if ill-defined) goals, like the Modernisation Committee. It is perhaps unsurprising, therefore, that it has previously spread its attention much more widely. There are some issues that the committee has revisited on multiple occasions, such as petitions, parliamentary questions, private members' bills, proxy voting, and how the Speaker and their Deputies are selected. But it has clearly taken a more piecemeal and less strategic approach, reviewing various different parts of the procedural landscape. This is partly because the committee's approach has also often been reactive, opening inquiries in response to particular

emerging issues or requests from the Speaker, MPs, or ministers. This likely makes it a useful vehicle for considering new or repeated procedural problems, and investigating areas of concern to MPs, but is rather different from adopting and pursuing a clearly-defined overarching reform agenda.

Pursuing 'effectiveness'

We now investigate the goals of these three committees' reform proposals, to ask how far they aimed at enhancing the Commons' 'effectiveness', i.e. 're-balancing executive–legislative relations in favour of parliament' (Kelso 2007: 14). As explained in Chapter 2, we focus on these proposals because we expect them to be salient for many current proponents of reform. Moreover, it is plausible to expect that the ministerially chaired Modernisation Committee might be less receptive to such proposals, making it important to understand if the evidence bears out this expectation.

By close reading of each committee recommendation, we have identified all of those which were presented as intending to enhance effectiveness. More specifically, this includes anything which sought to give non-ministerial MPs additional power(s) or reduce those of the government, to create new vehicles or tools for scrutiny, or to make existing vehicles of scrutiny more independent of the government or party whips. We base this assessment on the justification offered in the original report, rather than making our own assessment of proposals' likely consequences.[30] This approach means we do not analyse government-led proposals here, as we lack an equivalent of the explanations provided in select committee reports. We might have tried to infer ministers' goals from the content or consequences of their proposed changes. But neither of these offer a reliable window into what ministers were really trying to achieve, especially given the possibility of reforms having unintended or unanticipated effects.

Table 3.3. Procedural reform proposals addressing 'effectiveness'

Period	Procedure Committee	Modernisation Committee	Wright Committee
1997–2001	9/36 (25%)	8/29 (28%)	-
2001–05	13/35 (37%)	19/39 (49%)	-
2005–10	10/36 (28%)	15/25 (60%)	19/20 (95%)
2010–15	30/89 (34%)	-	-
2015–17	2/15 (13%)	-	-
2017–19	9/19 (47%)	-	-
2019–22	2/27 (7%)	-	-
Total (1997–2022)	75/257 (29%)	42/93 (45%)	19/20 (95%)

Note: Shows the number and percentage of substantive procedural reform recommendations which were justified as enhancing 'effectiveness'.

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[30] This means that apparently contradictory proposals might be coded similarly, if their authors were pursuing the same goals. For instance, at different times committees have recommended both increasing and decreasing the size of departmental select committees to make them more effective.

Table 3.3 shows the number and percentage of each committee's proposals which they primarily justified in terms of effectiveness. It demonstrates that the Wright Committee was clearly the most focused on effectiveness, which was the stated motivation of almost all of the relevant recommendations. This is relatively unsurprising, given that its proposals famously focused on reducing the government's control of the Commons agenda, and parties' control of select committees. However, the same cannot be said for the pattern shown by the other two committees. Here, we find that 45% of the Modernisation Committee's recommendations explicitly sought greater effectiveness, as compared to only 29% of those from the Procedure Committee. This contrasts with what we might expect, given the emphasis sometimes placed on the idea of the Modernisation Committee serving the government's goals at the expense of effective scrutiny.

While the Modernisation Committee may have paid less attention to effectiveness than some MPs would have liked, our evidence suggests that it did nonetheless pay quite substantial attention to the issue. For instance, its 2002 report on select committees framed its recommendations as being intended 'to strengthen the independence, status and resources of Parliament's committees of scrutiny' (Modernisation Committee 2002b: 8), and two separate reports investigated ways to make the House's scrutiny of EU-related business more effective (Modernisation Committee 1998, 2005). Moreover, the Modernisation Committee appears to have been more focused on pursuing effectiveness than the main backbench-only alternative, the Procedure Committee. The Procedure Committee has undeniably produced a number of recommendations seeking to enhance ministers' accountability to MPs. For instance, a 2002 report proposed various reforms to parliamentary questions, and argued that 'the balance of power at Question Time between Minister and questioner is at present tilted too far in favour of the former' (Procedure Committee 2002: 17). In the same spirit, the committee devoted an entire 2011 report to the topic of 'improving the effectiveness of parliamentary scrutiny' (Procedure Committee 2011b: 3). The committee's various proposals on the private members' bills process (see Box 4.3) also sought to enhance the legislative role of individual MPs. However, the committee has produced a wide range of other proposals which relate less directly to questions of effectiveness, addressing issues as varied as the use of the Welsh language by select committee witnesses (Procedure Committee 2000), the introduction of lay members to the Committee on Standards (Procedure Committee 2011c), and a system of proxy votes for MPs (Procedure Committee 2018a, 2020a).

It is also notable that our evidence suggests an increase over time in the Modernisation Committee's interest in effectiveness. While this motivated only 28% of the included recommendations in the committee's first term, that figure rose to 49% in its second term, and reached 60% in its third (and final) term. This is compatible with Kelso's (2009: 130–31) suggestion during the 2005–10 parliament that the committee had experienced a 'maturation' and was taking a more scrutiny-minded approach to issues like the legislative process and the role of backbench MPs. The committee itself seemed to acknowledge this shift: the introduction to its 2007 report on 'revitalising the Chamber' noted that 'The changes introduced by our predecessors have helped to make the House of Commons more efficient. We hope that some of our proposals, like those we made last year on the legislative process, will also help to make it more effective' (Modernisation Committee 2007: 6).

The key lesson of this evidence seems to be a warning against assuming that a ministerially chaired select committee would necessarily neglect questions of effectiveness and scrutiny, or that a

backbench-only committee would necessarily prioritise them. However, that lesson comes with a couple of caveats. First, our classification of recommendations is based on their stated motivations, rather than our own assessment of their effects (or likely effects, in the case of unimplemented proposals). And of course not all reforms will meet the goals their advocates expect. For instance, Kelso (2007: 152–53) argues that the creation of Westminster Hall debates was advocated on grounds of effectiveness (hence us coding it as such), but has inadvertently served other goals. Second, our analysis focused only on those recommendations which endorsed specific procedural changes. It is possible that committees' non-procedural recommendations, or recommendations *against* procedural change, might have been underpinned by different kinds of justification.

Summary

This chapter has asked how far different past approaches to delivering Commons reform produced different kinds of proposals. We first showed that proposals produced by government initiative, unlike those from the three select committees, often seek minor 'housekeeping' changes which would not materially alter the substance of the House's rules. Moreover, while the government-led approach has proposed some more substantive changes, it is unusual – and sometimes controversial – for major procedural reforms to be developed without the direct involvement of a parliamentary committee.

We then looked the areas of procedure investigated by each approach, and found that they varied not only in the specific topics they addressed but also in the breadth of topics. In particular, the Wright Committee and – to a lesser extent – the Modernisation Committee focused their attention on fewer topics than the Procedure Committee, which took a more wide-ranging and piecemeal approach. This variation may be partly due to the committees' different remits and chairing arrangements.

Finally, we showed that the committees also varied in their attention to questions of 'effectiveness', but not necessarily in the way that we might have expected. The Wright Committee paid most attention to enhancing the Commons' ability to provide effective scrutiny and challenge to government. But more strikingly, the Modernisation Committee also paid substantial attention to this issue, and did so to a greater extent than the Procedure Committee. This suggests that reformers seeking to strengthen the Commons' scrutiny capacity should not assume that a government-chaired committee is either incapable of producing such reforms, or less so than a committee including only backbenchers.

Put together, the evidence presented here suggests that the choice of institutional vehicle for developing procedural reform proposals matters for the substance of those proposals. We now turn to asking if it also matters for their chances of actually being implemented.

Chapter 4. Implementation of Reform

The success of any mechanism for developing procedural reforms clearly depends on whether its proposals are actually implemented. This makes it crucial to understand whether the four approaches discussed here differed in how far their proposals were adopted, as well as what might explain any such differences. This chapter therefore reports how far proposals from the government and select committees were implemented, what obstacles caused any non-implementation, and whether these patterns differed depending on the substance of proposals.

Comparing approaches

Table 4.1 shows how many of the (substantive) recommendations from each approach were implemented or not. We identified this by consulting a wide range of parliamentary sources, including records of the Commons' debates (i.e. Hansard) and proceedings (i.e. the Journal), as well as *Erskine May*, secondary literature, and relevant committee reports.[31]

Table 4.1. Implementation rate of procedural reform proposals

Approach	Implemented	Not implemented		Total
		Defeated	Not tabled	
Government	50 (98.0%)	1 (2.0%)	N/A	51 (100%)
Procedure Committee	132 (51.4%)	8 (3.1%)	108 (42.0%)	257 (100%)
Modernisation Committee	65 (69.9%)	5 (5.4%)	21 (22.6%)	93 (100%)
Wright Committee	9 (45.0%)	0 (0%)	11 (55.0%)	20 (100%)

Note: Shows the number and percentage of substantive recommendations which were implemented, and whether un-implemented recommendations were put to the House and defeated or not put to the House at all. Excludes ten recommendations which we have coded as 'unclear' (two from the Modernisation Committee, eight from the Procedure Committee), and one (from the Procedure Committee) which was moved in the House but then withdrawn. 'Implemented' includes 14 proposals which did not require explicit approval of the House, but for which we can see evidence of implementation. Percentages may not sum to 100 due to rounding and to excluded categories.

The resulting data shows clear differences between the four approaches. Government-led proposals had the highest implementation rate, at 98%, with just one proposal failing to be adopted. As noted in Chapter 2, our approach to data collection means we do not capture any government proposals which were not put to the House. But while this slightly complicates the comparison with committee recommendations, we can still see clearly that government proposals which are put to the House are almost always agreed to. Turning to the committees, the Modernisation Committee saw roughly 70% of its recommendations implemented, including major changes that established Westminster Hall debates, allowed carry-over of bills between parliamentary sessions (see Box 4.1), and increased the use of evidence-taking by public bill committees. The Procedure Committee and Wright Committee each had implementation rates of

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[31] We classified recommendations as either 'fully' or 'partly' implemented, with the latter category encompassing those which were substantially modified from the original proposal. However, we do not report this category separately here, as it accounts for just 11 of the 256 implemented proposals.

around 50%. This pattern shows clearly that the two approaches with government involvement were much more successful at delivering change than the two backbench select committees.

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Box 4.1. The Modernisation Committee and carry-over

In its first ever report, *The Legislative Process* (Modernisation Committee 1997), the Modernisation Committee recommended carry-over of public bills as part of a package of measures for improving the House's legislative scrutiny procedures. Carry-over is when a bill is allowed to continue its progress in the next session of parliament, rather than – as under the previous arrangements – falling at prorogation and having to re-start its progress from scratch. That previous system created an imbalance in the legislative timetable, with the government being incentivised to publish major bills at the start of each session to ensure they had enough time to pass, and the House of Lords then coming under pressure towards the end of each session once it received those bills from the Commons. The committee argued that the hard deadline of prorogation led to legislative scrutiny being rushed and less effective, and so recommended carry-over as 'a positive means of improving the quality of legislation' (Modernisation Committee 1997: 19). The House approved this idea in principle in November 1997, and it was then implemented in several stages, each influenced by further Modernisation Committee reports (Modernisation Committee 1998a, 2002a). Carry-over was finally embedded in the House's permanent rules with the adoption of Standing Order No. 80A on 26 October 2004. This represented a radical change to parliament's legislative process, and finally implemented an idea that had been first proposed as long ago as 1882 (Sharpe and Evans 2017: 234–35).

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However, the backbench committees were not entirely ineffective, given that they each saw roughly half of their specific recommendations being successfully implemented. As discussed earlier in this report, the Wright Committee's proposals led to the introduction of elections for select committee chairs and members, and the creation of backbench business and the Backbench Business Committee. The Procedure Committee has been behind major procedural changes including a new process for electing the Speaker (Procedure Committee 2001), elections for the Deputy Speakers (Procedure Committee 2009a), the introduction of lay members to the Committee on Standards in 2012 (and its split from the Committee on Privileges) (Procedure Committee 2011c), a system for scrutinising Brexit-related delegated legislation (Procedure Committee 2017), and the introduction and extension of proxy voting for MPs (described further in Box 4.2 below) (Procedure Committee 2018a, 2020a). The committee has also inspired plenty of smaller changes to less high-profile aspects of the House's work. For example, in the 2012–13 session one of the committee's reports (Procedure Committee 2012a) led to an increase in the daily number of written questions that could be e-tabled by each MP.

Given that our data for each of the four approaches covers different periods of time, it is useful to explore how far these implementation rates varied between parliaments. This is not relevant for the government given its near-total success rate, nor for the short-lived Wright Committee. But Table 4.2 shows the implementation rates for the Procedure Committee and Modernisation Committee for each of the post-1997 parliaments in which they were appointed.

Table 4.2. Implementation rate of procedural reform proposals over time

Period	Procedure Committee	Modernisation Committee
1997–2001	20/36 (55.6%)	26/29 (89.7%)
2001–05	20/35 (57.1%)	17/39 (43.6%)
2005–10	22/36 (61.1%)	22/25 (88.0%)
2010–15	35/89 (39.3%)	-
2015–17	6/15 (40.0%)	-
2017–19	12/19 (63.2%)	-
2019–22	17/27 (63.0%)	-

Note: Shows the number and percentage of implemented substantive proposals for each parliament since 1997. Proposals are listed for the parliament in which the relevant report was published, even if they were implemented in a different parliament. Only includes substantive proposals.

Table 4.2 suggests that both committees' influence varied over time. The Procedure Committee's implementation rate reached a high of 63.2% in the 2017–19 parliament, and a low of 39.3% in the 2010–15 parliament.[32] This suggests that the committee – while generally less influential than the Modernisation Committee – has seen its impact vary depending on circumstances. In the case of the Modernisation Committee, disaggregating its overall implementation rate of 69.9% shows that it actually saw nearly 90% of its proposals implemented in its first and third terms. The committee's much lower overall average is driven by the 2001–05 period, when its implementation rate dropped to 43.6%. This is predominantly due to 12 unimplemented recommendations from a report on 'Scrutiny of European Business' (Modernisation Committee 2005), and a further six from its report on the select committee system (Modernisation Committee 2002b), which we discuss further below. Regardless, this does not alter the overall picture of the Modernisation Committee having been more influential than the Procedure Committee.

What might explain these differences? It seems likely that the differing levels of government involvement in each approach may have played a role. Our focus here has been on reforms to the Commons' formal procedures, which generally (though not always) need to be approved by a vote of the House. Such proposals therefore face two main hurdles: getting put to the House for a decision, and getting the support of a majority of MPs (or at least those MPs present and voting). The approaches involving ministers have significant advantages at both of these stages. Ministers have an automatic right to put their proposals onto the House's agenda; select committees do not, and largely depend on ministers agreeing to table committee proposals in government time. This gives ministers the power to advance their own preferred proposals, and to hold up others.[33] Once proposals reach the floor, the governing party or parties usually hold a majority of seats in the Commons, helping proposals favoured by the government to attract the necessary votes. While procedural changes have often been the subject of unwhipped 'free votes' (Norton 2001: 20), this has not always been the case in recent years (Bryant 2023: 138–39), and in some cases party whips

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[32] While our emphasis here is on implementation *rates*, it is worth noting that the committee actually saw its highest *absolute number* of recommendations implemented in the 2010–15 parliament.

[33] We say 'hold up' rather than 'veto', as committees might also appeal to other actors to whom some parliamentary time is allocated: the Backbench Business Committee, or those opposition parties entitled to 'opposition days'.

have influenced even nominally free votes (see e.g. Kelso 2003: 65–66). Moreover, research suggests that even in free votes without this kind of covert whipping, parties often vote relatively cohesively (Cowley and Stuart 1997).

Box 4.2. The Procedure Committee and proxy voting

One recent reform based on Procedure Committee proposals is the introduction of proxy voting, which allows MPs who are new parents to nominate another MP to vote on their behalf. This idea had been proposed in a 2016 report on *The Good Parliament* (Childs 2016), as a way to ensure that the constituents of MPs with new children were not left unrepresented in the Commons' decisions. In February 2018, the House endorsed a motion – proposed by Harriet Harman as an item of backbench business – that supported the general principle of a proxy voting scheme. The Procedure Committee then brought forward detailed proposals for this scheme in May of the same year (Procedure Committee 2018a). However, the government did not then give the House an opportunity to approve the implementation of those proposals, with a debate in September 2018 only being held on a motion that 'this House has considered proxy voting in the House of Commons'. The issue rose to prominence again in January 2019, when heavily pregnant MP Tulip Siddiq attended the Commons in a wheelchair to take part in the first Commons vote on whether to approve the government's EU withdrawal agreement. This episode generated widespread criticism, and within two weeks the government had tabled proposals for proxy voting which were largely based on the Procedure Committee's earlier recommendations (Fleming 2021: 950–52). The House approved the introduction of a pilot scheme on 28 January 2019, and it was made permanent on 23 September 2020 after a further review by the Procedure Committee (Procedure Committee 2020a).

To further explore the differing success of proposals produced via each route, Table 4.1 also shows the different obstacles faced by the unimplemented reform proposals. In particular, it breaks down these proposals into those which were not put to the House for a decision and those which were put to the House but were then defeated. For government-led proposals, only the second category is relevant: our data collection only included proposals which were tabled and moved, and there is no doubt about ministers' ability to get their proposals onto the Commons agenda if they wish. The only uncertainty is about whether MPs will then endorse them, and this does almost always happen. We found just one instance of a government-led proposal being defeated by MPs. This came on the final day of the 2010–15 parliament, when ministers tabled a proposal – at short notice – to allow a secret ballot of MPs after a general election on the question of whether to re-elect the sitting Speaker. This had a connection to an earlier Procedure Committee report in 2011, but that report had merely recommended that the House be invited to decide between a secret ballot or an open division, without expressing any view on which was preferable (Procedure Committee 2011a: 10–11). The government's decision to revive this question several years later was criticised by some – including Procedure Committee chair Charles Walker – as an attempt to make it easier for the Conservatives to remove the sitting Speaker, John Bercow, if they were returned to office (BBC News 2015; Russell 2015). In the end, the proposal was defeated by 228 votes to 202, thanks to various opposition parties combining with 23 Conservative MPs and 10

Liberal Democrats. Aside from this noteworthy example, it is clear that government-led proposals for procedural change have almost always been approved by the House.

Box 4.3. The Procedure Committee and private members' bills

An area where the Procedure Committee has not achieved reform, despite publishing multiple reports, is the process by which the Commons considers private members' bills (PMBs): legislative proposals introduced by ordinary MPs rather than by ministers. This process has remained largely unchanged for decades, despite numerous criticisms and reform proposals from organisations like the Hansard Society (see Brazier and Fox 2010).

The Procedure Committee examined the PMB process in 2003 without recommending any major reforms (Procedure Committee 2003). But when it returned to this issue in a 2013 report, the committee reached a more critical verdict and suggested a series of procedural changes. That report highlighted that in the preceding session nine of the 10 successful PMBs had been 'hand-out' bills, i.e. proposals which ministers asked a backbencher to sponsor due to a lack of time in the government's own legislative programme. Moreover, some genuine backbench proposals had been 'talked out' by ministers or other MPs using procedural tactics to prevent the House reaching a decision (Procedure Committee 2013). The committee therefore recommended various changes aimed at making the process more transparent and removing procedural obstacles to the House debating, scrutinising, and adopting backbenchers' proposals.

However, the government rejected what the committee described as its 'central recommendation' (Procedure Committee 2014: 5): allowing programming of private members' bills to ensure they could actually be voted on. The committee thus dropped this proposal, as 'an idea whose time has not yet come', and produced revised proposals that instead sought a new convention that PMBs should be put to a vote at the end of their second reading (Procedure Committee 2014: 5).

The government did not put these new proposals to the House before the 2015 election, and so in the next parliament the Procedure Committee returned to the fray yet again with further recommendations (Procedure Committee 2016c). And yet again the government failed to make time for the House to consider those recommendations. This prompted a final scathing riposte from the committee, in which it argued that: 'It is hard to avoid the conclusion that the previous administration had been dodging the serious issues raised by an increasingly discredited legislative process and failing to meet its responsibilities to the House. … The behaviour above has been going on for far too long. Efforts to increase the transparency and reputation of the process must no longer be subject to continued procrastination: The House must have an opportunity to come to a decision on our proposals' (Procedure Committee 2016b: 6).

This rebuke did not lead to a change of heart by the government, which largely repeated its rejections of the committee's main procedural recommendations and did not put them to the House for debate. Indeed, even a proposal that the government accepted – renaming private members' bills as 'backbench bills' – was never put to MPs for their approval. For now, the matter has rested there, with no further action being taken by either the Procedure Committee or the government.

The main obstacle facing committees during our period of study, and particularly the two backbench committees, was simply getting their proposals onto the Commons' agenda. Of the 11 Wright Committee recommendations which were not implemented, none were actually put to the House.[34] Moreover, the committee members and other backbenchers had to overcome considerable delaying efforts to secure discussion of key proposals which were eventually agreed to (Russell 2011). The Procedure Committee faced similar difficulties, with its 116 unsuccessful recommendations including just eight which were actually defeated. Moreover, six of those recommendations were put to the House despite the government not making time for them to be debated.[35] This was achieved by either tabling the committee's proposals as amendments to related government motions, or by having them debated as an item of backbench business.[36] The remaining 108 recommendations were not put to the House for a decision. These were drawn from a large number of reports on a variety of topics, including proposals to reform the private members' bill process (see Box 4.3 above), to establish a House of Commons Budget Committee (Procedure Committee 2019), and to allow select committees to table amendments to motions and bills (Procedure Committee 2009b). In some cases, such as the committee's report on select committee amendments, the report was just never put to the House for a debate. In others, the government put forward some recommendations from a report but not others. For example, a 2009 report recommended updating the procedure for electing the Speaker and introducing new procedures for electing the Deputy Speakers (Procedure Committee 2009a). The government only put forward the proposals relating to the Deputy Speakers, producing the following complaint from the committee chair, Greg Knight:

> I deplore the decision made by the Leader of the House to cherry-pick the Procedure Committee's report. She has let the House down by denying it the opportunity to make its own decisions on some of the recommendations in that report.[37]

Of course, it is possible that many of these undebated proposals might have been defeated had they been put to the House, given their evident lack of government support. But in most cases, this was never put to the test. Our evidence thus echoes various recent claims that ministers' large degree of agenda control allows them to block discussion of procedural reforms (Russell and Gover 2021; White 2022; Wright 2022).

Compared to the two backbench-only committees, the Modernisation Committee had much less difficulty at getting its proposals onto the agenda. Just 21 of its recommendations (22.6%) failed in this way. Moreover, 12 of these came from just one report: the 2005 report on scrutiny of European business (Modernisation Committee 2005), which was published only a few weeks before parliament was dissolved for the 2005 general election, limiting its window for impact. In other cases, the Leader of the House brought forward some proposals from a report but not others, as seen above for the Procedure Committee. For instance, the committee's 1998 report on

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[34] The committee's proposal for a House Business Committee was approved in principle before the 2010 general election (Russell 2011: 624), but proposals for actually implementing that reform were not then put to the House.
[35] The other two, which stemmed from the committee's review of the Backbench Business Committee (Procedure Committee 2012), were debated in government time on 2 December 2013. However, given that the government clearly opposed them, the committee chair decided to not push them to a vote. They were only then decided on because they had been put to the House in a motion that included a further proposal accepted by the government. The House thus passed amendments (without any division) to remove these proposals from the motion before adopting it.
[36] Examples of both of these alternative routes are discussed in Chapter 5 below.
[37] HC Deb 4 March 2010, vol 506, c1073.

conduct in the chamber (Modernisation Committee 1998b) recommended replacing the process of 'spying strangers', whereby MPs could force a vote on the House sitting in private, i.e. without journalists or members of the public. However, when various recommendations from that report were brought forward for approval, this proposal was excluded. Instead, the government proposed retaining the existing procedure, but simply changing the wording to refer to sitting in private rather than spying strangers. The Leader of the House, Ann Taylor, defended this on the grounds that the original proposal would have had consequences not foreseen when it was drawn up.[38] In another case, the committee's 2002 report on select committees had proposed increasing the size of such committees to 15 while also reducing the size of the Liaison Committee (Modernisation Committee 2002b). The Liaison Committee objected to both proposals, prompting the Leader – Robin Cook – to not put either of them to the House.[39]

That same report on select committees was responsible for four of the five defeats of Modernisation Committee proposals. Those defeated proposals were part of an attempt to reduce the influence of party whips over the nomination of committee members. While this was officially the subject of a free vote, it has been widely argued – including by Leader of the House Robin Cook (2004: 152–53) himself – that the government whips helped to organise opposition (Flinders 2007; Kelso 2003). This shows that having a minister chair the committee does not necessarily guarantee successful reform, especially if that minister lacks a close working relationship with their party whips. It also highlights how divisions within government can play a role in the process of Commons reform, which is a theme we return to in Chapter 5.

Despite these exceptions, the Modernisation Committee was usually able to get its proposals discussed and approved, while the Procedure Committee was more often stymied by ministers' control of the Commons agenda.[40] However, both of these approaches still face the same fundamental challenge – securing government support for procedural change – but encounter it in different ways. The Procedure Committee faces this challenge *after* publishing its reports, and thus runs the risk that the government will block its proposals by simply not allowing them to be debated. By contrast, the Modernisation Committee faced the challenge of securing government support *before* publishing its reports, given that it was chaired by the Leader of the House. That unusual structure meant that consideration of what the government would support was built into the initial development and discussion of proposals, increasing their chances of implementation.

Comparing proposals

We have shown that among the three committees, the Modernisation Committee had far more success at getting its proposals implemented. But it is interesting to probe further whether the implementation rate of each committee's proposals differed depending on their goals. Our data on how far proposals were advocated as 'effectiveness' reforms allows us to explore whether such reforms have generally been less frequently implemented than others, due to ministers using their influence in the reform process to resist advances in scrutiny. We can also explore whether the

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[38] HC Deb 4 June 1998, vol 313, cc557–8.
[39] HC Deb 14 May 2002, vol 385, cc658–9
[40] The creation of backbench business since 2010 does not seem to have allowed MPs to bypass this obstacle when pursuing procedural change, for reasons we will explore in greater depth in a future report.

Modernisation Committee was better placed to overcome this potential obstacle. Table 4.3 therefore compares the implementation rate of explicitly effectiveness-related proposals versus other proposals, from the Procedure Committee and Modernisation Committee.

Table 4.3. Implementation rate of reform proposals addressing 'effectiveness'

Committee	Effectiveness proposals	Other proposals
Procedure	31/75 (41.3%)	101/182 (55.5%)
Modernisation	25/42 (59.5%)	40/51 (78.4%)
Combined	56/117 (47.9%)	141/233 (60.5%)

Note: Shows the number and percentage of substantive proposals justified on grounds of greater effectiveness, and other proposals, which were successfully implemented.

This shows that effectiveness-related reform proposals have indeed had a harder time getting implemented. They had an overall implementation rate of 47.9%, compared to a rate of 60.5% among other proposals. That gap persists when looking separately at the Procedure Committee and Modernisation Committee. However, the latter's generally higher implementation rate means that while its effectiveness proposals were less successful than its other proposals, they were still considerably more successful than effectiveness proposals from the Procedure Committee. In other words, the Modernisation Committee was a more reliable vehicle for delivering effectiveness-related reforms in particular, as well as procedural reforms in general.

Summary

This chapter has shown that past approaches to developing House of Commons reform varied dramatically in how far their proposals were actually implemented. We first showed that government-led proposals are almost always adopted if they are put to the House. This is unsurprising for several reasons, chiefly that we can only observe proposals which were announced publicly, and ministers only usually bring proposals to parliament which they expect to be approved. Moreover, we argued in Chapter 3 that the government-led approach is rarely used for developing major reform proposals, and focuses instead on minor tweaks, which are less likely to face opposition.

The more interesting comparison is therefore that among the three committees. Our evidence shows that the entirely backbench committees – the Procedure Committee and Wright Committee – both struggled to get their proposals debated in the House. They did have some successes, with around half of both committees' recommendations being brought forward for a decision, and most of those being approved. But just as often, they were unable to persuade ministers to allocate parliamentary time to their proposals. The Modernisation Committee was less prone to this problem, although not entirely immune. Almost 70% of its proposals were implemented, and a further 5% were put to the House but defeated. Moreover, proposals motivated by tilting the balance of parliamentary power away from ministers were generally less successful at being implemented, regardless of which committee proposed them. Yet the Modernisation Committee's

greater levels of influence meant that it was able to deliver these 'effectiveness' reforms more consistently than the Procedure Committee.

This all provides further confirmation of earlier arguments that having a minister in the chair made it easier for the Modernisation Committee to get a hearing for its recommendations, by ensuring they have the support of the Leader of the House and are thus more likely to be accepted by the government (Gay 2005; Kelso 2007). There might be other ways to achieve the same goal, via wider reform of how the Commons' agenda is set (Russell and Gover 2021), or by ministers allowing more discussion of committee proposals. We intend to explore these issues in a future report. But in the short-term, under the current agenda-setting rules, and with a new or re-elected government likely to have many other calls on its finite parliamentary time, a ministerial chair may still be crucial for ensuring that any reform-focused committee can get its proposals discussed.

Chapter 5. Building Wide Support

Implementing reforms is one thing; securing wide support for them is quite another. Of course, reformers may only care about their proposals obtaining the minimal support required to pass through the House of Commons. But, as discussed in Chapter 2, it could be desirable for reforms to be rooted in a wider agreement between and within parties. This might ensure that they are seen as legitimate, have the expected effects, and avoid being swiftly repealed under a future government.

This chapter therefore examines how far the different approaches studied here generated division or agreement. We do this in three stages. First, we look at how far the three committees saw internal divisions rather than consensus when agreeing their reports, and examine the patterns of disagreement in any such divisions. Second, we look at the Commons chamber, to ask whether committee reports which were put to the House for a decision were approved unanimously or pushed to a vote instead. Finally, we draw on existing literature to briefly discuss the potential impact of (dis)agreement within government on the process of Commons reform.

Consensus in committees

Table 5.1 shows how far each committee held formal votes ('divisions') when agreeing its reports.[41] Any such divisions are listed in the formal minutes published with each report. We first indicate the total number of reports and the number which saw at least one division. We then show the number of reports which saw a 'government–opposition' division in which MPs from the governing party (or parties) voted against those from opposition parties without any cross-voting. Finally, we show the total number of divisions and the mean number per report. We consider these multiple measures because they capture slightly different phenomena. A high number of total (and therefore average) divisions could indicate just one or two reports with a large number of votes. Examining how many reports saw at least one division allows us to disentangle the overall number of divisions from their frequency.

The Modernisation Committee clearly saw substantially more divisions than the Procedure Committee on all of the measures presented in Table 5.1. More of its reports saw divisions, more of those divisions saw a straight government–opposition split, and it held a larger number of divisions across far fewer reports, thereby producing a much higher average number per report. At its most extreme, this saw 29 divisions on the committee's 2008 report on regional accountability (Modernisation Committee 2008). Five of these were government–opposition splits, and on four occasions – including the final adoption of the report – the chair (i.e. the Leader of the House, Harriet Harman) voted to break a tie. That report was the committee's last, in part due to the impact of this disagreement (Maer 2019: 769).[42] But it is merely the most extreme example of a wider trend: the committee's tendency to experience more frequent, more extensive, and more partisan divisions. Our evidence thus echoes earlier work showing the committee's vulnerability to internal divisions when the opposition felt it was giving too great a priority to

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[41] This data is based on the 119 'standard' committee reports which we used to identify the individual recommendations studied in Chapters 3 and 4.

[42] Indeed, the Conservatives then boycotted the resulting regional select committees (Torrance and Evans 2019: 874).

pursuing the government's own interests (Kelso 2009: 49–73). These divisions did not prevent the committee making progress with its work, as opposition efforts to amend or oppose draft reports were generally unsuccessful, given the inbuilt Labour majority. But the results of that progress were reports which were published without the full endorsement of the whole committee.

Table 5.1. Committee divisions on reports

Committee	Total reports	Reports with at least one division	Reports with a gov–opp division	Total divisions	Average divisions
Procedure Committee	89	10 (11.2%)	1 (1.1%)	44	0.49
Modernisation Committee	28	8 (28.6%)	3 (10.7%)	78	2.79
Wright Committee	2	1 (50.0%)	0 (0.0%)	3	1.50

Table 5.1 shows that the Procedure Committee has generally held divisions less often, and that when they have occurred they have tended to be fewer in number and less likely to fall along government–opposition lines. During the whole lifetime of the Modernisation Committee, the Procedure Committee saw just four reports with divisions: two in 1997–2001, one in 2001–05, and one in 2005–10.[43] And 33 of the committee's 44 divisions across the whole period came from just three reports, which respectively contributed 14 (a 2021 report on procedure after coronavirus restrictions), 13 (a 2002 report on parliamentary questions) and six (a 2000 report on whether select committee witnesses could give evidence in Welsh). The remaining seven reports with divisions each saw only one or two. The committee experienced just three government–opposition splits, which were all on the 2002 report on parliamentary questions. Overall, the committee clearly has a much stronger record of reaching consensus.

Comparing these committees to others further highlights the extent to which the Modernisation Committee's level of internal division was unusual. Lynch and Whitaker (2021: 479) show that the Commons' departmental select committees held divisions on just 9% of their reports between 2010 and 2019. This is very similar to the equivalent figure for the Procedure Committee over our period of study (11.2%), and much lower than that for the Modernisation Committee (28.6%). This reinforces the impression that the Procedure Committee has generally operated more like a 'typical' backbench select committee, while the Modernisation Committee was unusually divided.

It seems likely that this contrast between the Modernisation and Procedure Committees is due to the major difference between them: the former having a government chair (and including opposition spokespeople) and the latter being a wholly backbench body. This might have had a direct effect, if the presence of the rival frontbenches naturally turned the committee into an arena for interaction between parties rather than select committees' norm of trying to seek a non-partisan 'committee view'. It might also have had an indirect effect, via the types of proposals the committee ended up discussing, especially when this was led by the chair. Kelso's (2009) work has

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[43] An interesting possibility is that this low number of divisions may have been partly due to the existence of the Modernisation Committee, if that committee's focus on more controversial areas of procedure led the Procedure Committee to avoid them.

shown that the committee's pursuit of 'efficiency' reforms like the programming of legislation were where the interests of government and opposition parties most clearly diverged, and where the committee saw some of its sharpest disagreements. That all being said, we should be cautious not to exaggerate the extent of divisions within the Modernisation Committee. While they were unusually frequent, and much more so than in the Procedure Committee, it was able to agree almost three-quarters of its reports by consensus.

The Wright Committee's rather different nature makes it harder to draw useful conclusions from the patterns shown above. It produced just two reports, of which the first saw three divisions and the second saw none. Given its temporary, one-off nature, and the small number of reports it produced, this does not offer clear lessons about what to expect from a similar model in the future. This is less difficult for the other committees, as we studied them over a longer period during which they showed quite consistent differences. Realistically, the extent to which a future temporary backbench committee like this would be able to build consensus would likely depend a great deal on its members, chair, and remit, as well as the political context in which it was established. Perhaps the main lesson for now is a reminder – when considered alongside the Procedure Committee – that backbench committees may see fewer internal divisions, but are not entirely immune to them.

Support in the chamber

The preceding section explored how far the different committees were internally divided; we now examine whether they were externally divisive. This means looking at how far committee reports caused divisions in the House as a whole, rather than being approved by consensus.

We explore this by looking at the same 119 committee reports considered so far in this chapter. For each report, we studied the parliamentary record to identify whether the report as a whole, or one or more of its recommendations, were put to the House for a decision.[44] If so, we then recorded whether there was a division on a motion to approve the report or its recommendations, or on an attempted amendment to such a motion. This allows us to understand whether any MPs were sufficiently unhappy with what was being proposed to try to either defeat or alter it.[45]

Table 5.2 presents this data for the three committees studied here. It first shows how many reports were put to the House for a decision. This echoes our earlier recommendation-level findings: a much larger share of Procedure Committee reports were not put to the House, compared to reports from the Modernisation Committee or Wright Committee. We thus find a similar pattern again, using a different (albeit closely related) measure.[46] The table then reports how many of the reports which were put to the House led to a division, and shows very clear differences between the three committees. As in our analysis of committee divisions, the most interesting contrast is between the Procedure Committee and Modernisation Committee, as they produced enough

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[44] This excludes cases where a select committee's chair made a statement to the House on the publication of a report but without a substantive motion being brought forward to approve or implement its recommendations.

[45] This approach means we do not have comparable data for the government-led proposals, as our dataset of those is based solely on motions which were tabled and moved, rather than reports which may or may not have been debated. Moreover, we know from our earlier analysis that most government recommendations – even those which we have coded as substantive – were for relatively minor procedural tweaks.

[46] It should be noted that some reports – and particularly some from the Procedure Committee – did not include any specific recommendations, and so may not have been intended to be debated in the House.

reports for a clear overall pattern to emerge. And also as with divisions inside the committee, we find that Modernisation Committee reports were much more divisive than those from the Procedure Committee.

Table 5.2. Commons divisions on committee reports

Committee	Reports not put to House	Reports put to House		Total reports
		No divisions	Divisions	
Procedure Committee	46 (51.7%)	33 (37.1%)	10 (11.2%)	89 (100.0%)
Modernisation Committee	8 (28.6%)	5 (17.9%)	15 (53.6%)	28 (100.0%)
Wright Committee	0 (0.0%)	0 (0.0%)	2 (100.0%)	2 (100.0%)

While the Procedure Committee did see votes connected to 10 of its reports, this was substantially outweighed by the other 33 which were put to the House – either partly or fully – and approved unanimously. Some of these divisions were due to MPs opposing, or seeking to modify, the committee's recommendations. In the 2010–12 session, the committee's first report recommended that the House adopt a resolution that important government policy announcements should be made to parliament in the first instance (Procedure Committee 2011d). It further suggested that breaches of this resolution should be investigated by the Speaker or – in more serious cases – the Committee on Standards and Privileges. When this was put to the House on 5 December 2011 as an item of backbench business, it was voted down by 228 votes to 119. Perhaps unsurprisingly given the subject matter, the division split largely along government–opposition lines: no opposition MPs voted against the proposal, and just 16 MPs from the two governing parties voted for it (15 Conservatives and one Liberal Democrat). In another case – a 2011 proposal to relax the restrictions on MPs' use of electronic devices in the chamber (Procedure Committee 2011e) – the division in the House reflected a continuation of disagreements within the committee. The division – on 13 October 2011 – was on an amendment seeking (unsuccessfully) to retain tighter restrictions than the committee had proposed. That amendment was tabled by a member of the committee who had voted against adopting the report, and was signed by several other committee members. In another case, a division was triggered by committee members trying to force a decision on proposals which the government had declined to put to the House. These related to the committee's 2004 report on the programming of legislation (Procedure Committee 2004). The government incorporated some of the committee's recommendations in new standing orders that were adopted on 26 October 2004 to replace the existing sessional orders. But it omitted others, including the suggestion that programme motions would need to be debated for up to an hour if they were not tabled with cross-party support. The committee's chair, Nicholas Winterton, thus tabled a number of amendments based on the committee's proposals, all of which were voted down by MPs.

Table 5.2 shows a very different picture for the Modernisation Committee. We identified 20 reports which were put to the House in some form, of which 15 saw divisions. Moreover, this pattern became particularly stark over time. All five of the reports to be considered without divisions were published in the 1997–98 or 1998–99 sessions. The last such case was the committee's report on Thursday sittings (Modernisation Committee 1999). Three motions approving and implementing some of its specific recommendations were agreed on 25 October

1999 without any division. After that, all further Modernisation Committee reports which were put to the House were met with some kind of formal vote. Some of these divisions reflected opposition – often along partisan lines – to the whole thrust of a particular report. This was the case, for example, with the committee's proposals in 2000 for more formal programming of legislation and 'deferred divisions' (Modernisation Committee 2000), and the 2008 report on regional accountability discussed above (Modernisation Committee 2008). On other occasions, divisions were more due to narrowly focused opposition, with MPs objecting to specific elements of a wider package of reforms. For example, a 2006 report recommended widespread changes to the legislative process, including increasing standing committees' ability to take evidence during their consideration of legislation (and renaming them 'public bill committees') (Modernisation Committee 2006). A motion welcoming the report and specifically approving a list of its recommendations was endorsed unanimously by the House on 1 November 2006. However, there was then a division on a subsequent motion to implement a specific recommendation increasing the notice period for amendments in public bill committees. On another occasion – the attempted 2002 reform of select committee nominations discussed above – a division actually led to part of the committee's proposals being defeated (see Kelso 2003).

A common theme in some of these debates on the Modernisation Committee's reports was the criticism – particularly from opposition members – that it was merely a vehicle for rubber-stamping government proposals. This was often tied to criticism of the Leader of the House's role as chair of the committee. For instance, in 1998 the Procedure Committee chair Nicholas Winterton argued that:

> With no disrespect to the Leader of the House, for whom I have great admiration, I am not sure that I believe that the Committee should be chaired by a member of the Government and Cabinet. That is the problem. We are debating Government proposals which the Government want to get through when it should be entirely a House of Commons matter …[47]

A decade later, similar concerns were expressed about the committee's 2008 report on regional accountability. As discussed earlier in the chapter, that controversial report was the subject of 29 divisions within the committee. The Shadow Leader of the House, Theresa May, highlighted this in the subsequent Commons debate on the report's proposals, saying:

> Given the reservations of the Modernisation Committee, it is all the more important that the House knows that this proposal, which originated from a policy proposal of the Prime Minister and the Government, was pushed through the Committee on the Chairman's casting vote – the Chairman, being, of course, the Leader of the House. There was no consensus for change.[48]

These examples demonstrate that MPs expressed concern at different times that the committee was not a venue for effective cross-party working. This view of the committee as largely a tool of the government is echoed in some academic work, such as in Kelso's (2007: 155) description of it as a 'government-driven feature of the parliamentary landscape'.

Finally, the Wright Committee's proposals were also met with divisions in the House. In one case on 4 March 2010 this was due to some MPs (largely from the Conservative Party) opposing the committee's proposal for committee chairs to be referred to in gender neutral language (i.e. 'chair'

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[47] HC Deb 16 December 1998, vol 322, cc1000–01.
[48] HC Deb 11 November 2008, vol 482, c818.

rather than 'chairman'). A further division on the same day reflected a (successful) attempt by backbenchers to resist an amendment – supported by both main parties' frontbenches – watering down the proposal for a backbench business committee (Russell 2011: 264). After the general election, there were further divisions on some of the details of how that new committee would be appointed. In particular, on 15 June 2010 some MPs supported a proposal that the committee's members should be elected for a whole parliament (as suggested in the Wright Committee's second report) rather than being freshly elected in each session (as the government proposed). This election process remained a contested issue and – as discussed in Chapter 3 – the government brought forward further changes in 2012.

As noted elsewhere, it is hard to draw firm conclusions from the Wright Committee's experience about what to expect from any future time-limited backbench committee organised on this model. But we can echo the same conclusion we offered about divisions within the committee. Just as a backbench select committee is not guaranteed to avoid internal disagreements, our evidence warns against assuming that its proposals would necessarily generate wide consensus among MPs. In particular, the Wright Committee's experience highlights how such a committee can encounter resistance from frontbenchers on both sides of the House.

This discussion has focused on visible opposition to those procedural reform proposals which actually reached the floor of House. But it is important to note that the government's decision to not table proposals for debate is itself another sign of disagreement: it shows ministers' opposition to proposals, or at least lack of support for them. It also suggests that those proposals would face more active resistance and divisions if they were to reach the floor via some other avenue such as backbench business. Indeed, Table 5.2 shows some symmetry between the Procedure Committee and Modernisation Committee in this regard – while 53.6% of the latter's reports sparked divisions, this is actually quite similar to the percentage of Procedure Committee reports which were not put to the House (51.7%). Even allowing for the fact some of those latter reports were likely not intended for debate, this illustrates that proposals from the Procedure Committee can also be controversial, but without this being seen in visible divisions in the House. We would therefore warn against over-simplifying this contrast by focusing on the visible disagreements sparked by the Modernisation Committee and ignoring the subtler, more passive, resistance sometimes facing the Procedure Committee.

Support within government

Before summarising our report's overall conclusions, we touch briefly on division in another arena: government itself. Thus far we have focused entirely on what goes on within parliament, in the Commons chamber and its committees. However, previous work makes clear that various dynamics within government can also affect the prospects of Commons reform and may explain some of the tensions already described above. This is especially relevant for thinking about the approaches discussed here that involve the government directly (which particularly means the idea of a government-chaired select committee, given our scepticism about the government-only approach being used for major reforms). Our own new evidence does not examine developments within government, and so we report here four key lessons from previous studies.

First, past Commons reforms have often depended on a supportive Leader of the House (Power 2007). Ideas for reform can come from many places including the kinds of committees discussed

in this report, individual MPs, outside experts, and Commons staff. But turning these ideas into effective procedural changes usually requires leadership, and within the Commons the Leader is one of the few actors in a position to provide that. Other actors have sometimes been able to: the most obvious recent example is the Wright Committee, where the committee's members themselves had to work hard, after its report was published, to mobilise support and maintain momentum in the face of delay and resistance from both the government and opposition front benches (Russell 2011: 622–24). But other major reforms have often benefitted from the backing of the Leader of the House, in tandem with backbench pressure. For example, this dynamic can be seen in Norman St John Stevas' support for the establishment of the departmental select committee system in 1979, which was based on proposals from a 1978 select committee report (Jogerst 1993). The same example shows the potential impact of an unsupportive Leader, as St John Stevas' predecessor Michael Foot had been critical of the report and stymied its proposals' progress before the 1979 election (Jogerst 1993: 105). The pivotal position of the Leader of the House is part of the rationale for a model like the Modernisation Committee, whereby the Leader's role in developing the proposals makes it more likely that he or she also backs them and acts as an 'enabling force' (Flinders 2007: 186). We might expect that the existence of 'backbench business' since 2010 would have reduced this reliance on the Leader's support for achieving reform, by widening access to the Commons agenda. Yet the evidence presented in Chapter 4 suggests that even with this route available the Procedure Committee has not achieved the levels of influence previously enjoyed by the Modernisation Committee.[49]

Second, existing literature suggests that having a supportive Leader of the House is not on its own a guarantee that procedural reform will be successful. In particular, even a reform-minded minister can face resistance from within their own government. Ministers, as parliamentarians themselves, will naturally have different views of how the Commons should operate. These might reflect principled disagreements about the proper role and powers of MPs, but might also be shaped by ministers' different institutional incentives. In particular, departmental ministers and – even more so – the government whips, who are tasked with getting the government's business passed, might be understandably less keen on proposals to enhance scrutiny of that business. In the 1960s, the reform-minded Leader of the House Richard Crossman faced resistance from his Labour cabinet colleagues when he pushed for a more developed Commons committee system (Dorey and Honeyman 2010).[50] A later Labour Leader of the House, Robin Cook, had a similar experience. He has been viewed as more supportive of 'effectiveness' reforms than some other holders of that office (Kelso 2007) and therefore faced extensive negotiations to balance the views of his colleagues in the Modernisation Committee with those of his colleagues in the cabinet (Power 2007). Indeed, a cabinet sub-committee was established, which Flinders (2007: 187) suggests was really designed – despite its official brief to 'facilitate the modernisation process' – to 'provide the executive with a tighter grip on the Leader of the House and his plans'.[51]

Third, members of the government differ in their level of interest in parliamentary reform, as well as their views on it. Many ministers and government whips are, like their backbench colleagues, simply not that interested in the details of Commons procedure (Norton 2001). Writing about the New Labour period, both Thompson (2022) and Power (2007) have argued that Tony Blair had

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[49] As noted above, we will explore this surprisingly limited impact of backbench business in a future report.
[50] Though see Aylett (2019) for a more sceptical view of Crossman's importance and the resistance he faced.
[51] That said, it may have had unintended consequences, given Power's (2007) conclusion that the sub-committee also helped uncover more support for reform among ministers.

little interest in this topic. It is perhaps understandable that ministers with many priorities to manage – and particularly Prime Ministers – would not be deeply engaged with questions about the internal workings of parliament. This might mean that reform-minded Leaders can lack support in government due to lack of interest rather than disagreement. Or indeed the two might combine if a Prime Minister's indifference gives them little incentive to side with the Leader of the House in disputes with other ministers.

Finally, there is one further form of intra-governmental disagreement over procedural reform which should be highlighted: conflicts between coalition partners. When a government includes multiple parties, it is highly likely that those parties will have different views on Commons reform. As with disputes within a single-party government, these could reflect sincerely held views about the desirable ways to conduct parliamentary business. But again, the role of different incentives could also be significant. In particular, with the UK's current party system, any coalition government is likely to be formed between one of the two large parties and one or more of the parties with a much smaller number of MPs. As large and small parties have very different interests when it comes to the distribution of power and resources within parliament, coalitions may therefore struggle to agree on the desired extent and direction of any procedural changes. For instance, during the 2010 to 2015 coalition the Conservatives and Liberal Democrats held discussions about the possibility of introducing 'English Votes for English Laws', but were unable to reach an agreement (Gover and Kenny 2018).

The central message of these four points is that if a government wants to pursue an agenda of Commons reform – whether by working with the Procedure Committee or working through something like the Modernisation Committee – it requires real commitment. This likely means appointing a Leader of the House with a desire to pursue reform, and with the backing of their ministerial colleagues to do so.

Summary

This chapter has focused on how far past procedural reform proposals developed via different routes have generated broad agreement: something that reformers might value for both pragmatic and principled reasons. Our main analysis showed that the three committees studied here varied in their ability to reach consensus. Our evidence suggests that the Procedure Committee has usually achieved this in the period since 1997. While it has resorted to divisions on occasion, these have been relatively rare, and it has been even rarer for committee members to split along government–opposition lines. By contrast, divisions in the Modernisation Committee between 1997 and 2010 were more frequent, more numerous, and more partisan (though they still only occurred on a minority of its reports). It is harder to identify a clear pattern for the Wright Committee, given that it only produced two reports (of which one saw three divisions, and the other saw none). But this all suggests that a select committee chaired by a minister and including opposition frontbenchers may face more internal divisions, and may find it harder to smooth them over.

The committees showed similar variation in their capacity to generate agreement in the wider chamber. Some Procedure Committee reports did spark divisions in the House, reflecting opposition to their proposals, continued resistance from dissenting committee members, or attempts by committee members to stop their proposals being ignored or watered down. But such

divisions were comparatively rare, with far more Procedure Committee reports being either unanimously approved in some form or just not put to the House at all. Of course, this latter outcome is itself an indicator of a lack of government support for the committee's proposals, and suggests they might have sparked divisions had they been put to the House. By contrast, our evidence demonstrates that the Modernisation Committee was more externally divisive, and more overtly so. Most of its reports that were put to the House – and all such reports after 1999 – were met with some kind of formal vote in the House. These varied in whether they reflected wholesale disagreement with a report or opposition to a particular element within it. But in general, the committee's reports sparked much more visible hostility than those from the Procedure Committee. In some instances, this hostility was tied to a perception that the Modernisation Committee was a vehicle for endorsing the government's proposals, rather than for developing its own through cross-party deliberation.

Our final discussion looked at divisions within government rather than among MPs. We drew on others' work to highlight that successful reform often depends on the support of the Leader of the House. The Modernisation Committee approach has an advantage in this regard, by ensuring the Leader backs its proposals, and has a stake in advocating for them. However, previous work also suggests that this advocacy can be held back by divisions or lack of interest among their ministerial colleagues and government whips. This should be an important consideration for any future government adopting the Modernisation Committee approach, given that its main strength is an apparent ability to deliver ministers' backing for procedural reform. Failing to provide that backing would therefore undermine the rationale for establishing such a committee in the first place.

Conclusion

In the last few years, there has been increased interest in the idea of reforming how the House of Commons works. Various expert commentators have suggested that it does not work well, and that procedural reform may be part of the answer (Bryant 2023; Dunt 2023; White 2022). This report has not made recommendations about what reforms might be desirable, but has focused instead on the question of how procedural reform proposals can be practically developed and delivered. By assessing past approaches to that question, we hope to help current politicians better understand the potential mechanisms through which they could pursue an agenda for Commons reform. We have particularly sought to provide answers to three questions which should be considered when choosing between different reform vehicles:

1. What kinds of proposals are produced?

2. How far are proposals implemented?

3. Do proposals attract widespread support?

The preceding chapters have explored these questions for the four main past approaches: government initiative, a permanent backbench select committee (the Procedure Committee), a temporary backbench select committee (the Wright Committee), and a permanent select committee that combines frontbenchers and backbenchers and is chaired by the Leader of the House (the Modernisation Committee). We have drawn on new data and earlier studies to assess how each of these approaches worked in the past, and with what consequences.

This concluding chapter does not repeat the detailed findings presented above. Instead, we seek to draw out their main implications for the choices facing present-day reformers, as follows.

1. First, the government-led route, whereby proposals are drafted without the direct input of a select committee, has only rarely been used for developing major reforms. It is more usually reserved for smaller tinkering with the Commons' rules. In recent decades, developing larger reforms to the House's rules has been mostly the preserve of its committees. Moreover, some ministers' attempts to depart from that norm have sparked criticism from MPs, including their own backbenchers. This suggests that governments and political parties should use a Commons select committee as the institutional vehicle for turning their reforming aspirations into concrete proposals.

2. Among the three committees we have studied, the most striking finding relates to the implementation rate of their proposals. It is clear that the Modernisation Committee had substantially more success at getting its recommendations implemented than did the Procedure Committee or Wright Committee. Those other committees have had some influence, but at times struggled to even get recommendations debated in the House of Commons, let alone approved. The Modernisation Committee did not face this issue to the same extent. Some of its proposals were never put to the House, and some were put to the House but defeated. But in general, it appears that having the Leader of the House chair the committee made that committee much more able to get a hearing from government, and therefore to secure the necessary parliamentary time and votes.

3. We might think that the Modernisation Committee's higher implementation rate would have come at the cost of proposals being tailored to suit the interests of government rather than parliament as a whole, or even perhaps being actively detrimental to backbenchers and the opposition. However, our evidence provides some reassurance on that front. We found no evidence that the Modernisation Committee was particularly unwilling to engage with reforms aimed at greater 'effectiveness' (i.e. enhancing scrutiny of government or otherwise giving MPs new tools and resources). Indeed, at times it was actually more focused on such reforms than the Procedure Committee was. And while the implementation rate of the Modernisation Committee's effectiveness-related proposals was lower than that for its other proposals, that rate was still much higher than the equivalent for the Procedure Committee.

4. We find more evidence of a different potential downside to the Modernisation Committee: its divisiveness. It proved much more internally divided than the Procedure Committee, resorting more frequently to formal votes. It was also much more externally controversial, with a far greater share of its reports triggering formal votes in the House rather than being approved unanimously. Importantly, the Procedure Committee's proposals did also sometimes provoke disagreement, as shown by the government's reluctance to put them to the House for debate. The Modernisation Committee therefore particularly saw more *overt* disagreement, in the form of divisions in the House. This sometimes reflected a perception among opposition MPs that the committee was a vehicle for endorsing proposals that originated from, and therefore benefitted, ministers. Moreover, and despite that perception, the Modernisation Committee's work was also at times stymied by disagreement within government. Having the Leader of the House chair the committee may have increased its chance of achieving wider 'buy-in' from other ministers and government whips (particularly relative to the typical experience of the Procedure Committee), but did not guarantee it.

5. Finally, our evidence suggests that the remit given to a committee does affect how far its work is narrowly focused or more wide-ranging and piecemeal. The clearest difference in this regard was between the two backbench committees, with the Procedure Committee ranging across many topics and the Wright Committee focusing on the few areas it was specifically tasked to investigate. The Procedure Committee's broad focus may be an asset for troubleshooting procedural issues as they arise across a variety of areas. But it may make it a less effective vehicle for delivering a very targeted and/or strategic agenda, compared to the approach reflected in the Wright Committee. The Modernisation Committee fell somewhere between the two, though its vague remit and regular change of chairs clearly meant its focus varied over time.

We suspect that if politicians genuinely view Commons reform as important, they are likely to prioritise successful implementation. If so, this might point them toward something like the Modernisation Committee: a select committee combining frontbench and backbench MPs, chaired by the Leader of the House. Our evidence found the Modernisation Committee to be the committee with the most success at actually getting its procedural changes implemented, including – perhaps surprisingly – changes geared towards enhancing the effectiveness of scrutiny and the position of non-government MPs. However, the same factors which contributed to this – the involvement of frontbench politicians, and particularly the Leader of the House – also contributed to a greater tendency to division and partisanship, both within and beyond the committee. Reviving the approach taken by the Modernisation Committee therefore holds out the prospect of

successfully delivering Commons reforms, but also risks those reforms running into cross-party controversy.

The key challenge for any new committee organised on these lines would thus be to avoid becoming a subject of partisan disagreement and conflict. Past experience suggests that this would be easier to achieve if the committee could more effectively demonstrate and communicate that it was a venue for genuine discussion, rather than for simply rubber-stamping a set of pre-determined government proposals. It should be possible for a Leader of the House to contribute to setting the agenda for reform while also facilitating meaningful deliberation within the committee and building broad support beyond it.

That broad support could be easier to achieve if the committee incorporated a wide range of interests by including the Leader of the House, opposition frontbenchers from multiple parties, and backbenchers from across the House. The frontbench members would likely need to include a spokesperson for at least one of the smaller parties in the House, to avoid any risk (or perception) of the committee ignoring such parties' interests. The Modernisation Committee included the Liberal Democrats when they were the third largest party, but it remains to be seen which party will hold that position in the next parliament. In a slight difference from the Modernisation Committee, the backbench members of any new committee would likely need to be elected by their fellow MPs rather than being appointed, as this is now the norm for select committees. Those elections might be held either within parties (as is the case for most select committees) or across the whole House (as was the case for the Backbench Business Committee between 2010 and 2012). Either way, the committee would thus have a hybrid composition of appointed frontbenchers and elected backbenchers, with places allocated proportionately across parties.

Of course, there is no guarantee that past experience would be repeated if any of these approaches were used to pursue an agenda of Commons reform in the next parliament. Processes do not guarantee particular outcomes, and the impact of any approach will inevitably depend on the actors involved, the remit they are given, and the wider political context. For instance, it is possible that a committee organised along the same lines as the Modernisation Committee could fail to get ministers' backing for its proposals. Alternatively, ministers could commit to giving more time and support to Procedure Committee proposals than has previously been forthcoming.

Moreover, the models used in the past and discussed here may not be the only options. Reformers might find more creative approaches, particularly when thinking about how to reconcile the differing strengths of the models studied here. For example, if reformers want to deliver a one-off set of proposals rather than an ongoing reform agenda, they might consider some kind of hybrid between the approaches reflected in the Wright Committee and Modernisation Committee. In a different vein, a Hansard Society report in 2005 suggested making the chair of the Procedure Committee a permanent deputy chair of the Modernisation Committee, to 'provide an influential, expert parliamentary voice and give the Committee's leadership a degree of constancy that is currently disturbed with each change of Commons Leader' (Brazier et al. 2005: 81). This might also help ensure a more constructive division of labour with the Procedure Committee (though it would require a tweak to the composition we have suggested above, to ensure that whoever was elected chair of the Procedure Committee was then appointed as an *ex officio* member of this additional committee). Moreover, our own suggestion of a partly-appointed, partly-elected membership is a departure from the Modernisation Committee's approach, even if only to reflect

the subsequent introduction of elected select committees. But notwithstanding the potential for thinking creatively about this question, studying past experience has allowed us to better understand what is possible or likely under the main available options, and the trade-offs involved in choosing between them.

We have focused here on processes, examining the consequences of different institutional vehicles for developing and delivering proposals for House of Commons reform. But we should close by emphasising again that these processes are only part of the story. Ultimately, parliamentary reform is unavoidably political (Power 2007). Designing an effective process is important, but successful reform will also require ideas, leadership, and political skill.

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Recent years have seen many proposals for reforming the internal procedures of the House of Commons, against a backdrop of clear public dissatisfaction with parliament. Less attention has been given to the important question of how such reforms might be developed and delivered in practice.

This report therefore provides an evidence-based assessment of four different approaches to developing and delivering proposals for Commons reform. By comparing how these approaches have worked in the past, and with what consequences, we hope to inform policymakers' considerations of how to implement an agenda of Commons reform in the next parliament.

About the Constitution Unit

The Constitution Unit is a research centre based in the UCL Department of Political Science. We conduct timely, rigorous, independent research into constitutional change and the reform of political institutions. Since our foundation in 1995, the Unit's research has had significant real-world impact, informing policy-makers engaged in such changes – both in the United Kingdom and around the world.

About the authors

Dr Thomas Fleming is a Lecturer in British and Comparative Politics in the UCL Department of Political Science.

Hannah Kelly is a Research Assistant at the Constitution Unit.

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