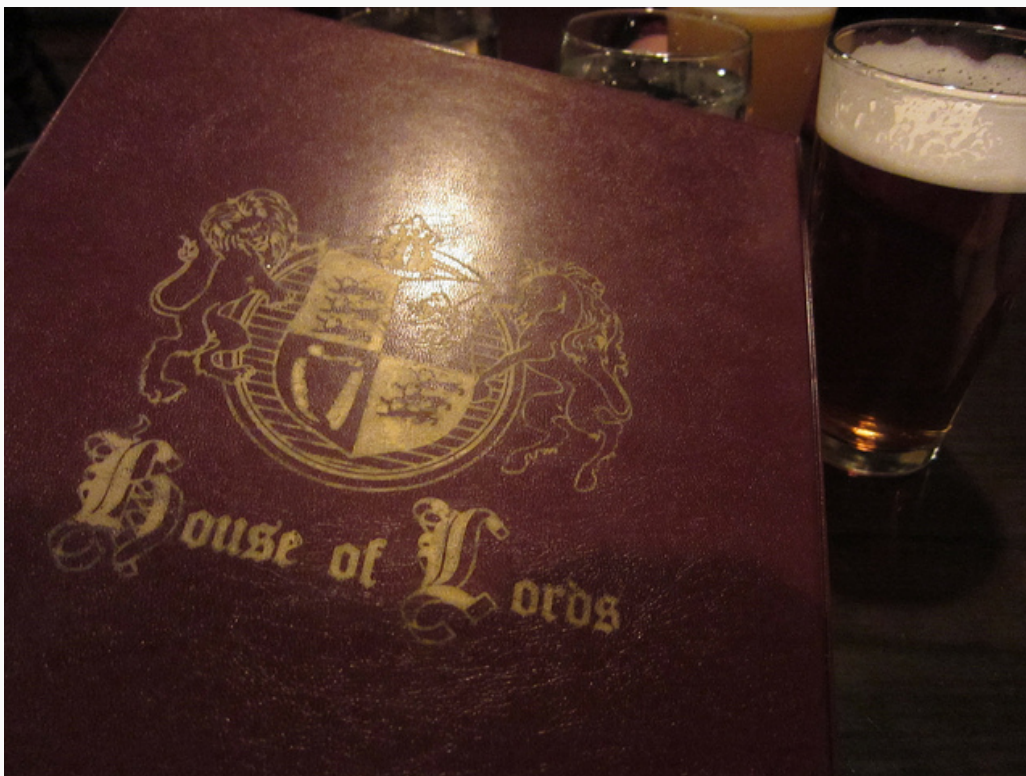


A small British Senate is the best alternative to the bloated and undemocratic House of Lords

By Democratic Audit UK

*House of Lords reform was scuppered in 2011 when the Conservatives opted not to back the Liberal Democrats' plan in sufficient numbers. With David Cameron recently opting to appoint a new tranche of Lords and bringing the total size of the chamber to the highest level since 1999, talk of reform has returned. **Stephen Barber** argues that despite some welcome steps in modernising the Lords, democracy is the only real form of legitimacy, and that a small British Senate offers the best alternative to the current arrangements.*



Could Lords' reform be back on the menu? (Credit: Alan Light, CC BY 2.0)

Twenty two new peers have just been created, taking the size of the House of Lords to an 800 strong, largely active, membership. And this from a prime minister who at the beginning of the parliament had pledged to reduce the size of the Upper House to around 400 and introduce direct elections. While the recent demotion of the Leader of the Lords to below Cabinet level rank might offer some indication of his attitudes to the second chamber, Cameron's possible indifference does not mollify the ongoing and growing constitutional absurdities embodied by the place. Indeed, the most recent appointments have served once again to highlight the abundance of party donors (the Electoral Reform Society estimate that between them these newly ennobled are responsible for around £7m in their respective parties' coffers), the disproportionality of Lords' membership when compared to votes cast by the electorate (where, one might ask, are UKIP's Lords?), and the creaking unworkability of what is probably the largest legislative chamber in the democratic world.

But more than this, reformers are left wondering whether the House of Lords will ever become a democratically legitimate body either by way of incremental changes or, as many of us would prefer, a 'big bang' event which replaces the upper house with an elected chamber.

Deputy Prime Minister Nick Clegg's cherished reforms collapsed at the hands of his coalition partners in 2012. This would have meant popular elections for the first time alongside surviving appointed peers. Since then the slightest of reforms have taken place, centring on the ability of older Lords to retire. For our democratic health,

more needs to be done and the issue must be kept on the agenda in the approach to the general election.

The constitutional position in which we find ourselves is perhaps unsurprising. As Democratic Audit co-Director [Patrick Dunleavy highlighted](#) more than two years ago the proposals which made it into the 2012 House of Lords Reform Bill via the joint committee were not without difficulties: they were, he noted at the time, 'a paradigm case of a camel designed by a committee'. They also failed to recognize the historic nature of the House of Lords which is one of piecemeal change, without any grand design, over a very long time. David Steel summed it up memorably when he pointed out that Lord's reform is the only example of a political pledge which qualifies for a 'telegram from the Queen'. The result, though, is a chamber which is completely different today, in character and composition from that of a generation ago. It has morphed gradually from a body exclusively male and hereditary to one which is almost entirely appointed and where female representation rivals the Commons. But no-one designed it this way and there remains a reticence about seriously reshaping this chamber so that it meets the needs of a modern twenty-first century democracy.

There are those who continue to advance the case that while all this might be quirky and a bit British, it allows for the great experts to debate policy and inform legislation. While the case is not without merit, I for one am unconvinced that the House of Lords is the envy of the world, seen as some sort of impartial intellectual power house. As these most recent appointments demonstrate there are plenty of failed ministers, party hacks and donors swelling their ranks. But the case is not so much that the Lords is ineffective but rather that it lacks legitimacy. Indeed while it might fare well in a comparison with the unproductive House of Commons, the effectiveness over accountability argument is failing in other areas of public life which is why we now have elected Mayors and Police Commissioners.

Capping the numbers of Lords, introducing a statutory appointments committee and making appointments reflective of votes cast at a general election have all been proposed to deal with this problem. But they generate as many issues as they solve. Capping numbers (alongside retirements) merely incentivises prime ministers to appoint younger and likeminded peers at every opportunity. A committee of the great and the good might take power out of the hands of the executive but it creates something close to a self-appointed parliament. Appointments representing votes cast not only requires the continual periodic increase in the number of members (without some mechanism for getting rid of peers) but is frankly an affront to democracy: if proportionally representing votes cast is seen to be important it is curious that it should apply to the appointed rather than the elected house and if popular support is the measure why not have elections? Furthermore, in a paper just published *in Renewal*, I show that in terms of votes cast for parties at general elections, the Lords is already more representative than the Commons.

In a legislative assembly, democracy is the only serious form of legitimacy.

So here are two proposals to increase the House of Lords' legitimacy. One from the piecemeal school aimed at nudging the Chamber in the right direction; the other for any bold political party to include in their 2015 manifesto.

Consider that more than 180 people have been appointed to the House of Lords since David Cameron became Prime Minister in 2010 while 92 hereditary peers remain in place (and represent the nearest the Lords gets to an election). With a moratorium on new life peers, 46 new directly elected 'senators' would represent barely 6% of the House, merely a quarter of the number appointed in this parliament and exactly half those there by accident of birth. But they would bring an element of democratic legitimacy to the chamber that is desperately needed. In the piecemeal tradition, they would also subtly change the nature of the Lords.

The bold suggestion? Create 46 directly elected senators and abolish the rest of the House of Lords. It strikes me that a small, high-powered – but elected – revising chamber offers the best opportunity to attract high quality, independent-minded, parliamentarians able to legitimately improve legislation without challenging the primacy of the Commons.

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