

The government’s approach to reforming the House of Lords is 80 per cent of the way there. Nick Clegg needs to take courage and to go the rest of the way to a more democratic and coherent, wholly elected Senate.

After more than a century of constitutional reform debates, replacing the indefensible House of Lords with a decent elected Senate is now within sight. The government’s draft Bill is a vast improvement on previous Westminster-elite proposals. It needs only some achievable alterations to become a wholly desirable plan for reform. The key changes needed, [Patrick Dunleavy](#) writes, are fewer Senators, able to stand for two terms each, using a simple, open List system of proportional representation, and sitting in an all-elected House.



The coalition government’s [draft Bill on Lords reform](#) shows tremendous progress in coming up with a workmanlike road to reform. Nick Clegg now has a set of reform proposals that are four fifths of the way to being a coherent, principled and genuinely worthwhile reform – and one that meets the pledges made to the electorate at the 2010 general election by the top three political parties. My table below shows how far the Coalition’s thinking has come, and yet what further movement it still needs to make to achieve a fully democratically accountable upper chamber.

Table 1: Comparing the status quo, the government’s draft bill and the changes needed for a fully democratic Senate

Aspect	Current House of Lords	Government draft bill for reformed House	Change still needed for a fully democratic Senate
<i>Number of members</i>	789 – many of whom never show up to debates, and many more of whom speak only a handful of times, ever	300 plus	180 to 220
<i>How do members get there?</i>	All appointed (plus remnants of hereditary peers)	<i>Either:</i> 80% elected and 20% appointed by non-political commission <i>Or:</i> 100% elected	100% elected
<i>Years in legislature?</i>	Until death	Three general election periods, (i.e. from 6 to 15 years)	Two general election periods, (i.e. from 4 to 10 years)
<i>How many times can you stand for office?</i>	See above – you only exit when you die	Once only – you can never be re-elected	Twice –you can be re-elected once
<i>When are new members added?</i>	Whenever the government needs to win votes	One third of members are elected at a time	Half of members are elected at a time
<i>System of election used?</i>	None	<i>Either:</i> List proportional representation system <i>Or:</i> Single Transferable Vote (STV)	Simple to use, List PR voting system
<i>Who do members represent?</i>	Themselves	Government standard regions in England, and the nations of Scotland, Wales and Northern Ireland,	

		that is multi-member constituencies of between 1.5 and 8 million people, as for MEPs at present	
<i>When will elections take place?</i>	Never	On the same days as general elections	
<i>Timetable for reform</i>	Never	2015 – first elections	2015 – first elections
		2025 – fully reformed	2020 – fully reformed

The essence of the government proposal is to elect the vast bulk of the reformed chamber in large constituencies, using the regional seats already employed for electing the UK's members of the European Parliament. One of the options still for debate between the coalition parties is whether the new Senate should be 100 per cent elected, or only 80 per cent elected members, with the remaining fifth appointed by a non-partisan commission. The proposals for electoral arrangements strongly resemble [the detailed schema for electing the Lords](#) that [Helen Margetts](#) and I set out for Lord Wakeham's disappointing Royal Commission on the Lords in 1999, which ignored all elections to create the current all-appointed House.

The draft Bill proposes to create a strongly static balance of parties in the new house by proposing that members are only elected a third at a time, which in turn means that to get proportional elections a large Senate of 300 plus members is needed. (Given the size of the smallest UK regions, you cannot elect much less than 100 members at a time and still represent a fair balance of votes in each region). Each member would be elected once only and would never be able to stand for re-election, that is, a single term limit. This is a highly unusual requirement, found in very few other legislatures across the world. The main case is the Mexican legislature, where single term limits are widely blamed for corrosive corruption, because a legislator who cannot be re-elected has nothing to lose from being corrupt.

The government proposes that elections will take place on the same day as general elections, because that will maximize the numbers of people who will vote in the new Senate elections, a strong democratic rationale. However, the top three parties (Conservatives, Labour and Liberal Democrats) also know that the general election context is the most favourable for them. In particular, it tends to strongly suppress votes for the UK's smaller fourth, fifth and so on parties – whose votes would clearly be higher if Senate election took place on a fixed four year term, like those for the Scottish Parliament, Welsh Assembly and Greater London Authority.

Electing on general election days means that the government's draft bill cannot specify exactly how long a member of the new Senate will sit for. If a general election takes place inside of two years, then they do not trigger an election of the next wave of senators due to be replaced. But once a Parliament has gone beyond two years, that counts for this purpose. And of course each Parliament can only last a maximum of five years. So depending on how things work out, an unlucky senator could sit for as little as six years, while a lucky one (who lasts through three five-year Parliaments) could be there for a decade and a half. This would be a hugely long term during which senators never have to return and face the voters who chose them, and are not removeable in any way through popular action. (In fact, if a tranche of senators got really lucky and interspersed five year Parliaments with a couple of near-two-year short Parliaments at the right times, they could stay in the upper chamber for almost 19 years).

The problems here are obvious, but they are also easily solved. The key thing is to reduce the size of the Senate to its smallest feasible scale, which is around 180 to 220 members – which minimizes both the number of elected politicians and the costs of an elected upper house. The chamber can also be very safely elected a half at a time (not in thirds), because the government has accepted the need for a proportional representation election. And under any realistic scenario, in today's multi-party politics two PR elections in the UK are never likely to result in an upper house with a clear overall majority for any one party.

Electing members in halves also means that the term of office for senators would fall to between four years (if they held office in two short-Parliaments only) and ten years (if they held office for two full-term Parliaments). This reduction also opens up the chance to get rid of the highly objectionable single term limit, and to opt for the term limit widely seen as optimal in US politics and in academic analyses also – namely two terms. That means that senators would have the chance to be re-elected once, but they could not go on and on, as MPs do, and so would not be professional career politicians and nothing else.

In terms of the electoral system to be used the government's draft Bill suggests that the single transferable vote (STV) could be used in the large regional constituencies, and technically this is (just) feasible. However, there are three highly compelling reasons not to go down the STV route, and instead to opt for the government Bill's alternative option, which is an open List PR system where people cast a single X vote for the candidate they prefer from lists offered by the parties. The first reason is that this is far simpler for voters

to operate and to count, and a version of List PR already works well for the UK's European Parliament elections. The second reason is that if Senate elections are held on the same day as general elections, having two X vote elections would be strongly preferable for voters – while mixing up numerical voting with STV and X voting would be highly confusing. Finally, of course, voters have just strongly rejected numerical preference voting for AV in the May 2011 referendum, so that the Liberal Democrats would be well advised not to try again with STV.

The only other change needed is for Nick Clegg and the Liberal Democrats to take their courage in their hands and to insist at their party conference in September that only a 100 per cent elected Senate will be democratically credible and acceptable for public opinion. An 80 per cent elected upper house would undermine the whole point of elections by creating a completely unaccountable and irremovable sub-set of legislators, again opening the way for the taint of corruption and social exclusion that has so disfigured the Lords over many decades.

To download the draft government bill and accompanying White Paper, please [click here](#).

To read the detailed, evidence-based proposals on electing the upper chamber submitted by Professor Dunleavy and **Professor Helen Margetts** in 1999 to the Wakeham Royal Commission please click here: [Report to the Royal Commission on Reform of the House of Lords: Electing Members of the Lords \(or Senate\)](#) (London: LSE Public Policy Group, 1999).

Public Debate – 18 July – Reform of the House of Lords

The Constitution Society, Centre Forum and [British Government @ LSE](#) are hosting a Public Debate on Monday 18 July at the LSE, on the “Reform of the House of Lords” and has invited speakers to represent a range of different perspectives. More details will be confirmed shortly. Registration is free but booking is essential via Politicsandpolicy@lse.ac.uk.