

# The size of the House of Lords is pushing 900 – and needs to come down

By Democratic Audit

*The House of Lords has grown from 666 members to 835 members over the last thirteen years, leaving it not only larger than the House of Commons, but the largest Upper Chamber in the world. **Lord Norton** argued in a recent speech to the House that this was a problem that needed to be looked at seriously, and made the case for a cap on membership of the body.*

In terms of membership, the House of Lords has grown, is growing and ought to be reduced. My starting point is that it does a good job in fulfilling functions that add value to the political process. It complements the elected Chamber, not least in carrying out tasks that the other House may not have the time, resources or political will to fulfil. However, the fact that we do a good job does not mean that we could not be even more effective than we are.

Enhancing the Lords' effectiveness has two elements. One is making changes to how we operate and the other is bolstering public confidence in what we do. Unlike the House of Commons, we cannot take our legitimacy for granted. We have to earn it. The changes that would enable us to fulfil our functions more effectively and enhance public support go well beyond limiting how many Members we have. However, addressing the size of the House is critical because of its relevance to fulfilling the functions of the House and our public standing.

There are two aspects to the size of the Lords. One is the total membership and the other is the active membership. The total membership is especially relevant to how the House is seen by the public, and the active membership is relevant to the capacity of the House to do its job. In terms of total membership, it has grown markedly since the passage of the House of Lords Act 1999. At the start of the new Session of 1999-2000, we had 666 Members—in other words, a membership slightly larger than that of the House of Commons.

Today, we have a total of 835 Members, making the House more than a quarter larger than the House of Commons. We are the largest second Chamber in the world. That remains the case even if we exclude those who have taken leave of absence or are ineligible. Excluding those who are ineligible or have taken leave of absence, we have 781 Members. However, we have to take into account the fact that ineligible Members, such as those holding judicial posts, will in due course be able to resume their seats. Some of those on leave of absence because of the positions they hold, such as Baroness Ashton, may well resume their seats upon completion of their current posts.

However, even working with the figure of 781, imagine what will happen if a new list of Peers is announced! Then think ahead to the next Parliament and the likely creation of another list. There may be ebbs and flows—we lose some Members each year and there is a lull between lists—but the underlying trend is clear. That is demonstrated graphically in Figure 2 of Meg Russell's pamphlet, *House Full*, published in 2011. As she points out, the largest single number of Peers to be created in any one year since 1999 was the 117 who were created in 2010-11.

The number, be it of all Peers or just of eligible ones, is rising and has risen most markedly in the past three years. It is not beyond reason to envisage a House at some point in the next Parliament with a total membership close to, or even in excess of, 900 Members. A House of that size, whether active or inactive, does nothing for our reputation. It is difficult to defend in the public arena.

One can certainly justify a House similar in size to that of the other House, given that we need a large membership to sustain an active House of part-time Members. We benefit fundamentally from Peers having outside links and maintaining current expertise. This House forms an invaluable arena for discourse by civil society. However, the more that we grow in number beyond the size of the other place and, like Topsy, just grow and grow, it is difficult to defend against the criticism of being primarily an expanding repository of political patronage.

There is no obvious justification for the expansion in terms of fulfilling the tasks that are core to our activity. The more that we grow in size, the more that the position becomes indefensible. It would not be bad if there were a rational argument for the growth in numbers, but there is no clear intellectual basis for it. The composition of the new membership in this Parliament bears little relationship to the stated aim of the coalition agreement in terms of membership proportional to votes in the general election. To achieve proportionality now would require a further, substantial injection of new Peers.

There is a more tangible problem in terms of the resources of the House. The growth in membership in recent years has brought in Members who contribute regularly to the work of the House. This is reflected in the daily attendance: the average daily attendance in the Session 2009-10 was 388, while in the most recent session, 2012-13, it was 484. As Meg Russell records, this substantial recent growth in the active membership generates three problems. First, it puts pressure on the limited resources of the House. Secondly, it puts pressure on the work of the House, not least in terms of demands to contribute to Question Time and debates. Thirdly, it has a negative impact on the culture of the House. The more that Members are brought in quickly and in large numbers, the more that this makes it difficult to socialise Members in the accepted norms of the House, and the danger is that the House may become more fractious and partisan.

The pressure on resources is fairly obvious, not least in terms of space. Members have always been under-resourced relative to Members of the other place. This is shown in the extent to which Peers are allocated not offices of their own but rather desk space. The pressure is also obvious in the Chamber, in that at various times it is not able to accommodate all the Members who wish to attend. We have a smaller Chamber than that of the other place but a larger membership. The Commons has seating for more than 60% of its Members; we cannot match that, even based on the average daily attendance, and the situation is clearly growing worse.

The increase creates particular problems in a House that works on a fairly lean support base. The cost of this House is notably less than that of the House of Commons. In the previous Session, the cost to the public purse of the House of Commons was £392 million while the cost of the House of Lords was £87 million.

We may take some pride in delivering value for money, but making a case for more public money at the present time is difficult. We are expected to make efficiency savings. That will be difficult with an influx of new and active members, each eligible for an attendance allowance and transport costs and adding to the demands on the resources of the House. There is clearly a problem in how this will be seen by the public. There is also the problem of how we can cope within our existing physical capacity and administrative support. The demand is in danger of outstripping the ability of the House to meet it.

So the situation that we are in is clearly problematic, and if there are many more creations then it will likely become unsustainable. What, then, is the answer? There are various steps that can be taken, although in taking them it is important to have regard to certain principles. One is that no party or coalition of parties forming a Government should have an absolute majority. Another is that there should be a protocol, a formula, on the balance between the parties in order to prevent another escalation in membership. Any reduction needs to have regard to the balance between political groupings in the House. A third is that we should work towards a membership that is smaller than that of the House of Commons. That may take time but it is a useful aspiration; it provides a framework for managing the reduction in numbers.

One immediate and rather modest step would be to put a limit on the size of the House. One proposal is to have a moratorium on the creation of new Members. I would propose a cap on membership. That way, one could create new Members but only when existing ones had demised. One could develop a formula of creating, say, only one new Peer for every three who left the House. That would gradually reduce the size of the House; it would be a slow process, but over the course of the Parliament it would reduce the size of the House by at least 50.

Other steps include those embodied in the Bill introduced in this House by Lady Hayman, and that in the House of Commons by Dan Byles MP, such as removing Peers who hardly ever attend. That would not affect the active membership but would have a beneficial effect in terms of public perception. Another provision of the Bill would create a form of retirement provision, which would have the effect of the Members ceasing to be Members of the House, with no provision for retirement to be rescinded.

More radical proposals have been canvassed. These include proposing a mandatory retirement age or imposing a set period for which a new Peer may serve, such as 10 or 15 years. The problem with each of these is that it has the potential to rid the House of Members who are making a substantial contribution to it. There is another proposal that would not have such an arbitrary effect and could be geared to the need to maintain a balance between the parties in the House and allow for some recalibration in each Parliament: to determine the number that each political grouping should have in a Parliament and to allow each to elect from within its own ranks those who should remain within the House—in other words, a scheme not dissimilar from that employed in 1999 to determine which hereditary Peers should remain in the House.

My purpose this afternoon is not to put forward a particular proposal, but rather to emphasise the necessity to address the problem. The more we can get on record the need to act, the sooner we may be able to achieve some steps by government to address the compelling need for some corrective action. Accepting the need for a cap on membership would be a starting point.

But on where we are likely to be in two, five and 10 years' time? In terms of creations already announced, could he give us some indication of the additional costs estimated to be incurred in a full financial year once the introduction of the current tranche of new creations has been completed? A further list of Peers in the current Parliament will create not just additional but significant difficulties in terms of the finite resources of the House. Projecting ahead, the problem will be exacerbated in the next Parliament, especially in the event of the return of a new Government? That will be the case if the new Government is a majority Conservative Government. Would not the new Government expect to create more Peers?

The problem has been touched upon by various bodies in recent years, including the Leader's Group chaired by Lord Hunt, as well as more recently by the Political and Constitutional Reform Committee in the other place. Lord Hunt told the committee that he found that there was a broad consensus among Members that the current House is too big and the overall size should be reduced.

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*Note: this post is based on a speech given by Lord Norton in the House of Lords on December 12th 2013, and can be viewed in its entirety [here](#). It represents the views of the author and not those of Democratic Audit or the LSE. Please read our [comments policy](#) before posting. The shortened URL for this post is: <http://buff.ly/1fjeYaO>*

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**Lord Norton of Louth** is Professor of Government at the University of Hull. In 1992 he also became Director of the Centre for Legislative Studies. In 1998 he was appointed to the House of Lords. From 2001 to 2004 he was Chairman of the House of Lords Select Committee on the Constitution. He has been described in *The House Magazine* - the journal of both Houses of Parliament – as 'our greatest living expert on Parliament'.

