

# The House of Lords reforms are an opening gambit that will inevitably lead the UK into greater democratic reforms

*We should welcome the government's reforms to overhaul the House of Lords, writes **Graham Allen MP**, the elected Chair of the Select Committee on Political and Constitutional Reform, as they stand to lead us from our current unacceptable arrangements into a world-leading democratic practice.*



Parliament should take this opportunity to bring forward proposals for a comprehensive reform of the second chamber seriously, and produce an Act, which our democracy can be proud of. Yet there are two obvious flaws: the proposals try to deal with two enormous objectives at once, the first, to rid our country of the inexcusable anachronism of the unelected playing a part in passing the laws that govern us; and the second, to establish an elected principle in the second chamber. For me the latter is by far the most important objective – establish an elected element and let nature take its course with the rest.

Only a reformed Parliament with a revitalised first and second chambers can hope to hold to account the unrestrained executive power that prime ministers and governments exercise in the UK. Effective democratisation of the second chamber should not be mistaken as being more than a just part of the much longer march to extend the franchise in our country and rein in the power of Government. Those who currently inhabit the Lords should be left alone, allowed to use the facilities and to speak in debate, but not to vote. Only those who have the legitimacy of being elected should be allowed to vote on legislation. However there is a very long way to go and the compromise proposal to focus only on introducing the elected element may look much more attractive in a year's time.

So, I support the Coalition proposals for House of Lords reform, since they intend to lead to 80 per cent – a big improvement on zero per cent – of members of the second chamber being put there by voters. This serious chance for change has been a long time coming.

The introductory text to the Parliament Act 1911 stated that it was intended “to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis.” In other words, 100 years ago, it was already seen as an established principle, set out in an Act agreed to by the House of Lords, that the Lords should be a ‘popular’ chamber.

After a century of indifference and feet-dragging, we have finally been presented with a [draft bill](#) that promises to take us 80 per cent of the way there. No one who claims to be a democrat should obstruct this opportunity for change, which may not come again for some time. Neither should misguided perfectionism nor party political opportunism distract from the pursuit of fundamental principles.

Any criticisms of the Coalition proposals that follow, along with my predictions about complications that will arise from them, should be read against this basic outlook.

## The proposals

It seems appropriate, following international example, for the second chamber to be smaller than the first and 300 – exactly half that of the Commons after the next General Election – is as good a figure as any. But we cannot escape the fact that these 300 – though less in number than the current House of Lords total of nearly 790, or even the embarrassingly low average daily attendance of 388 – are going to cost more money than Peers do at present. It is right that they will be provided with the support – salaries, staff, facilities – they need. Democracy is worth paying for and we should not shy away from saying so when the inevitable negative comments are made about this cost of this reform.

Non-renewable terms of fifteen years may seem lengthy. Were they shortened, the staggered elections could be held more frequently, and the overall reform phased in more quickly, although that might mean abandoning the idea of synchronising elections to both Houses. However, fifteen year terms are a big improvement upon a place for life – or, as was the case for hereditary peers, membership of the House of Lords for you and your descendants after you.

If the current proposal that elections to the Commons and second chamber are to be held at the same time is retained, it is important that the latter body is to be elected by thirds and using a proportional system.

Otherwise there would be a risk of duplicating results within the two Houses. The Single Transferable Vote seems a good option to have chosen for this purpose. The White Paper is to be commended for clearly extolling the merits of this system.

It is regrettable that there will still be 60 appointed members of the House of Lords, a decision which runs counter to the overall logic of the package. Rather than a final settlement, this provision should be regarded as a temporary concession which can be returned to and corrected at a later date. It is unclear why the Bishops need to be retained at all, albeit as ex officio members, or how the figure of 12 Bishops replacing the present 26 was arrived at.

While it is intended that peerages will now become purely honours and not be linked to membership of the legislature, the executive surely does not need even more patronage at its disposal than it already possesses. If peerages must be retained as an honour, it should be stipulated that they cannot be awarded to MPs or members of the second chamber.

The duration of the transitional arrangements favoured in the white paper is excessively long. The ideal option would be to hold full elections immediately. If the new second chamber must be elected in portions, then subsequent elections could be staggered. If it is absolutely necessary to retain more than 60 appointed Peers for a time, then those remaining under arrangements that are being phased out should lose their voting rights immediately after the next General Election.

At the opposite end of the scale, another concern is the speed at which the constituencies will have to be devised. The white paper notes that there will be a need to devise new constituencies or 'Electoral Districts' in England, with Northern Ireland, Scotland and Wales each forming single Electoral Districts. It can only be hoped that a better process will be used in England than the top-down, unresponsive method in place for the boundary reviews required to equalise the size and reduce the number of Commons constituencies under the Parliamentary Voting System and Constituencies Act 2011.

### **Likely consequences of the reforms**

The government approach is to treat this major alteration of the composition of the second chamber in isolation from the issue of its powers and role. The White Paper asserts that the House of Commons would remain the primary chamber while the House of Lords would complement it.

Whether it is the intention of the present government or not, there will be an impact upon the conventions governing the relationship between the two Houses. Simply stating in the legislation that will drive these changes that it will not have this effect will not be sufficient to prevent it from occurring, since the developments that will be involved are non-statutory in their nature.

Some may regard the consequent rebalancing of the relationship between the two Houses as a negative tendency, using phrases such as 'gridlock'. In fact, a system which requires greater dialogue and cooperation as part of the legislative process is to be welcomed. However, it will probably prove necessary eventually to codify the respective powers of the two chambers, to introduce the required clarity to the democratic process. The best way of doing so would be as part of a broader process which sets out the fundamental principles of the UK constitution as a whole and defines our rights as citizens, in a document that has a higher status than the regular law and conventions on which our settlement currently rests. At present the UK is almost the only country in the world that lacks a 'written constitution' and its introduction is long overdue. The production of this text would have to involve the entire UK population and not simply the two Houses of Parliament. Its authority would rest on the sovereignty of the people.

The House of Lords reforms proposed by the government should be welcomed, but not because they are a perfect, final settlement. Rather, their value is as an opening gambit, an enormous improvement upon current unacceptable arrangements; and because they will inevitably lead on to further change that may finally bring the UK into line with other world democracies.

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*On Monday, 18 July, the Constitution Society, CentreForum and British Government @ LSE hosted the debate, **The future of the House of Lords**. The debate brought together MPs, peers and academics to discuss the proposals set out in the Draft Bill and the prospects for reform of the House.*

#### **The speakers were:**

- [Mark Harper MP](#), Minister for Political and Constitutional Reform, who was in favour of the proposed reforms;

- [\*\*Professor Patrick Dunleavy\*\*](#), London School of Economics, who was also in favour, but urged the reforms to go further;
- [\*\*Professor the Rt Revd Lord Harries\*\*](#), who was skeptical of the proposals and advocated a hybrid system;
- [\*\*Professor Tim Bale\*\*](#), University of Sussex, who was against the proposals.

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