

Here's comes trouble? Two potential rebellions in the near future

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Following the Government's defeat on the Terrorism Bill, people have been quick to identify future flashpoints ahead, of which the most obvious are the proposed education, health and benefit reforms.

But most of these are medium-term problems for the Government. This short briefing paper identifies two more immediate headaches, over housing benefit and smoking. In each case we identify the problem issue and list those MPs who have already indicated their opposition to the Government's position.

Housing Benefit Reform Bill

A loyal PPS during the last Parliament, Andy Love (Edmonton) has become a noticeably liberated backbencher since he left the payroll vote after the 2005 election. Not content with voting against the Government on five occasions so far already this Parliament, he has put down an EDM (No. 816), calling on ministers not to place additional restrictions on the single room rent benefit available to single, childless young people under 25 in the forthcoming Housing Benefit Reform Bill.

Since the EDM was first tabled on 20 October, a total of 73 MPs have backed Love's motion, including the 54 Labour backbenchers listed below.

Of the 54, almost half (25) have already voted against the Government in this Parliament. A further 15 voted against the Government in the last Parliament, but have remained loyal thus far in this Parliament. That makes three-quarters of the signatories who have 'form'.

Ten of the signatories are drawn from the 2005 intake, of whom just one, Linda Riordan, has so far voted against the Government.

And apart from Love, the EDM was also signed by five MPs who remained loyal to the Government in the last Parliament, but have expressed concern about the housing benefit changes: Mike Gapes, Brian Jenkins, Gordon Marsden, Bill Oler and Phyllis Starkey.

Given the individuals involved, the Government will almost inevitably have to compromise on this issue to avoid a sizeable rebellion. Whether it is a rebellion that threatens their majority will depend on both the extent of those compromises and on the position of the Conservative frontbench. Conservative opposition would threaten the government – and make negotiation with the Labour backbenchers more crucial. But Conservative support might unsettle and unnerve Government loyalists – especially if as a result this becomes the first major domestic policy reform enacted since 1997 as a result of Conservative support.

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1. Housing Benefit: the ones to watch

Abbott, Diane **	Jenkins, Brian
Anderson, David (05)	Jones, Lynne **
Austin, Ian (05)	Lepper, David *
Battle, John *	Marsden, Gordon
Betts, Clive *	Marshall, David *
Brown, Lyn (05)	McCafferty, Christine **
Caton, Martin **	McCarthy-Fry, Sarah (05)
Cohen, Harry **	McDonnell, John **
Cook, Frank **	Mitchell, Austin **
Corbyn, Jeremy **	Moon, Madeleine (05)
Cousins, Jim **	Morden, Jessica (05)
Creagh, Mary (05)	Olner, Bill
Cruddas, Jon *	Owen, Albert **
Cryer, Ann **	Riordan, Linda (05) **
Dean, Janet *	Ruddock, Joan **
Dismore, Andrew *	Seabeck, Alison (05)
Drew, David **	Short, Clare **
Efford, Clive *	Simpson, Alan **
Engel, Natascha (05)	Skinner, Dennis **
Ennis, Jeff *	Starkey, Phyllis
Gapes, Mike	Taylor, David **
Gerrard, Neil **	Turner, Desmond *
Gibson, Ian **	Vis, Rudi **
Heyes, David *	Walley, Joan *
Hopkins, Kelvin **	Wareing, Robert **
Iddon, Brian *	Williams, Betty *
Jackson, Glenda **	Wyatt, Derek *

Note: * indicates voted against the Government 2001-2005, but not since May 2005; ** indicates a vote against the Government since May 2005; 05 indicates a newly-elected MP.

Smoking

Another potentially serious backbench rebellion will come over the Government's plans to introduce only a partial ban on smoking in public places, which sparked a very public row between the current Health Secretary, Patricia Hewitt, and the former Health Secretary, John Reid. Reid's view – the partial ban – won the day, but there are plenty of Labour backbenchers who share Hewitt's view that a total ban is required.

Since 24 October 2005 59 MPs (40 of them Labour) have signed an EDM (No. 833) in the name of Andrew Mackinlay, calling for 'a complete and total ban on smoking in pubs, restaurants and public buildings'. The uncompromising tone of the motion might worry the government, given that it 'considers that any compromise or fudging of this issue by so-called smoke zones will be a recipe for confusion, ambiguity and unnecessary argument and excuses by those not wishing to adhere to both the spirit and letter of the law'.

Of the 40 Labour signatories, 18 have rebelled against the Government already this Parliament, while a further 16 have form from the last Parliament, but have yet to rebel in this session. That is, a total of 34 (or 85%) have some sort of 'form'. Two backbenchers – Piara Khabra and Dari Taylor (recently returned to

the backbenches, after service as a PPS) – have hitherto been Government loyalists, while four are new MPs – Gordon Banks, Jim Devine, Sharon Hodgson and Sarah McCarthy-Fry – all of whom have remained loyal to the Government so far. We list them below.

2. Smoking: the ones to watch

Abbott, Diane **	Keen, Alan *
Banks, Gordon (05)	Khabra, Piara
Begg, Anne *	McCafferty, Christine **
Caton, Martin **	McCarthy-Fry, Sarah (05)
Challen, Colin **	McDonnell, John **
Chaytor, David *	Mackinlay, Andrew *
Clapham, Michael **	Morgan, Julie **
Corbyn, Jeremy **	Mullin, Chris **
Devine, Jim (05)	Murphy, Denis *
Dismore, Andrew *	Owen, Albert **
Dobbin, Jim *	Ruddock, Joan **
Donohoe, Brian *	Sheerman, Barry *
Doran, Frank **	Simpson, Alan **
Dunwoody, Gwyneth **	Stringer, Graham *
Efford, Clive *	Taylor, Dari
Ellman, Louise *	Taylor, David **
Flynn, Paul **	Jon Trickett **
Francis, Hwyl *	Turner, Desmond *
Hodgson, Sharon (05)	Williams, Alan *
Jones, Lynne **	Williams, Betty *

Note: * indicates voted against the Government 2001-2005, but not since May 2005; ** indicates a vote against the Government since May 2005; 05 indicates a newly-elected MP.

Although a rebellion seems inevitable on this issue, it is unlikely to threaten the Government's majority. The Conservatives are believed to be allowing their MPs a free vote on the issue and (whether whipped or not) the majority of Conservative MPs will be likely to back the Government's favoured option of a partial ban.

Given this, one tactic for the Government might be for them to allow a free vote as well. This would go against the general policy of the Government Whips' Office in the 2001 Parliament, when whips were issued on several issues despite there being good *prima facie* arguments for free votes. Although the Government had granted free votes on some issues between 2001 and 2005 – such as gay adoption and hunting – they had also been quite willing to whip in other cases, including the Civil Partnership Bill, the Gender Recognition Bill, the Children Bill, the Human Reproductive Cloning Bill or the Human Tissue Bill, the Gambling Bill and the Mental Capacity Bill.* It would therefore be entirely consistent with their recent practice to issue a whip. But assuming Conservative support is forthcoming, one way of masking the scale of any rebellion would be to allow a backbench free vote, whilst still insisting on the payroll vote backing the Government position.

* See P. Cowley, *The Rebels: How Blair Misled His Majority*, London, Politico's, 2005, pp. 227-228.

Justifying a free vote is difficult on purely logical grounds. In many ways issuing a whip is the more logical and consistent position to take. Why should the Government have whipped on, say, the Iraq war but then give a free vote on, say, smoking? Does anyone really think that the latter is more of a moral issue than the former? Moreover, the partial ban was part of Labour's 2005 manifesto.[†] This has led some would-be rebels on this issue to argue that the Government should whip the vote on implementing a partial ban – this fulfilling the manifesto – yet allow a free vote on any full ban amendment.

In practice, giving free votes on such issues has advantages. For one thing, rebellions against the whip attract media attention in a way that deviations over free votes do not. This was seen most recently when the Conservatives decided to issue a whip over the issue of 'gay adoption', but with the Government allowing a free vote. All the media attention focused on the eight Conservative MPs who voted against their whip; almost nobody noticed the 19 Labour MPs who on a free vote voted with the Opposition.

Moreover, applying the whip to issues that some consider to be prima facie free vote issues can create resentment within parliamentary parties, which is especially unfortunate when those alienated are those who are normally very loyal to the Government. This was most obvious in the last Parliament with issues such as the Human Tissue Bill and the Mental Capacity Bill, both of which were at least in part a rebellion of the 'unusual suspects', MPs who did not rebel easily, but felt deeply offended by the legislation – and even more so, by the fact that the Government were whipping.

When the whip is required in order to win a vote on such issues, it may be seen as an unfortunate necessity. But when the Government will almost certainly get its way regardless – as we would assume to be the case over smoking - it might be better politics to grant a free vote.

[†] *Britain forward not back*, p. 66.