

Four things I wish we knew about the top-up fees vote

The thing I would really love to know – as would plenty of MPs, University Vice-Chancellors and prospective students – is the outcome of Tuesday’s vote. But I’m not Mystic Meg and frankly I haven’t got a clue. One reason for this ignorance, however, is that some of the correct questions about the rebellion are not being asked. This short briefing paper raises four questions that might throw some light on things.

1. How many of the rebels are willing to see the Government defeated?

There is no doubt that some, perhaps most, of the would-be rebels are prepared to see the Bill defeated at Second Reading. But there will also be a group who want to rebel – in order to make a protest, to salve their consciences, or to appease their constituency parties (or any combination thereof) – but who do not want to see the Government defeated. They may fear the consequences of the Bill falling, not least because they do not want to hand Michael Howard a propaganda coup on the eve of Hutton.

Somewhat paradoxically, therefore, any talk of the revolt collapsing – as there was a few days ago – is extremely dangerous for the Government.

Assume that there are 100 Labour MPs who do not support the Government over top-up fees and who are minded to vote against, but that 20 of them are not prepared to see the Government defeated over the issue. And assume a real Government majority (see below) of 170.

If it is widely believed that there is a chance of defeating the Government, then 80 will rebel, but even if all 80 cross-vote, the Government will still win. On the other hand, if it is widely believed that the rebels have no chance of defeating the Government, then all 100 will rebel, producing a real risk of defeat.

This is why it is very important for the Government to spread the message that the vote is so tight. Making it clear that every vote counts piles the pressure on every would-be rebel. Mandy Rice Davis long ago formulated the correct response to such claims.

2. How many rebels will abstain?

The key to the Tuesday’s Second Reading vote will be the precise mixture of dissenting votes and abstentions. Each of the former lowers the Government’s majority by two. Each of the latter lowers it by one.

Despite most estimates still putting the size of any potential revolt at around 100 Labour MPs, the Government can survive a rebellion by around 100 of its backbenchers – as long as a significant number of them abstain.

Again, assume a real Government majority of 170. With 60 cross-votes and 40 abstentions, the Government win by 10. With 70 cross-votes and 30 abstentions, the vote would be tied (with the casting vote of the Speaker going in favour of Second Reading). But with 75 cross-votes and 25 abstentions, the Government would crash to their first defeat on a whipped vote since 1997.

The BBC (22 January) published a survey of those Labour MPs who signed the anti-top-up fee EDM (EDM 7). Eight said they would vote with the Government. Sixteen admitted to being undecided, and 43 refused to participate. A total of 62 said that they would vote against the Government along with three who said that

they would abstain. The *Guardian's* survey (24 January) found 49 voting no, twelve who would vote with the Government, 19 undecideds, and one abstention.

The problem is that these ratios of cross-votes to abstentions (of over 20:1 in the case of the BBC, and 49:1 in the case of the *Guardian*) are just not realistic. Other large rebellions have tended to see a ratio somewhere around the 2:1 or 3:1 mark. If there really are at least 62 Labour MPs who will be voting against the Government, then will probably be at least 20 (and probably more) who are willing to abstain. These may come from within the ranks of those who told the BBC or the *Guardian* they were undecided or who refused to answer. Yet the rebels almost certainly require a significant number of this group to do more than abstain in order to defeat the Government.

3. How many are 'saving their powder' for Report?

In particular, there may be MPs who oppose top-up fees but who are prepared to abstain on Second Reading (or even to support the Government) in order to try to gain further concessions and changes from the Government as the Bill progresses through Parliament.

Voting against the Second Reading of a Bill is a blunt way of registering opposition to a measure, which is one of the reasons why only one Bill in the whole of the twentieth century – the Shops Bill in 1986 – was ever lost to a Government with a working majority. It is much more common for critics of a measure to voice criticisms at Second Reading, and then rebel on more detailed aspects of the Bill at later stages in its passage through Parliament. Martin Salter, for example, has been talking about 'lending' his vote to the Government at Second Reading.

But the tactic is tricky and doesn't always work. During the passage of the Health and Social Care Bill a grand total of 87 Labour MPs voted against the Government's plans for Foundation Hospitals. This should easily have been enough to bring about a Government defeat. Instead, the Government (eventually and narrowly) got its way. The problem for those opposed to the Government's plans was that some of those who voted against on Second Reading were not then prepared to continue to vote against later on during the Bill's passage. The passage of time allowed the Government to persuade some of them to come back inside, where they merely cancelled out those who did not rebel at Second Reading but who then began to rebel. If those opposed to Foundation Hospitals had been able to persuade all of those who were prepared to vote against their whips over the issue at any point to do so together, then the Government would have been defeated. But they couldn't, and so they weren't. Something similar could be about to happen again.

4. What is the Government's real majority?

The Government's nominal majority is 161.

This is calculated by taking the 408 MPs in receipt of the Labour whip and then subtracting all the other MPs, save for the Speaker and his three deputies (none of whom vote), which equals 161.

But there are also four Sinn Fein MPs, who have never taken their seats, and who do not vote either. With them excluded, the Government's real majority rises to 165.

There are then another 14 MPs from Northern Ireland, whose participation in Westminster votes is usually sporadic. Current press reports claim that all 14 will turn up on Tuesday to vote against the Bill. If so, it will be a minor parliamentary miracle. Assume only a couple fail to turn up and the Government's real majority rises to 167.

We know that the one Scottish Conservative MP will refuse to vote as part of his self-denying ordinance on devolved matters. That makes the Government's real majority 168.

Then there is Dr Richard Taylor, the 'independent' MP for Wyre Forest, who has not yet said how he'll vote. He could make 169.

And then, perhaps most importantly of all, there's the effect of any division in the Conservative ranks. It is widely known that not all Conservative MPs agree with their party's stance over top-up fees. In the *New Statesman* last week, Paul Routledge claimed that up to 10 were considering defying their party whip over the issue. Each Conservative who cross-votes raises the Government's effective majority by two; each abstention by one. Ten dissenting votes seems very unlikely, but a couple of abstentions and perhaps the one or two cross-vote might be likely. Robert Jackson, for example, has already said that he will vote with the Government and two others are said to be ready to abstain. This could raise the Government's majority by four in total, to around 173.

It is probably not likely that all of these things will occur together. But on this issue, the Government has a real majority not of 161, but of at least 168 (161, plus the four Sinn Feiners, plus the Conservative, Peter Duncan, plus the cross-voting Robert Jackson), and probably in practice at least 170.

Of course, the Government will also have problems of its own, ensuring that it manages to get all of its supporters to vote. There will be ill and absent Labour MPs -- as there will be some Conservatives. (When the Government's majority was reduced to 17 over Foundation Hospitals, there were, for example, only 156 Conservative MPs voting against the Government).

But the key point is that the Government's effective majority is probably at least 10 higher than its nominal majority.

That might not be much, but in a vote this close it might be enough.

Notes

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