

The St Valentine's Day Manifesto Massacre The Smoking Votes, 14 February 2006

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The Report stage of the Health Bill saw four votes on smoking, effectively resulting in a complete ban on smoking in all enclosed public places – including private clubs. This briefing paper looks at the party divisions over the votes, as well as the identity of those MPs who deviated from their colleagues.

The votes

Support in the Commons for a smoking ban was overwhelming. The first vote – to ban smoking in all public places, including licensed premises, whether or not they served food – was passed by 453 votes to 125, a thumping majority of 328. The second – on whether or not to exempt private clubs from such a ban – saw MPs vote by 384 votes to 184 votes to include clubs under the remit of the ban, a majority of 200. There was then a vote in favour of a motion that the amended clause should stand part of the Bill, which was carried by 413 votes to 129. The majority here was even greater than the preceding margin of 200 as a number of the opponents of the ban realised that they had lost, and joined the Government in the *aye lobby*, while the numbers opposing its introduction also fell away in the *no lobby*.¹ The whole Bill was then subject to a Third Reading vote, which passed by 364 to 21. The party breakdown on the two key votes is given in table 1 below.

These votes were remarkable for three reasons. The first was that they were taking place at all. Labour's manifesto had contained an explicit pledge to allow smoking to continue in pubs that were not serving food – the so-called 'partial ban'.² Faced with both cabinet splits, and overwhelming evidence of backbench hostility, the government then allowed MPs a free vote on more restrictive options. Some within Government attempted to justify this on the grounds that they would implement the manifesto, but then allow MPs a free vote on whether to take the issue 'further'. Therefore this was not, so they argued, the abandonment of a manifesto commitment. Such an argument might have validity in some cases, but in this case MPs were being allowed a free vote to remove rights – the rights of non-food serving pubs to decide whether to be smoke free or not – explicitly promised in Labour's manifesto, less than a year before. To 'go beyond' the manifesto was in this case to reject the manifesto. We cannot think of an example in the post-war era in which a government has allowed a free vote on something that had been explicitly promised in its previous election manifesto.

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¹ 297 Labour MPs (including the tellers) were joined the *aye lobby* by 55 Conservatives, 49 Liberal Democrats, 8 DUP, 2 SDLP, 2 Plaid Cymru, 1 UUP and 1 Independent (Dr Richard Taylor), while the *no lobby* comprised 100 Conservatives, 27 Labour MPs (including the tellers) 3 Liberal Democrats and one Plaid Cymru MP.

² *Britain Forward Not Back*, p. 66.

1. The two key smoking votes, 14 February 2006

	<i>Ban on public licensed premises</i>				<i>Ban to include private clubs</i>			
	<i>Aye</i>		<i>No</i>		<i>Aye</i>		<i>No</i>	
	N	%	N	%	N	%	N	%
Labour	304*	91	29*	9	278*	84	52*	16
Conservative	81	46	94	54	47	27	125	73
LD	55	95	3	5	47	85	8	15
PC	2	67	1	33	2	67	1	33
DUP	8	100	0	0	8	100	0	0
SDLP	2	100	0	0	2	100	0	0
UUP	1	100	0	0	1	100	0	0
Others	1 [†]	100	0	0	1 [†]	100	0	0
Total	454 [‡]		127		386		186	

Notes:

* Including tellers. In each case, the tellers were whips, facilitating the vote taking place. However, where possible whips were chosen based upon their broad views on the policy. Removing the whips from the votes would make no difference to the overall calculation of party divisions.

[†] Dr Richard Taylor (KHHHC).

[‡] The figure for ayes does not tally with the names listed in *Hansard*, which lists 454 names (including tellers), whilst reporting the aye lobby as 455 strong (including tellers).

The second remarkable feature of the votes was the extent to which the Government's original position was rejected by its own MPs. Given the chance to stick with the initial 'partial' ban, just 29 Labour MPs (including John Reid, the Cabinet Minister most closely associated with it) did so. A staggering 91% of Labour MPs to vote walked into the opposite lobby to the position on which they had fought the election under a year before. If nothing else, the rebellion showed the wisdom of the Government having allowed a free vote on the issue. Had they whipped, the rebellion could have been enormous. John Reid would presumably contend that he was more in touch with some of Labour's core voters – but the vote showed the extent to which he was out of touch with mainstream opinion in the PLP on this issue.

The Cabinet also overwhelmingly voted in opposition to what had until recently been their stated position (Table 2). Of the 19 Cabinet Members to vote (Jack Straw not being present), 16 (84%) voted for a ban in restaurants and pubs, with just the three Johns – Reid, Hutton and Prescott – voting against. When it came to including private clubs, Reid et al were joined by Alan Johnson, Tessa Jowell and Ruth Kelly in the no lobby, but the remaining 13 Cabinet Ministers (68%) voted in favour of the ban. On both votes, therefore, the Cabinet was less supportive of a ban than the PLP as a whole, although not hugely so. All of the ministers in the Department of Health voted for a ban in pubs, with Jane Kennedy the only health minister then to vote against extending the ban to private clubs.³

³ Although Patricia Hewitt's PPS, Tom Harris, voted against a ban in both key votes.

2. The Cabinet's voting, 14 February 2006

Classification	Cabinet Minister	Ban on public licensed premises	Ban to include private clubs
Pro-ban	Armstrong, Hilary	Yes	Yes
	Beckett, Margaret	Yes	Yes
	Benn, Hilary	Yes	Yes
	Blair, Tony	Yes	Yes
	Brown, Gordon	Yes	Yes
	Browne, Des	Yes	Yes
	Clarke, Charles	Yes	Yes
	Darling, Alistair	Yes	Yes
	Hain, Peter	Yes	Yes
	Hewitt, Patricia	Yes	Yes
	Hoon, Geoff	Yes	Yes
	McCartney, Ian	Yes	Yes
	Miliband, David	Yes	Yes
	Pro-ban but not clubs	Johnson, Alan	Yes
Jowell, Tessa		Yes	No
Kelly, Ruth		Yes	No
Anti-ban	Hutton, John	No	No
	Prescott, John	No	No
	Reid, John	No	No
Did not vote	Straw, Jack	-	-

The final striking feature of the voting was the splits within Conservative ranks. As Table 1 shows, most of the smaller parties – including all those who voted from Northern Ireland – were in favour of a complete ban, including private clubs; the exception was Plaid Cymru, two of whose MPs were in favour of a ban, with one against. The Liberal Democrats were also largely united (a relatively uncommon feature on free votes), with 95% voting for a ban, 85% voting for the ban to include clubs. The PLP was also highly cohesive: 91% voting for a ban, 84% for the clubs ban.

The Tories, on the other hand, were deeply divided by the issue. The first vote – on a ban in pubs - saw them split 81 for, 94 against. The second vote – on private members' clubs – saw a split of 47/125. For the Conservatives, Andrew Lansley made much of splits within the Government over the issue, but his own troops were far more divided than those of the Government. The votes were somewhat reminiscent of Iain Duncan Smith's MPs splitting 73/76 (again nearly in half) in February 2003 over its own preferred option of an 80 per cent elected House of Lords – only for it then to accuse the Government of being in disarray.

There was then a two-to-one Conservative split (55/100) on the third vote (that the clause stand part), and the evening then ended with what appears to have been a Conservative rebellion on the whipped third reading vote, with 21 Conservative MPs defying their whip to vote against the entire Bill. If this was a whipped vote, it was the tenth Conservative rebellion to have occurred so far under David Cameron's short leadership, and by far the largest as well, rounding off a thoroughly disunited night for the Conservatives.

3. The Shadow Cabinet's voting, 14 February 2006

Classification	Shadow Cabinet Minister	Ban on public licensed premises	Ban to include private clubs	
Pro-ban	Heald, Oliver	Yes	Yes	
	Lidington, David	Yes	Yes	
	Spelman, Caroline	Yes	Yes	
Pro-ban but not clubs	Ainsworth, Peter	Yes	No	
	Duncan, Alan	Yes	No	
	Fox, Liam	Yes	No	
	Gillan, Cheryl	Yes	No	
	Grayling, Chris	Yes	No	
	Hague, William	Yes	No	
	Hammond, Philip	Yes	No	
	Lansley, Andrew	Yes	No	
	Letwin, Oliver	Yes	No	
	McLoughlin, Patrick	Yes	No	
	Willetts, David	Yes	No	
	Davis, David	Yes	-	
	Anti-ban	Mackay, Andrew	No	No
		May, Theresa	No	No
Mitchell, Andrew		No	No	
Swire, Hugo		No	No	
Villiers, Theresa		No	No	
Did not vote	Cameron, David	-	-	
	Maude, Francis	-	-	
	Mundell, David	-	-	
	Osborne, George	-	-	

The majority of the Shadow Cabinet (Table 3) voted for a ban in pubs but not clubs, with a small minority of three (Heald, Lidington, and Spelman) backing a complete ban, and a larger minority of five (Mackay, May, Mitchell, Swire and Villiers) voting against any ban. On the first vote, 75% of the Shadow Cabinet voted in favour of a ban in licensed premises (much more than the 46% of Conservative MPs as a whole), whilst on the second just 15% voted for a ban in clubs (somewhat less than the 27% of Conservative MPs to do so). The Shadow Cabinet was therefore more out of kilter with the rest of the Conservative Parliamentary Party than the Cabinet was with the PLP.⁴

The MPs

The vast majority of Labour MPs were pro-ban; a majority of Conservative MPs were anti-ban. Thus, even when the whip was removed – and MPs could do as they liked – one still finds the MPs of one party opposing the MPs of another. Free votes like this are a good demonstration of the extent to which underlying differences of belief and attitude are responsible for MPs' day-to-day cohesion in the division lobbies as much as being 'imposed' by the party whips.

⁴ There was an average of 11.5 percentage points in the difference between the support from the PLP and the Cabinet for a ban in each of the two votes, but an average of 20.5 percentage points difference between the Shadow Cabinet and the Conservative Parliamentary Party.

But what of those MPs who deviate from the majority of their party grouping? Table 4 contains (in its left-hand column) a list of the 28 Labour MPs who voted against a ban in both key votes, together with the 24 others who voted in favour of a ban in pubs and restaurants, but against the ban being extended to clubs.⁵ It is striking how relatively few of these anti-ban MPs are from Labour's new intake. Just two of the 28 - Helen Goodman and Emily Thornberry – and none of the 24 entered Parliament in 2005. There is therefore a clear generational effect, with newer MPs being much more likely to be pro-ban than their more established colleagues.

4. Labour's anti-ban MPs

Voted against a ban on public licensed premises and against the ban extending to private clubs	Voted for a ban in public licensed premises but against the ban extending to private clubs
Ronnie Campbell	Ben Bradshaw
David Clelland	Alan Campbell
John Cummings	Ann Coffey
Jim Cunningham	David Crausby
Bill Etherington	Mark Fisher
Frank Field	Doug Henderson
Bruce George	Keith Hill
Roger Godsiff	Dr Brian Iddon
Helen Goodman	Adam Ingram
David Hamilton	Alan Johnson
Tom Harris	Kevan Jones
Kate Hoey	Tessa Jowell
John Hutton	Eric Joyce
Brian Jenkins	Ruth Kelly
Siobhain McDonagh	Jane Kennedy
Kali Mountford	Fiona Mactaggart
Mike O'Brien	Khalid Mahmood
Bill O'Neil	Tommy McAvoy
Ian Pearson	Alan Meale
John Prescott	James Plaskitt
John Reid	Stephen Pound
Frank Roy*	Geoffrey Robinson
Geraldine Smith	Mark Todd
John Spellar	Keith Vaz
Emily Thornberry	
Robert Wareing	
Dave Watts*	
Phil Woolas	

Note: * indicates a whip.

⁵ In addition, Martyn Jones was the only Labour MP to vote against a ban in pubs and restaurants, but then for the ban being extended to clubs.

5. Conservative pro-ban MPs

Voted for a ban on public licensed premises and for the ban extending to private clubs	Voted for a ban in public licensed premises but against the ban extending to private clubs
David Amess	Peter Ainsworth
James Arthbutnot	John Baron
Tony Baldry	Richard Benyon
John Bercow	Crispin Blunt
Paul Beresford	Angela Browning
Peter Bone	Sir John Butterfill
Tim Boswell	James Clappison
Peter Bottomley	Quentin Davies
Julian Brazier	Alan Duncan
James Brokenshire	Iain Duncan Smith
Alistair Burt	Liam Fox
Greg Clark	Nick Gibb
Stephen Crabb	Cheryl Gillan
David Curry	Chris Grayling
Nadine Dorries	Dominic Grieve
Tobias Ellwood	William Hague
David Evennett	Philip Hammond
Michael Fabricant	Stephen Hammond
Justine Greening	John Horam
John Greenway	Jeremy Hunt
Oliver Heald	Nick Hurd
Michael Jack	Bernard Jenkin
David Jones	Julie Kirkbride
Daniel Kawczynski	Andrew Lansley
Robert Key	Oliver Letwin
Eleanor Laing	Tim Loughton
Mark Lancaster	Patrick McLoughlin
David Lidington	Maria Miller
Peter Luff	Dr Andrew Murrison
Anne Main	Brooks Newmark
Patrick Mercer	Stephen O'Brien
Anne Milton	John Redwood
Mike Penning	Peter Viggers
John Penrose	David Willetts
John Randall	
Andrew Rosindell	
Lee Scott	
Andrew Selous	
Grant Shapps	
Caroline Spelman	
Sir John Stanley	
Gary Streeter	
Shailesh Vara	
Rob Wilson	
Jeremy Wright	
Sir George Young	

Table 5 shows the pro-ban Conservatives: the 46 who voted for a complete ban, and the 34 who voted for a ban in pubs but who voted to exempt private clubs.⁶

⁶ The Conservative MP, James Paice, shared the voting pattern of Martyn Jones, having voted against a ban in pubs and restaurants, but then for the ban being

A generational effect is again clear. The Conservative pro-ban group includes many from their 2005 cohort. Of the 51 new Conservative MPs, 24 of them voted for either a ban in pubs (six) or a ban in both pubs and clubs (18).⁷ In other words, out of the 81 Conservative MPs who voted for a ban in licensed premises, 24 of them (30%) were from the new intake

The Liberal Democrats were mainly united in favour of a total ban on smoking, having included that commitment in last year's election manifesto. But three Lib Dems MPs – Jeremy Browne, Lembit Opik, and Mark Oaten - voted against both a ban in pubs and restaurants and a total ban, and a further five – Colin Breed, Edward Davey, David Howarth, Adrian Sanders, and John Thurso – voted for the pub ban but against clubs.

And some rebels too

At the end of proceedings, the entire Bill was then subject to its Third Reading vote, mainly thanks to the opposition of a group of Conservative MPs led, as usual in such circumstances, by Eric Forth and Christopher Chope. Unlike the previous three votes, the Third Reading appears to have been whipped on all sides, because MPs were voting on the merits of the whole Bill, not just the clauses covering the ban on smoking. The Liberal Democrats and the Conservatives officially supported the Bill in the aye lobby (though only 25 Tories, including Andrew Lansley did so), while 21 Conservatives voted against, joined by Lembit Opik and Labour's only dissenter, Brian Jenkins. Jenkins was casting his first ever vote against the Government since 1997.

The 21 Conservative dissenters, including seven⁸ members of the 2005 intake, were:

Adam Afriyie
Peter Bone
Douglas Carswell
Christopher Chope
Philip Davies
Stephen Dorrell
James Duddridge
Nigel Evans
Eric Forth
Christopher Fraser
Roger Gale
Philip Hollobone
Greg Knight
Ian Liddell-Grainger
Peter Lilley
Brooks Newmark
Laurence Robertson
Andrew Tyrie
Robert Walter
Ann Widdecombe
Sir Nicholas Winterton

extended to clubs, whilst David Davis, the Shadow Home Secretary, voted for a ban on smoking in pubs and restaurants, but did not vote on the total ban.

⁷ This excludes any 're-treads', MPs who returned to the Commons in 2005, having previously been an MP.

⁸ As above, 're-treads' – in this case, Christopher Fraser - have been excluded.

