

A damn close run thing: The voting on the Higher Education Bill

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On 27 January 2004, the Government's Higher Education Bill received a Second Reading by 316 to 311 - a majority of just five, the lowest on a whipped vote since Labour came to power in 1997.

The voting

Table 1 below shows the way MPs of each party voted.

1. Voting on the Second Reading of the Higher Education Bill

	Yes	No	DNV
Labour	317*	73*	19
Conservative	1	160	2
Lib Dem	0	54	0
SNP/PC	0	9	0
NI	0	14	4 [†]
Others	0	3 [§]	4 [‡]
Total	318	313	29

Notes: All figures include the four tellers (two Labour for the ayes, two Conservatives for the noes). Both yes and no columns include David Taylor, who voted twice in order to register a deliberate abstention. As a result, the overall total comes to one more than the 659 MPs in the House. [†] The four Sinn Fein MPs have not taken their seats and do not vote. [§] George Galloway, Andrew Hunter and Richard Taylor. [‡] The Speaker and his three deputies do not vote.

As Table 1 shows, most of the Opposition MPs voted against the Government. All the Lib Dem MPs and all of those from Plaid Cymru and the SNP voted against. With the exception of the four Sinn Fein MPs, who have not taken their seats and who do not therefore vote, so did all those from Northern Ireland.[†] And so did Dr Richard Taylor, the 'Independent' MP, and George Galloway and Andrew Hunter, 'Independent Labour' and 'Independent Conservative' respectively.

All but three Conservative MPs voted against the Government. Peter Duncan, the one Scottish Conservative, abstained, believing that it was wrong for Scottish MPs to be voting on devolved matters, a position his leader had endorsed. Robert Jackson voted with the Government and Ian Taylor abstained, both making speeches outlining their opposition to their frontbench's position. Had the Conservative Party been able to present a united front on the issue, the Government's majority would have been just one.

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[†] After the vote, there were claims that some of the SDLP had backed the Government in return for a deal. But in fact all three SDLP MPs voted against the Government.

A total of 72 Labour MPs also voted against the Bill.[‡] One Labour MP, David Taylor, voted in both the aye and the no lobbies, in order to register an abstention. Another 19 Labour MPs did not participate in the vote.

A rebellion by 72 Labour MPs does not – as has been claimed – make it the largest revolt by Labour MPs since 1997. It is dwarfed by the larger Iraq revolts, the largest of which saw 139 Labour MPs vote against their whips. But it is the largest revolt by Government MPs on domestic legislation since 1997 and the joint-largest revolt against the Second Reading of a Bill since 1945. It ties with the revolt on 1 April 1947 against the Second Reading of the National Service Bill, when 72 Labour MPs voted against and 30-40 abstained, and with the revolt on 14 April 1986 on the Second Reading of the Shops Bill, when 72 Conservative MPs voted against and 15-20 abstained. Seventy-two Labour MPs constitute 17.6 per cent of the parliamentary party, a marginally smaller proportion than rebelled in 1986 (18.1) or 1947 (18.3).

The Labour rebels

Of the 72 rebels, all but three – Michael Connarty, Roger Godsiff, and Gavin Strang – had signed the ‘anti-top up fees’ Early Day Motion, EDM 7.

This leaves 69 Labour MPs who signed the EDM and who then voted against the Bill. However, immediately prior to the vote a total of 155 Labour MPs had signed the EDM (excluding those who signed but then removed their names). That means that 86 Labour signatories – the majority of those who signed the EDM – did not vote against the Bill.

A very good guide to which MPs carried their opposition into the division lobbies was their past behaviour. In the first two sessions of the Parliament, there were 11 issues on which at least 15 Labour MPs rebelled. The table in the Appendix shows the Labour signers of EDM 7, splitting them by the number of major issues over which they had been prepared to vote against the Government since 2001.[§] They range from the 16 who had yet to do so at all to the three (whose names will not be a surprise) who did so on all 11 issues.

MPs who then voted against the Government over the Higher Education Bill are marked in dark grey.

As Table 2 (below) shows, there is a strong relationship between past behaviour and voting over the Higher Education Bill.

Of the 20 MPs who had rebelled over eight or more issues before the Higher Education Bill, all 20 voted against the Government. As the number of previous revolts participated in declines, so too does the likelihood that an EDM signer then voted against the Government over top-up fees. Of the 34 who had rebelled on between four and seven issues, 24 (71%) voted against. By the time we get down to those who had participated in just one or none of the previous revolts,

[‡] After the second reading vote, six Labour MPs – Diane Abbott, Helen Clark, Jeremy Corbyn, John McDonnell, Alice Mahon and Robert Wareing – also voted against the Bill’s programme motion.

[§] Because MPs are able to rebel multiple times on some issues, but only once on others, it makes more sense to split the MPs by broad issues rather than by the number of rebellions they have participated in. The 11 issues cover the major rebellions of the Parliament to date. For more information, see: <http://www.revolts.co.uk/The%20Usual%20Suspects.pdf>

then the percentage carrying their opposition into the division lobbies diminishes to just 18% (10 out of 57).

2. Percentage of EDM signatories to rebel, by previous rebelliousness

Number of issues rebelled over, 2001-2003	% of EDM signatories who voted against the Government	N
11	100	3
10	100	5
9	100	7
8	100	5
7	75	4
6	80	5
5	69	16
4	67	9
3	47	17
2	26	27
1	17	41
0	19	16

A total of 19 Labour MPs were absent from the vote. One drawback of divisions in the House of Commons is that, unlike in some legislative chambers, abstentions cannot be formally recorded. The whips may formally sanction an absence from a vote, it may be accidental, or it may be deliberate. There is no information on the record that allows us to establish, at least not systematically, the cause of absences. We cannot therefore necessarily read anything into non-voting.

But given the gravity of the vote we can at least assume that the majority of those who were not present were abstaining – along with David Taylor, who voted twice in order to register a *de facto* abstention. Of the 20 Labour MPs who were absent or abstaining, all but two had signed EDM 7. The other two were James Wray (who was seriously ill, but believed to be an opponent of the legislation) and Jeff Ennis (who sat in the chamber throughout the vote, in order publicly to abstain). The 18 MPs who signed EDM 7 and then did not vote are marked in light grey in Table 2.

Most of the absentees are situated on the left-hand side of the table, especially amongst the ranks of those who had rebelled over a handful of issues over the past two years. Of the 20 MPs who had rebelled on eight or more issues, none abstained. But amongst the 85 who had rebelled over between one and three issues previously, 14 abstained. Abstention was therefore mainly a tactic employed by those who had rebelled against the Government before but who had not done so frequently.

Table 3 shows the percentage of MPs who went on to support the Government, broken down by their previous behaviour. That is, it shows the percentage of MPs in each category whose names are in white in the table in the Appendix .

3. Percentage of EDM signatories to vote for the Government, by previous rebelliousness

Number of issues rebelled over, 2001-2003	% of EDM signatories who supported the Government	N
11	0	3
10	0	5
9	0	7
8	0	5
7	25	4
6	0	5
5	19	16
4	33	9
3	35	17
2	56	27
1	68	41
0	75	16

With dissenting votes and abstentions combined, the difference in behaviour between those who had rebelled regularly before and those who had not becomes even clearer. Of the 29 Labour MPs who had rebelled on six or more issues before top-up fees and who signed the EDM, only one (Ronnie Campbell) voted with the Government.** From these regular rebels down, the percentage of MPs who supported the Government increases with each drop in the number of issues over which they had previously rebelled, reaching 75% of those who had signed the EDM but who had not participated in a revolt before. The concessions offered by the Government and the pressure applied therefore managed to deter very few of the more hardened rebels, but they did work with those who have rebelled less often.

Some of the credit (or blame) for the Government's narrow victory in the vote has been attributed to the decision of Nick Brown, the former Chief Whip, to declare on the morning of the vote that he was going to support the Government. By doing so, he is said to have taken with him other MPs, especially those – like him – said to be (Gordon) 'Brownites'. It may be possible to identify such people in the table in the Appendix, and given the narrowness of the vote it is quite possible that these MPs made the difference between success and failure. But the more profound reason for the Government's victory – and the reason why the vote was narrow enough to allow the Brownites to make a difference – was because the Government and the Whips' Office managed to chip away at the MPs in the left-hand side of the table in the Appendix. These are MPs who did not like the Government's policy (and who had been prepared to say so publicly) and who for the most part had rebelled before, but who were mostly persuaded (eventually) to vote with the Government at Second Reading.

** One other Labour MP, Michael Connarty, had rebelled on six or more issues, but had not signed the EDM. He too voted against the Government.

Appendix: The voting of EDM 7 signatories

Number of issues (out of a total of 11) rebelled on so far this Parliament											
0	1	2	3	4	5	6	7	8	9	10	11
Clive Betts	John Battle	Richard Burden	Ann Clywd	Iain Coleman	Roger Berry	Harold Best	Ronnie Campbell	Diane Abbott	John Austin	Harry Barnes	Kelvin Hopkins
Nick Brown	Joe Benton	Colin Burgon	Tom Cox	Ian Davidson	Martin Caton	Bill Etherington	Michael Clapham	Andrew Bennett	Neil Gerrard	Jeremy Corbyn	John McDonnell
Tony Colman	Bob Blizzard	Helen Clark	Tam Dalyell	Gwyneth Dunwoody	Frank Cook	Gordon Prentice	Harry Cohen	Ian Gibson	Terry Lewis	Lynne Jones	Dennis Skinner
Jon Cruddas	Keith Bradley	Tony Clarke	Valerie Davey	Clive Efford	Jim Cousins	David Taylor	John Cryer	Kate Hoey	Alice Mahon	Brian Sedgemore	
Barbara Follett	Kevin Brennan	Jim Cunningham	Hilton Dawson	Dai Havard	Ann Cryer	Mike Wood		Llew Smith	R. Marshall-Andrews	Robert Wareing	
Stephen Hesford	Anne Campbell	Terry Davis	Andrew Dismore	Doug Henderson	Denzil Davies				Jim Marshall		
Brian Jenkins	David Clelland	Janet Dean	Frank Dobson	Tony Lloyd	Mark Fisher				Alan Simpson		
John Mann	Robin Cook	Jim Dobbin	David Drew	Linda Perham	Paul Flynn						
Michael Meacher	David Crausby	Paul Farrelly	Eric Illsley	Jon Trickett	David Hinchliffe						
Sandra Osborne	Frank Doran	Win Griffiths	Jon Owen Jones		Glenda Jackson						
Colin Pickthall	Angela Eagle	Fabian Hamilton	Andrew Mackinlay		Peter Kilfoyle						
Andrew Reed	Huw Edwards	David Heyes	Julie Morgan		Christine McCafferty						
Barbara Roche	Louise Ellman	Joan Humble	George Mudie		Kevin McNamara						
Mark Tami	John Grogan	Alan Hurst	Denis Murphy		Gwyn Prosser						
Dennis Turner	Lindsay Hoyle	Andy King	Geraldine Smith		Phil Sawford						
Keith Vaz	Brian Iddon	Alan Meale	Desmond Turner		Rudi Vis						
	Helen Jackson	Martin O'Neill	Joan Walley								
	Kevan Jones	Diana Organ									
	Helen Jones	Albert Owen									
	Martyn Jones	Ken Purchase									
	Alan Keen	Malcolm Savidge									
	David Lepper	Debra Shipley									
	Ian Lucas	Chris Smith									
	Iain Luke	Gerry Steinberg									
	Khalid Mahmood	George Stevenson									
	Rob Marris	Paul Truswell									
	Ann McKechin	Betty Williams									
	John McWilliam										
	Eddie O'Hara										
	Stephen Pound										
	Joyce Quin										
	Geoffrey Robinson										
	Joan Ruddock										
	Martin Salter										
	Mohammad Sarwar										
	Clare Short										
	Marsha Singh										
	Brian White										
	Alan Williams										
	Tony Worthington										
	Derek Wyatt										

Note: David Taylor abstained by voting in both lobby