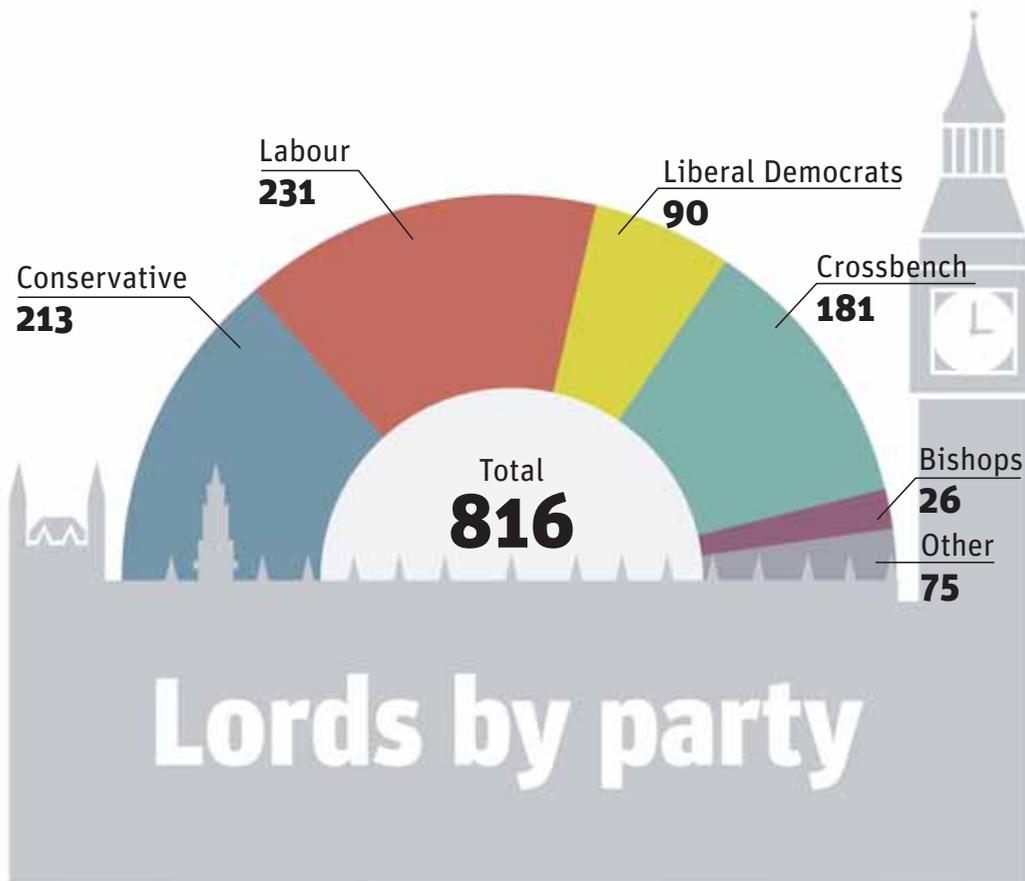




Reforming the House of Lords

Why maintaining the status quo isn't an option

Who lives in a House like this?



Manifesto pledges

■ Conservatives

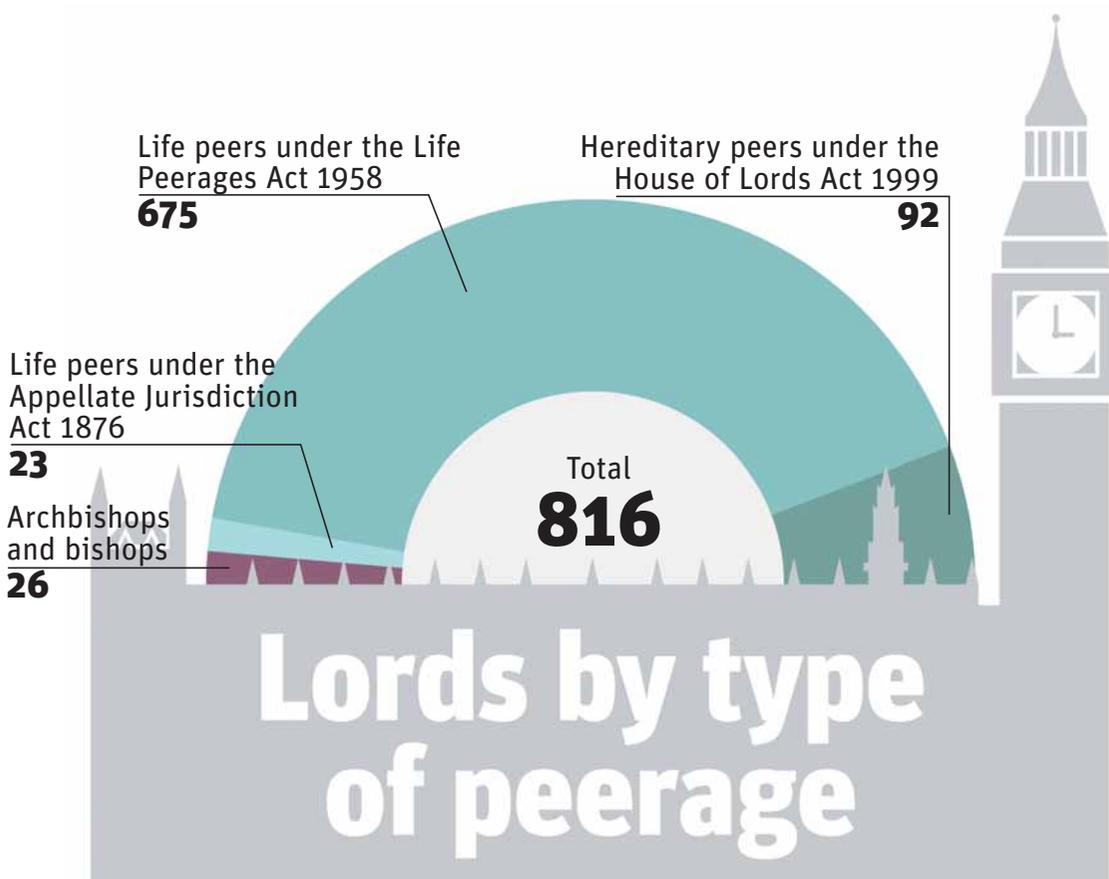
We will work to build a consensus for a mainly-elected second chamber to replace the current House of Lords, recognising that an efficient and effective second chamber should play an important role in our democracy and requires both legitimacy and public confidence.

■ Labour

We will ensure that the hereditary principle is removed from the House of Lords. Further democratic reform to create a fully elected second chamber will then be achieved in stages. We will consult widely on these proposals and on an open-list proportional representation electoral system for the second chamber, before putting them to the people in a referendum.

■ Liberal Democrats

Replace the House of Lords with a fully-elected second chamber with considerably fewer members than the current House.



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The right thing to do for our democracy

For more than a century, politicians have grappled with the issue of House of Lords reform. Last month, a bill was presented to parliament that aims to resolve the issue once and for all.

At its heart is the requirement that 80 per cent of House of Lords members are to be elected by the British public for a non-renewable 15-year term. Gone will be the life peers, and in their place a system that enables members to resign, to be expelled and to be suspended. No longer will members be able to

claim £300 a day simply for turning up; instead pay will be related to their level of input into parliamentary business.

Opponents to the bill claim there is no public appetite for it; that it is a waste of parliamentary time; that an elected Lords would challenge the authority of the House of Commons.

Yet these voices have failed to acknowledge one crucial factor – that an unelected second chamber has no place in a country that prides itself on its democratic principles. ●

This supplement, and other policy reports, can be downloaded from the NS website at newstatesman.com/supplements

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This is an opportunity to better represent
the British electorate

“Right functions, wrong people”

By *Katie Ghose*

The publication of the government bill on House of Lords reform has unleashed all the anticipated reactions from all the usual quarters. Amidst the outpouring of appreciation for the 800 incumbents no one has explained why so many unelected people should continue to legislate in our names.

Had there been a majority Labour government after the 2010 General Elections then the party would have implemented its manifesto promise to hold a public referendum and the British people would be preparing for its first elected Upper House. A Lib-Lab coalition may well have followed this path, or negotiations could plausibly have led to legislation without a referendum.

Instead the Liberal Democrats are in government, defeated on AV, and struggling to keep House of Lords reform alive as Labour politicians refuse to help them finish the job that they started. Of course Labour is tempted by tactical politics. But as Labour MP Malcolm Wicks has said: “Parliament is at its most short-term and pathetic if it is just about giving Clegg a bloody nose. If this is lost, it is gone for a generation.”

Responsible reform

There are now two questions for Labour. The first is whether achieving any Lords reform will better equip parliament as a whole to hold the government to account. The second is whether a referendum should be a veto on the progress that a largely elected Upper House represents.

Peter Hennessy summed up my evidence to the joint committee on Lords

reform as the “right functions, wrong people”. This is a fair assessment. Nothing could be less representative than the current London-centric incumbents. A wholly or mainly elected chamber is bound to be more reflective of Britain today. As politics and people grow more distant, this is one step towards tackling the out-of-touch stain on our politics. Free from patronage and faced with electors it is in the parties’ gift to select talented individuals, willing to give 15 years of public service who will bring and grow their expertise on the job. If Barack Obama can bring his community activism to the Senate and into the

*This is one step
towards tackling the
stain on our politics*

presidency why do we doubt our ability to attract the best? An independent-friendly voting system (STV) would be a another shot in the arm for high profile non-party candidates. It should be embraced by any doubters worried about a revised chamber being overly partisan.

The current proposals would see the proportion of appointed to elected peers decrease slightly from 30 per cent to 20 per cent, but it is a safe bet that a slimmer chamber, with payment and fixed terms would mean that a far higher proportion than now were active in the chamber.

Those who plead delay conveniently forget that the bill is yet to go through

parliament and could readily be altered, especially given the coalition government’s vulnerability on the issue. Furthermore, the transition from 2015 to 2025 gives opportunities for in-built reviews at every phase.

On a referendum, Labour is not unreasonable in arguing for a public ballot. After all there is no rulebook for when a referendum should or should not be used. But it should be careful what it calls for. The spectre of the best funded No campaign ever looms: with hundreds of turkeys digging deep into their pockets.

Good enough

The reform proposals may not be perfect, there are aspects which would certainly have been different under a Labour-led government. However, they are a vast improvement on the status quo. If Wicks is right and the establishment manages to pull together an odd coalition of MPs who think the reforms are both too timid and too far-reaching, will anyone remember in a generation that the deputy prime minister of the day had a set-back in 2012? Voters are more likely to despair about the daily squabbling and gamesmanship over an issue that is way down their shopping list. Labour could instead revel in seeing so many Conservatives forced to support a reform they hoped would meet a quick end. And take heart in having one less worrisome subject for an incoming Labour government – or one less to clutter up Lib-Lab coalition talks. ●

Katie Ghose is the chief executive of the Electoral Reform Society



The upper chamber: scrutinising policy, confronting government

POWER AND INFLUENCE

What exactly does the House of Lords do?
And is it even any good at it?

Lording it up

By Meg Russell

House of Lords reform has been much discussed. Yet what is often asked, and less well understood, is what contribution the chamber makes to the policy process. If reform is to be effective, it should be guided by what the Lords does now and what we would like it to do better.

The Lords' most obvious and visible contribution comes through its occasional confrontations with government. Since May 2010 the coalition has suffered 49 defeats in the Lords, including on reforms to welfare, health, legal aid, abolition of quangos, and parliamentary boundaries. After the chamber's reform in 1999 the Blair and Brown governments suffered more than 450 Lords defeats: an average of 40 per year. Showdowns on civil liberties matters, such as trial by jury and detention of terrorist suspects without charge, became familiar. There were

also numerous lower-key defeats, often on relatively technical matters of good governance. Under Labour, the issues where the government was vulnerable in the Lords were those on which the Conservatives and Liberal Democrats could unite. Now those latter parties are in power, defeats occur where Labour can attract support from independent Cross-benchers, and perhaps government rebels.

The Commons of course remains the primary chamber, and hence Lords defeats can be overturned. But research by University College London (UCL) shows that almost half of Lords defeats "stick" and are ultimately accepted. Sometimes this is because government reflects and decides that the Lords was right, or just thinks it not worth getting into a protracted argument. Sometimes the government sees that public opinion sup-

ports the Lords' position, or realises it will struggle to get its own MPs to vote it down. Just occasionally government gets it wrong, as occurred when the peers blocked a new offence of religious hatred, and Blair's government was defeated in the Commons when it sought to overturn this. The Lords itself is sensitive to both public and government backbench opinion. Hence peers blocked Blair's foundation hospitals after a big rebellion among Labour MPs, but later let the policy through when the rebels melted away.

Behind closed doors

That may be the visible side of Lords' impact. But far more is achieved through negotiation than through defeat. Frequently ministers accept peers' proposals, again partly because fair points are being made, and partly because government fears the consequences of refusing to compromise. The fact it has no majority in the Lords is crucial. Unlike in the Commons, votes cannot be won just through appealing to party loyalty, and there must be at least a semblance of courtesy and listening to the other side. The presence of the Cross-benchers, in particular, means debates rarely descend into partisan point-scoring.

This same culture applies to non-legislative work, including debates, committees and questions to ministers, where the Lords tend to take a less combative approach and conduct detailed inquiries, often into long-term or technical issues.

Would this change if the Lords were elected? First, an elected chamber would be more conventionally political. While most peers are party politicians, many have previously held high office and it is the blend of them with "experts" from outside politics that gives the chamber its unique culture. Elected members would be younger, more ambitious, and perhaps less prone to reflection, compromise or technical work. Hence something would certainly be lost. Second, it is widely accepted that an elected house would be less likely to back down over conflict with government. This is one of the main potential benefits of reform – although not all see it that way. The increased confidence of the post-1999 chamber, once the hereditary peers departed, has surprised many. The extent to which this assertiveness would grow with an elected chamber – and whether this would be good for Britain – is the central unanswerable question. ●

Dr Meg Russell is deputy director of the Constitution Unit at UCL

House of Lords reform is an issue of credibility for the Labour party

The importance of being equal

By Alan Johnson

It is hardly surprising that, in its 112 year history, Labour has vacillated on some of its founding principles. Keir Hardie's commitment to a National Minimum Wage fell foul of the trade union movement's 1970s mantra that rights at work could only come with a union card. Thus it was that Trades Union Congress delegates voted against a minimum wage well into the 1980s.

Our early allegiance to Proportional Representation only lasted until the landslide victory under First Past the Post (FPTP) in 1945 six years before one of FPTP's little perversions handed power back to the Conservatives (which polled a quarter of a million fewer votes).

The policy that most clearly connects Hardie with Ed Miliband is reform of the House of Lords. Along with universal suffrage, an accountable second chamber has been the defining constitutional characteristic of a party established to pursue a more equal society.

However, early idealism had to be tempered by the realities of gaining and exercising power; we continued to abhor a

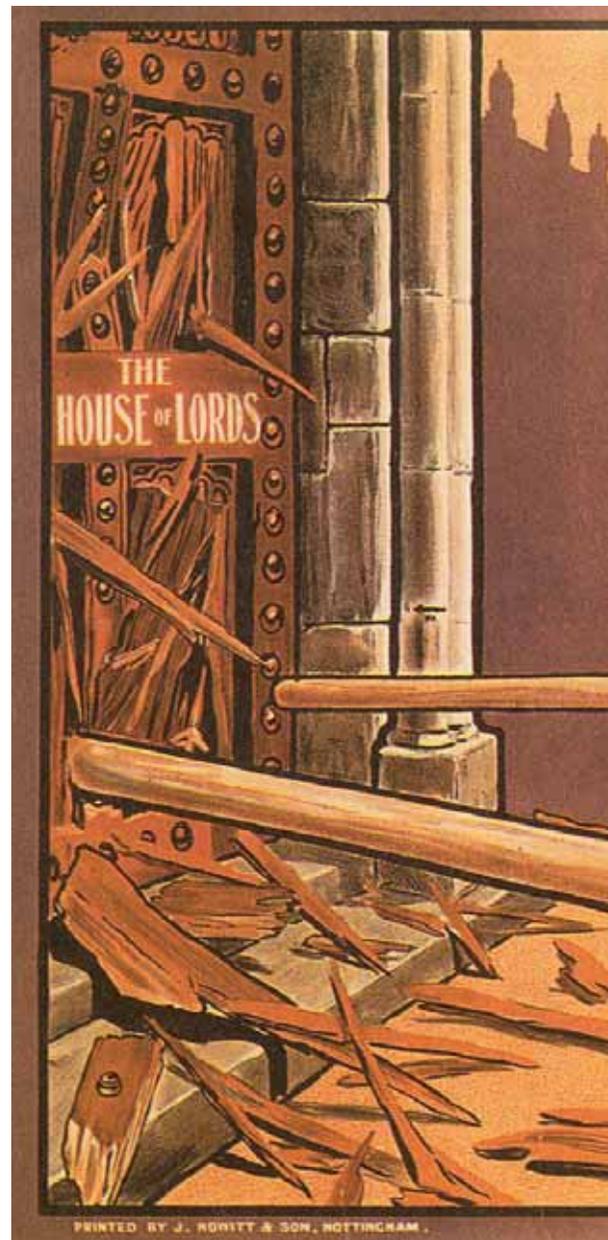
parliament based on inheritance and patronage. Attlee reduced its powers, Wilson and Callaghan changed its composition. None of them had the benefit of a cross-party consensus to radically alter this anachronistic institution.

As with the National Minimum Wage (and Hardie's other great constitutional objective – a Scottish parliament) it was, ironically, New Labour that began the process of delivering some of the party's original objectives.

Labour's 1997 manifesto, focused as it was on the 21st century, stated that:

"The House of Lords must be reformed. As an initial self-contained reform, not dependent on further reform in the future, the right of hereditary peers to sit and vote in the House of Lords will be ended by statute. This will be the first stage in a process of reform to make the House of Lords more democratic and representative."

The "self-contained" reform proved to be the easy bit with 655 hereditary peers leaving the Chamber and the residue of 92 (now 90) remaining only until the next stage of reform.

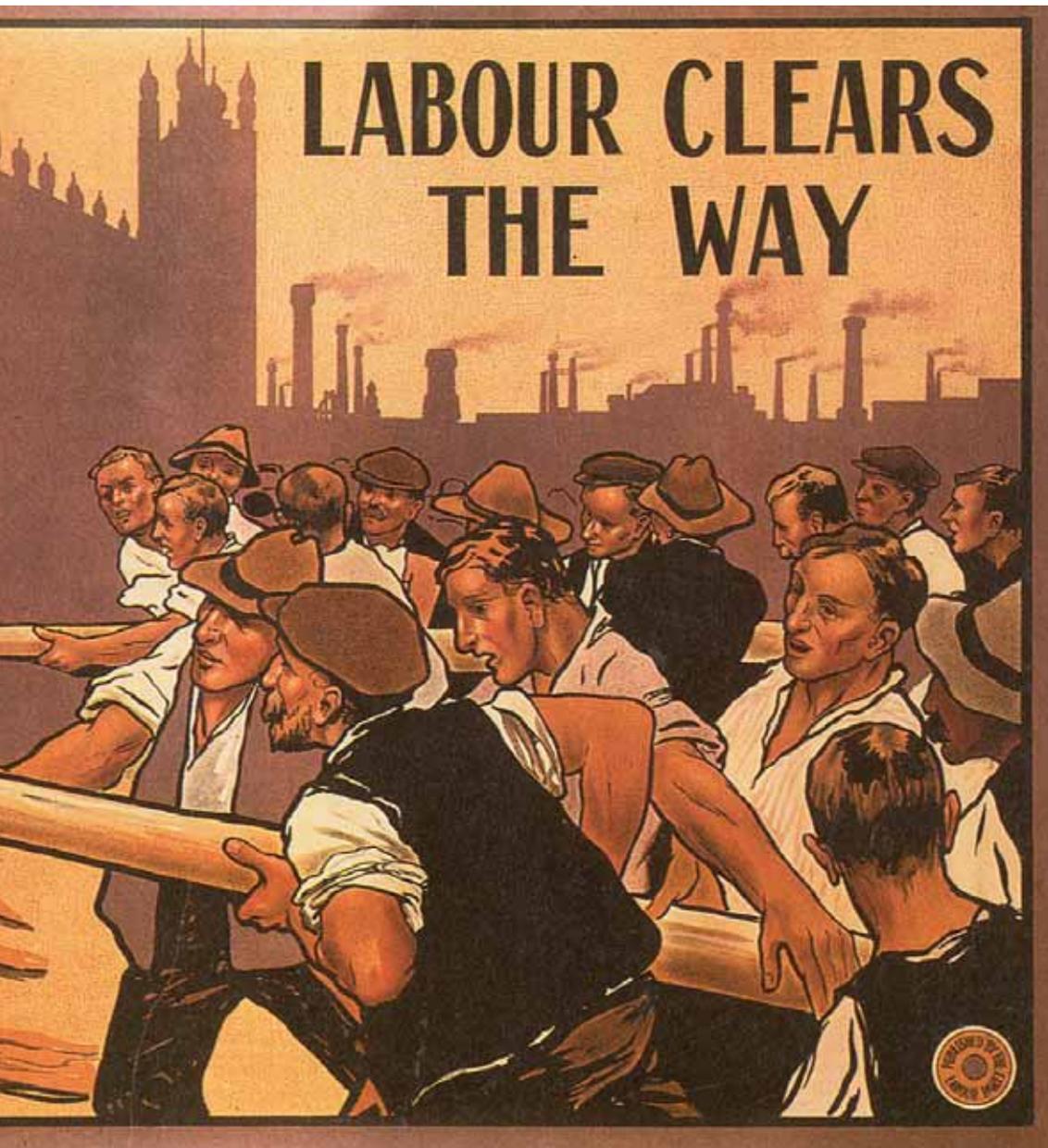


As a result of that change, parliament convened in November 1999 with a second chamber that was far smaller (and politically balanced) than at any time in its history. The Lords had only 16 more members than the Commons, but without that elusive "next stage" of reform patronage has accelerated to fill the gap left by the departing hereditary peers to the point where it threatens to wipe out the relatively modest constitutional gains those 1999 reforms achieved.

There are now 141 more peers than there were 13 years ago. The coalition agreement seeks to raise the number by a further 203 (to reflect the last general election result). Taken together with the reduction of MPs, there is every prospect that by 2015 the House of Lords will have almost twice as many appointed or hereditary members as those elected to the Commons.

Only two other countries have a second chamber larger than the first –

PEOPLE'S HISTORY MUSEUM



Kazakhstan and Burkina Faso. I doubt if either of those can match the unrepresentative nature of our bloated House of Lords. Some 4.4 per cent of peers are from London and the South East; under a fifth are women and there are more peers aged over 90 than under 40.

But the most serious criticism of the Lords remains its democratic illegitimacy and its institutionalised snobbery.

The dictionary definition of a Lord is a master, a feudal superior, a dominant person. Our quest for a fairer society can never succeed while we tolerate this embodiment of privilege at the heart of our democracy.

There are few politicians prepared to defend the indefensible. But there are plenty whose commitment to reform acts as a cover for preserving the status quo. Division over the details of reform have protected the Lords for a century

The roots of Lords reform lie in the traditions of the Labour party

and are capable of doing so indefinitely. Now Labour faces a very real test over the government's proposals for the second stage of reform that we promised in 1997.

A test not just because David Cameron managed to change Conservative policy to the extent that their 2010 manifesto committed to "a mainly elected second chamber" (thus providing an unprecedented consensus and an unarguable case for the Parliament Act to be used to force this through the Lords).

It is also a test of our determination to bring about genuine change in a country shocked by the scandalous failure of its institutions. Ed Miliband deserves to be the beneficiary of a public mood that sees preservation of the old order almost in the same way that the post-war generation saw the 1930s. He cannot succeed if

the Parliamentary Labour Party (PLP) decide that playing games with the coalition is more important than establishing real constitutional reform. The public may well suspect that the aim is to preserve a lucrative retirement home for MPs.

Of the many cross-party attempts to move this issue forward over the last decade, the most impressive was *Breaking the Deadlock*. Funded by the Joseph Rowntree Foundation and published under the auspices of UCL in 2005, the report argued for a chamber of 400 members, predominately elected by a system of PR, serving a single period of office in a House with no government majority. It provided the blue print upon which the current proposed legislation is based and of the five MPs who authored it, two, (Ken Clarke and George Young) are now Cabinet members as are two prominent supporters (William Hague and Francis Maude).

As we have discovered with family-friendly employment rights and same-sex marriage, a progressive illusion may not survive the reality of Conservative opinion but the debate that Labour began has shifted public and political opinion to a significant extent. To be critical of David Cameron on this issue at a time when he has led his party towards a position first established by great Labour figures such as Robin Cook and Tony Wright is to indulge in the worst kind of opportunist, tribal politics.

Constitutional change requires a public referendum and it is right that we challenge the absence of one in the coalition's proposals. It is consistent with our stance on a range of issues from devolution to changing the voting system. The proposal that should be put to the British electorate has been largely determined over 15 years of debate during which necessary compromises have been made on all sides of the reform argument. It is now time to build on that work in order to establish a smaller, mainly elected second chamber which has democratic legitimacy and public support.

This may well be a test of modernity for the Conservative Party; but it is also a test of credibility for Labour. ●

Alan Johnson is MP for Kingston upon Hull West and Messle

The government wants to see an end to decades of discussion and procrastination over what to do with our second chamber

Dawn of a new era

By Mark Harper

The coalition stands on the brink of an historic achievement. After more than a hundred years of debates, cross-party talks, Green Papers, White Papers, Command Papers and a Royal Commission, a bill to reform the House of Lords has finally been introduced into Parliament.

Our thinking has been heavily informed and influenced by the thorough and thoughtful report produced by the cross party Joint Committee of MPs and peers, which agreed with us on the fundamental principles: the House of Lords should be mainly directly elected, it should be significantly smaller, the first elections should be held in May 2015 and should be by proportional representation, and the primacy of the House of Commons will be maintained.

Following the committee's comments, and evidence they received in the course of their scrutiny, we have made some important changes to our original proposals. We have accepted their recommendation that the reformed House should have 450 members instead of 300, and members will be elected by a Semi-Open List system rather than the Single Transferable Vote.

Another important change, following evidence from QCs including Lord Goldsmith and Lord Pannick, is that we have

included a clause on the face of the bill emphasising that the Parliament Acts remain in force. This is an important addition, which ensures the primacy of the House of Commons will be maintained.

Over the coming months, parliament will discuss the detail of our proposals. It will consider issues that range from the great to the small. However, even as we debate the finest details of our plans, we will never lose sight of the fundamental principle behind the reform.

69 per cent of the population support an elected House of Lords

It's a simple tenet – those who make the laws of the land should be elected by those who must abide by them.

This tends to be taken for granted in Britain today but it has been the driving force behind many of the great reforms of the last two hundred years – the 1832 Reform Act, the introduction of universal suffrage and the Parliament Acts of 1911 and 1949. It lies at the centre of the philosophy of the coalition – that power should rest with the people not the state.

The government does, of course, recog-

nise that the House of Lords has many qualities that are worth preserving. We value the ability of peers to take the long view, to provide an alternative perspective and to ensure legislation is of the highest standard. Our reforms will ensure that we keep what is good about the Upper House while allowing the people to decide who gets to act in their name.

I reject the idea that, because they are not elected, peers are somehow automatically more expert, or have a broader range of experience than elected representatives. Members of the House of Commons include among their ranks doctors, ex-servicemen, lawyers and people from all kinds of professional backgrounds. We should trust the public to elect the people they believe will represent their views in the legislative process.

Of course, the primary focus of this government remains sorting out the economy, creating jobs and reducing the deficit and we will never lose sight of that. However, anyone who believes that the government cannot focus on several things at once has neither considered the lessons of history nor studied the achievements of the coalition thus far.

The Butler Education Act, which revolutionised secondary education, was passed in 1944, even as the United King-



dom was locked in an existential struggle with fascism. Indeed, on the very day that landing craft were arriving on the beaches of Normandy the House of Lords was debating Second Reading.

Dictated by democracy

Of course, nobody is talking to me or my colleagues about this on their doorsteps. We know it doesn't appear anywhere near people's top ten list of concerns. However, when asked, the overwhelming majority reject the status quo and choose the kind of changes we are bringing forward.

The will of the people is clear. They voted for the manifestos of the three major parties in 2010, all of which promised reform of the House of Lords.

In the 2010 British Social Attitudes Survey, only 6 per cent believed that the status quo is acceptable. Ten times that many, almost 60 per cent, believe that at least half of the House of Lords should be elected. These figures are consistently backed up by opinion polls, such as

YouGov in April 2012, which showed that 69 per cent support an elected House.

This huge majority of the country that would prefer to elect its representatives was joined on 23 April by the Joint Committee on House of Lords reform, which exhaustively scrutinised our draft bill and agreed with the principle of a mainly elected House, as did the breakaway group that published a minority report on the same day.

The Lords is unrepresentative of the UK as a whole, with members from London and the South East dominating the chamber. It is very unrepresentative of the people – four times as many members are over ninety as under forty, and over half are over seventy. It is far from independent-minded – 70 per cent of current peers are appointed on a party political basis, and they vote according to the party whip almost as often as the elected House of Commons. With over 800 members it is the second largest chamber in the world, after the National People's Congress of China. There are no realistic alternatives

The House of Lords reform bill will see major changes to the way it operates

to the government's proposals for getting the size down to something sensible. Without reform, the Lords will continue to expand inexorably.

Proposals have been made to try and sort out some of these problems, notably by Lord Steel, but tinkering around at the edges will not suffice. Comprehensive reform is needed to drag the Lords into the modern day.

We believe our proposals provide the second chamber with democratic legitimacy while preserving the best features of the current House and the primacy of the Commons.

So I think there has been enough talking, and the process of legislating for a democratically legitimate, mainly elected upper house has been gradual enough.

After over a century, now is the time to complete the process of reform. ●

Mark Harper is minister for constitutional and political reform

At a crossroads

It's the end of the crusade

House of Lords reform has divided opinion. Four insiders give us their views on which direction to take

Thirteen years have passed since Labour's "first stage" of House of Lords reform. Promised as a step to a more democratic and representative chamber, the intervening years have been a procession of consultations, talks and inconclusive votes. Each iteration of debate revealed still stronger resolve from the elected House of Commons, yet each was stymied.

This stuck-record should make Labour politicians of the time want to hang their heads in shame. The party's record of dither and creep is the only reason it has now fallen to the coalition government to complete the process started in 1999. The least Labour can do is to give the changes a fair wind.

The House of Lords bill published in June may have emerged from the sausage-grinder of tortuous coalition negotiations. But whose plan is it really? In truth, the last Labour government's fingerprints are all over it. The coalition has reverted to most of the details Jack Straw crafted back in 2007 – 15 year terms, region-wide constituencies and proportional representation by semi-open list. And it was five years ago under Labour that a majority of MPs endorsed the 80:20 split between elected and appointed members as outlined in the current bill.

So why is Labour so reluctant to endorse the proposals now?

Some within the party's ranks say it is the wrong version of House of Lords reform. Even though the proposals were shaped and brokered by a Labour government, people suddenly worry that they are too flawed to endorse. An unholy alliance of democratic purists and undercover saboteurs suggest the bill should be resisted because Labour would do a better job with a blank sheet of paper of its own.

After Labour's shaming failure to drive through reform with 13 years at its disposal this argument lacks much plausibility. Even if the party does win in 2015, I for one would not put money on first-term House of Lords reform. Instead Labour will find it much easier to amend this legislation, if it so wishes, once the



All talk, no action: it has taken 100 years to get proposals to this stage

Tony Benn

Reject the proposals

The House of Lords is a medieval relic from a time when land ownership was a major source of political power, and just as ownership of land moved from generation to generation so did the titles. As the House of Commons became the prime chamber the powers of the Lords were eroded and life peerages broke the historical link with land ownership.

This body we are commonly told must be replaced by one which is part elected and part-appointed; but it would inevitably acquire – through election – an authority that could be used to challenge the primacy of the Commons.

There is a case for a national advisory

committee to look at legislation and make recommendations to the Commons, which would be the deciding body.

This committee should be a representative gathering of people from different parts of our society, which would not be called Lords or enjoy any of the finery associated with that chamber.

How such an advisory body could be established would require further thought, to be sure that it would be genuinely representative of experience and interests and would have a contribution to make to legislation through its advice.

To do this would be to abolish the House of Lords altogether and start afresh in a way that was useful and constructive.

The Labour Party should be working on this idea and should reject completely the proposals the coalition government has brought forward.

Tony Benn is a former Labour MP who renounced his hereditary peerage

Christmas-phobic turkeys of the present Lords have started to depart.

Then there is the argument that Labour promised a referendum on Lords reform in 2010. But was this a principled pledge to the British population or a shady back-room deal in the dying days of the Brown era? The promised referendum was a way to push through plans for a 100 per cent elected chamber, against more cautious voices calling for a mixed chamber. Since a mixed chamber is the option on the table the referendum argument becomes a distraction. It was a promise for a different policy.

Lastly there is the sheer electoral pragmatism of the Labour insiders who prey that wrecking the bill will scupper the constituency boundary changes and spare the party twenty lost seats. But are they so sure that boundaries and Lords reform are inextricably linked, given the unpredictable dynamics of the coalition government? On the other hand, if Labour supports the bill it will only fail through the connivance of Conservative backbenchers, which really could destroy the coalition.

In the months ahead Labour parliamentarians should recall the party's 100-year crusade to reform the second chamber. In 13 years Labour failed to complete the job. It should not block other parties attempts to enact the plans it crafted.

Andrew Harrop is general secretary at the Fabian Society

Paul Tyler

Now is the time to act

Lords Reform is the promise of all parties to the electorate. All the recent Labour and Liberal Democrat manifestos have promised progress, and even the Conservatives have been committed to reform since 2001.

The government's proposals have been scrutinised at length by a Joint Committee of MPs and peers, who voted by a majority to get on with the job. The bill balances the urgent need to end patronage and heredity as a basis for obtaining seats in parliament, while retaining the distinctive character and role of the House of Lords.

The relationship between the Houses will evolve, but the essential primacy of

the lower House will remain enshrined in the Parliament Acts. A limited number of appointments will continue for non-party members of the House, to maintain a measure of independent, non-partisan expertise in the chamber.

As *New Statesman's* political editor, Rafeal Behr has urged, now is the time to act. The bill will be a key test of Labour's good faith on political reform. Can their MPs put long-term progress ahead of short-term political advantage? And if not, does a future Labour government really want to start all over again?

Paul Tyler is a member of the Joint Committee on the Draft House of Lords Reform Bill and co-chair of the Liberal Democrat Parliamentary Policy Committee on Constitutional and Political Reform.

Alan Renwick

STV is best for the Lords

The government's original Lords reform plans provided for elections using the Single Transferable Vote (STV) system. The new proposals retain STV's proportionality, but switch to a system based on party lists. STV is the long-cherished goal of many electoral reformers and used in Scottish local elections. List systems, by contrast, have few British friends and are familiar only from European Parliament elections, where voters can do no more than pick a party. Many reform enthusiasts are deeply concerned.

The implications of the switch should not be exaggerated. The list system will not create a second chamber filled by party stooges: non-renewable terms will weaken party managers' blackmailing power. And the proposed system is different from the one used to elect our MEPs. Voters will have the option to select one candidate from their preferred party's list. Candidates who have won backing from at least 5 per cent of a party's voters will fill that party's seats first. Only if there aren't enough such candidates will the party's own ranking kick in.

On the other hand, STV gives voters more opportunity to express their preferences than does the government's list system: it lets voters rank all the candidates rather than choose just one.

STV also allows voters to support an individual candidate but not his or her party. A vote for a candidate under the list system is also a vote for the candidate's party and might help elect someone else.

Under STV, voters have full control over which of the candidates get elected. Voters will have considerable power under the list system too. But just how much power will depend on how many voters cast a candidate vote and how many options they can choose from: it is easier to hit the 5 per cent target if more candidate votes are spread over fewer prospective members. Voters in the north east of the country – where there will be five seats to fill – will have few candidates to choose from but considerable control over which of these are elected. Voters in the south east, by contrast, with 16 seats, will have a wider choice but a harder job in determining the outcome.

Finally, while independents can succeed under either system, STV makes their lives a little easier. Voters are more likely to take a punt on an independent candidate where they have multiple preferences under STV than a single preference under the list system. And many of the votes cast for a very popular independent candidate will be wasted under the list system, skewing the overall result.

We should not presume that greater voter choice and weaker parties are desirable. If we are to be governed coherently and accountably, politics must be about national policy platforms, not just celebrity or local popularity. For elections to the Commons – where the composition of the government is at stake – the case against STV is strong.

But the second chamber is different. Contrary to the claims of the anti-reformers, the House of Lords would, under the coalition's proposals, remain a revising chamber and not a governing one. What matters the most is the independent-mindedness and integrity of members. In this context, STV is best. But the government's flexible list system is not so far behind. Supporters of change should accept it and concentrate on the core battle of securing reform. ●

*Dr Alan Renwick is a reader in comparative politics at the University of Reading and author of *A Citizen's Guide to Electoral Reform*. Find more views on House of Lords reform on newstatesman.com*

The House of Lords is vulnerable to the influence of lobbyists

Fertile territory

By Peter Bingle

The trouble with the House of Lords is that there is no agreement about its current role let alone a future one. The stereotypical picture of politicians past their sell by date speaking in a chamber resembling the television room in an old people's care home is actually unfair. The quality of debate and the qualifications of its active members puts the House of Commons to shame. The question that needs to be asked is: "What is the point and role of the House of Lords in the body politic?"

Under the influence

This is not a new question. In perhaps the greatest of his collaborations with Arthur Sullivan in *Iolanthe*, W S Gilbert penned the immortal lines: "The House of Peers throughout the war did nothing in particular and did it very well." His observation is just as relevant today as it was then.

For lobbyists and public affairs agencies, the House of Lords is fertile territory. It is much easier to change legislation, amend government policy and raise individual causes than is the case in the House of Commons. The reason is the lack of resources for most Peers. They simply do not have the office support which is now taken for granted by MPs. As a result they are reliant, perhaps overly so, on outside interests briefing them and helping to write their speeches as well as supplying background briefing material. The potential problems caused by such a lack of resource are obvious and need to be addressed. Outside interests, including public affairs agencies, have too much power in their relationship with the House of Lords and individual peers.

It is when legislation has to pass through the House of the Lords that the government is at its most vulnerable. For all the politeness and charm of debates in the House of Lords and the surfeit of courtesy shown by almost everybody to each other, the opportunity for a peer (after a briefing from an outside interest) to put down an amendment and then persuade the minister to make a concession in return for the amendment being withdrawn makes the House of Lords promising ground for those who want to change legislation. This is particularly true with a coalition government. It often seems that Lib Dem peers have not been told that they are in coalition with the Tory party. They seem to regard being whipped as an occasional irritation which is best ignored. This political vulnerability is often

Outside interests have too much power in the House of Lords

overlooked by political commentators, but it is well understood by the best public affairs agencies.

They may be cuddly old coves who are hard of hearing and find walking difficult but they have as much power as MPs, with the exception of matters financial. As such they surely need to have the same degree of scrutiny over their individual relationships with outside interests as do MPs. The simple fact is that they do not. There is the occasional scandal resulting

in some peers having to spend time at Her Majesty's pleasure. Yet a naughty Peer does not seem to attract the same opprobrium as a naughty MP. In their Lordships' House a spell in Ford Open Prison seems to be regarded in much the same way as a temporary ban from the local golf club for bad behaviour.

The power of words

There are times when the House of Lords comes into its own. Defence is one such issue. When Paul Drayson was Minister for Defence Procurement in the last government he was regularly beaten up by former chiefs of the general staff who in language and prose worthy of Shakespeare at his greatest forced him to retreat on rather too many occasions. It is also the case that technical bills often start their life in the House of Lords because of the quality and expertise of various peers. This does not excuse, however, the fact that the role of the House of Lords is unclear and the scrutiny of its members is inadequate. It needs protection from being over lobbied.

In the current debate about the regulation of lobbying most of the focus has been on public affairs agencies, the behaviour of former ministers and the need for total transparency and accountability. This is all understandable. The debate about the future of the House of Lords is not unrelated. Instead of politicians being obsessed about its composition the focus should surely be on its role. After which, everything else follows. ●

Peter Bingle is the former chairman of Bell Pottinger Public Affairs

We need to trust that members of the Lords will put personal interests to one side when making decisions

A leap of faith

By Harmit Kambo

From a campaigner's point of view, there is a peculiar paradox at the heart of the debate to reform the House of Lords. On an ideological level, the upper chamber is problematic because it has no mandate from the public, is unaccountable, and severely lacks diversity. On the other hand, its lack of accountability enables the House of Lords – at least in theory – to think independently and provide more rational scrutiny of government. This often gives campaigners a vital access point in the legislative process. Reform would need to strike a balance between creating greater accountability but enabling a fluid and open dialogue with external voices.

Influence and favour

Esther Foreman, a consultant and fellow of the Clore Social Leadership Programme, has recently researched charity and public campaigning in the House of Lords and the implications of reform. In addition to interviewing several peers, she surveyed 21 voluntary sector and civil society organisations around their relationship with the House of Lords. Her findings show that 86 per cent of respondents have a working relationship with peers, while 43 per cent say that lobbying the Lords is an effective way to influence the legislative process, with only nine per cent saying it is not effective.

Foreman's research indicates that crossbenchers are especially important to charitable organisations. Some 43 per cent of the charities she surveyed said that crossbench peers are more responsive than politically-appointed peers. Not one respondent felt that those peers belong-



The peculiar workings of the upper chamber

ing to a party were more responsive than the crossbenchers.

Political peers can and do rise above party politics, opening up space for charities and campaign groups to influence legislation. In 2008 for example, the Labour government's plans to extend terror detention limits to 42 days met with strong opposition from civil liberties groups and were heavily defeated in the Lords, with 36 Labour peers voting against.

However, the pressure group Unlock Democracy suggests political peers are not always as independent as some claim. Its analysis found party-affiliated Lords had lower rebellion rates against the government than MPs between 2005-2010.

Furthermore, there is a serious question about the independence of the House of Lords regardless of political affiliation.

For example, while peers from across the political spectrum provided significant scrutiny to the Health and Social Care Bill, research by the Social Investigations bloggers claims that peers from every party hold private healthcare interests (one in four Conservative peers; one in six Labour; one in 10 Liberal Democrats; one in six crossbench peers). There are no measures to stop Lords with conflicted interests from voting on Bills.

The Health and Social Care bill received a massive amount of opposition, from groups including the British Medical Association and the Royal College of Nursing. Campaign group 38 Degrees amassed over 500,000 signatures against the Bill, presenting the first petition in the House of Lords since the early 1990s. Despite all of this, it has now been enacted.

Independence day

As campaigners, we would want a reformed upper chamber to be more open, more often, to the evidence presented by charities and campaigning groups. This is not out of a desire to scupper government plans that we might disagree with, but to facilitate a more independent, non-politicised scrutiny of those plans.

Charities which seek to lobby on behalf of the individuals and communities they work with need a body which will be able to consistently rise above political dogma and private interests, listen dispassionately to a range of external voices, and provide fearless inquiry into the government's legislative programme. ●

Harmit Kambo is policy manager at the Sheila McKechnie Foundation

Those who argue that House of Lords reform is not an essential issue are wrong.

Broken politics

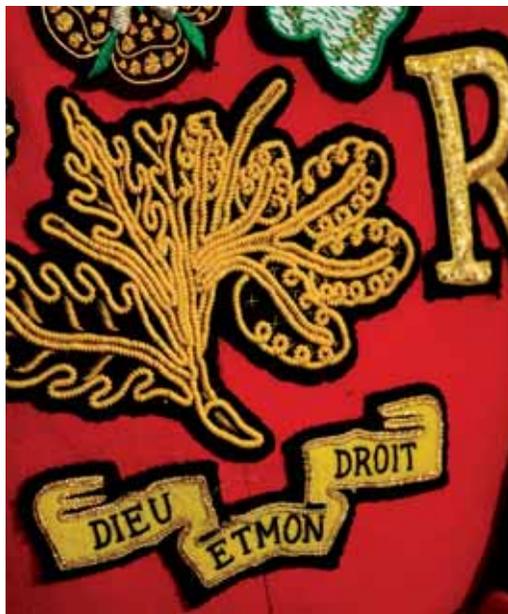
By *Tim Farron*

Leveson and Lords reform are matters of great fascination to the chattering classes but to what extent do they matter in the slightest to millions of struggling Britons at a time of severe economic hardship? Well, the forces of reaction hope desperately that the constant drip drip of revelations at Leveson will create a kind of “outrage fatigue” and that the furore on that front will die away. I suspect David Cameron thinks that way too. He keeps saying, in a matey mildly contrite sort of way, that we must all admit “we politicians” have been too cosy with journalists.

Well, nice try Dave, but that’s not the issue is it? I’m not particularly concerned about who texts whom but I am utterly concerned about the concentration of power in the hands of the unaccountable and about the abuse of that power. If we call ourselves progressives or democrats or liberals of any kind we should be appalled about monopolies in the media, about the manipulation of politicians by those monopolies and about the nefarious role of the Murdochs in particular.

Time to get angry

Right across this country, millions are struggling to make ends meet because of the actions of the unelected, the unaccountable but unimaginably powerful leaders of the financial sector. The “bankers”, to use the lazy short hand, who – egged on by the previous two governments – stretched our economy to the point of destruction in the interests of short-term greed. Again, the forces of reaction here would love us to get outrage fatigue and just let the powerful few con-



“God & my right”: a change in attitude is needed

tinue to direct our economy from the city.

There is nothing esoteric about being furious about the concentration and abuse of power in the media and in the city. The impact of that abuse is tangible in almost every home in the country.

If we are progressives we should be just as furious about the House of Lords.

I accept that it is hard to get as angry about Lord Stevens of Kirkwhelpington, who at 69 is considered young for the House of Lords, as it is about Rupert Murdoch or Fred Goodwin. However, with a recent *Independent* investigation uncovering a number of peers, including Lord Stevens, who have used the House of Lords dining rooms as a private club to wine and dine business clients – despite a ban on them using the facilities for commercial purposes – we can see this is all

part of the same problem. The unelected and the well-connected, running a country that is supposed to be a democracy.

No denying the impact

Those who say we should put off reform until we can come up with a perfect replacement or until there is a more suitable time, argue this is just a distraction from government business and that it is something only the Liberals care about. Yet when I hold surgeries for my constituents I see people who are desperately concerned about the changes to their benefits, or about how the economy is affecting their job prospects. Not all that many come to talk about Lords’ Reform, but the burdens that 95 per cent of our people are labouring under today are the result of a broken politics that allows forceful vested interests to use power to which they are not entitled to protect those interests.

Those who oppose the reforms by arguing over the type of electoral system to use, the size of the chamber, etc, may or may not be well meaning, but reform will never come if we are all purists about this.

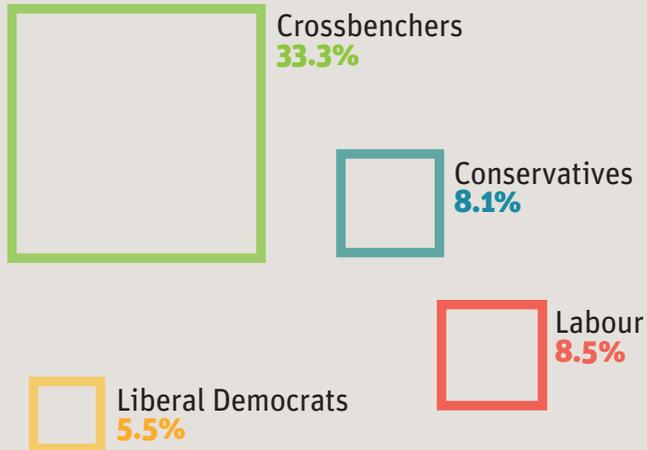
Having half of parliament stuffed with people who are there because of patronage or birthright is simply wrong. It is essentially corrupt; it’s part of a triangle of shame – with the bankers and the media tycoons making up the other two sides. Reactionaries will tell us there are more important things to tackle at a time like this. Again, nice try. Your time is up. Outrage fatigue or not, the opportunity is in front of us, let’s not bottle it. ●

Tim Farron is president of the Liberal Democrats

Setting the record straight

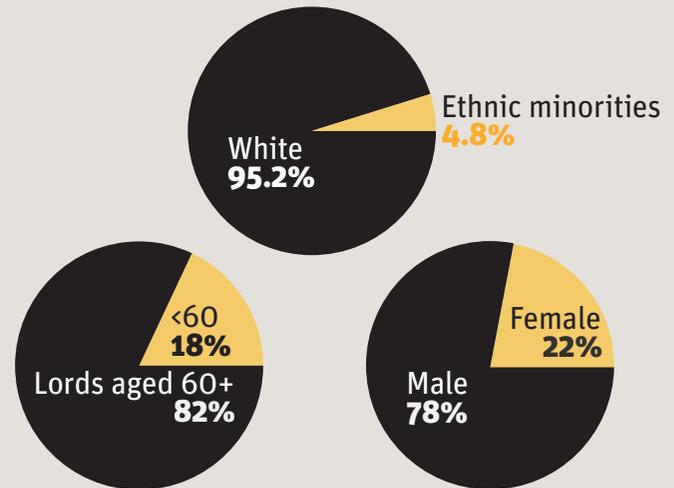
Myth no 1: The House of Lords is effective

Percentage of Lords attending no divisions, 2010-11



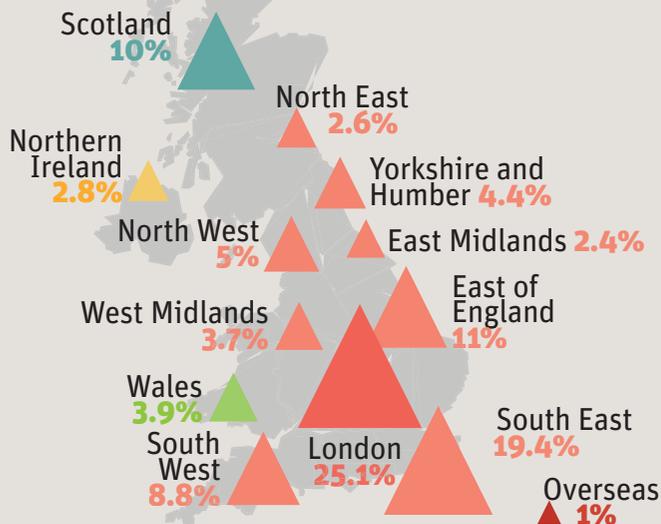
Myth no 2: It is representative of the UK

Demographic breakdown of members



Myth no 3: It is regionally representative

Number of members by region



Myth no 4: The House of Lords is efficient

Associated costs



Myth no 5: A House that is the envy of the world

Size of second chamber by country

■ Size of Chamber
■ Population in millions



Get the Job Done

Reform of the House of Lords is unfinished business for the Labour Party.

We're the party that has stood against privilege and the born-to-rule culture of entitlement that has infected our second chamber for too long.

That's why we took action in government to abolish almost all the hereditary peers and it's why we have been at the forefront of promoting a democratic alternative.

As the public's faith and trust in our institutions continues to erode, we need to open the doors of the Lords to the voters and make politics relevant and responsive.

Our organisations continue to support an upper house that is elected by the British people.

One with a fair voting system that ensures real choice for voters and results in real diversity for the country.

Labour campaigned on a 100% elected Lords and although the current proposal before Parliament falls short of that, we think it's a vast improvement on what we have now - 0% democracy.

We've been fighting for democracy for a century. Let's not miss the chance to make that change.



Robert Philpot
Progress



Neal Lawson
Compass

compass
DIRECTION FOR
THE DEMOCRATIC LEFT

Progress
Labour's Progressives