

Evidence submission

Lord Speaker's committee on the size of the House inquiry

Tuesday 14th February 2017

The Electoral Reform Society is an independent campaigning organisation working to champion the rights of voters and build a better democracy in Britain.

1. The Society welcomes the growing consensus that the House of Lords has too many members. It is notoriously the world's second largest chamber, beaten only by the People's Republic of China.
2. Although reaching agreement about how to reduce and cap the size of an appointed Upper House is difficult, it is essential. It is therefore positive that the Committee is seeking to reach such a consensus.
3. However, we are disappointed that the inquiry is not accepting submissions about whether Peers should be elected or appointed. As we have noted in the past, the size and composition of the Lords go hand in hand: it is oversized because there's a constant incentive for PMs to pack it with party donors and advisers.
4. Moreover, limiting the size alone does nothing to address the serious related deficits that go alongside its composition – among many, its lack of representativeness, the 'cronyism' it is perceived to embody, and its fundamental lack of accountability.
5. This limitation risks creating a public perception that the inquiry is a 'stitch-up' – rather than it being a stepping stone to a more representative, modern upper house, very limited reform becomes an end point or 'shut-off valve'.
6. **Notwithstanding these concerns, we will address the remit of the inquiry by analysing several potential size-limiting reforms which fit within the Committee's terms of reference—**
7. We believe that an age limit would be an arbitrary and potentially damaging way to limit the size of the upper chamber. Moreover, an age cap would fail to take account of the fact that some Peers are appointed at much younger ages than others, and that Parliament – including the Lords – should be representative of all backgrounds to ensure it reflects the broad experiences and expertise of the United Kingdom.
8. The place of the Lords Spiritual is anachronistic. Iran is the only other legislature in the world which gives unelected clerics automatic representation in its legislature. The automatic inclusion of representatives of other faiths is an unacceptable solution due to the difficulty of deciding which faiths and denominations within faiths to include, how to include non-religious organisations, and the constantly changing demographics of the UK. The ERS would support an end to the automatic provision of legislative seats to Bishops.
9. Ending the practice of holding so-called 'by-elections' for hereditary Peers is one reform which should be addressed urgently. Some of these by-elections have had an electorate of three or less, which is justifiably viewed – including, it must be noted, by many Peers – an embarrassment to our politics. But in particular for most of the public, it is simply astonishing that in the 21st century, a small cadre of hereditary Lords still decide who sits in our legislature.

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10. It is therefore a great shame that The House of Lords Act 1999 (Amendment) Bill 2016-17 was dropped by Peers at Committee Stage following the government's refusal to support it. This was the most modest of Bills, proposed by Peers themselves to end an absurd anachronism. This issue must be revisited and tackled as soon as possible, for the sake of faith in our institutions and democracy.
11. As a 'stepping stone' to further reform, the ERS would support a greater role for the House of Lords Appointments Commission – including power to interview witnesses, and greater representation of non-aligned citizens. However, it must be noted that neither of these modifications deal with the fundamental problems of the House and the appointments system per se, unless there was a significant rejection rate.
12. Attendance and participation levels are a difficult factor to consider for a different range of reasons. There is much debate over the relative merits of 'working' Peers on the one hand, appointed by political parties with high levels of attendance and participation across a range of policy issues, and of 'expert' Peers on the other hand, with full-time careers elsewhere who turn up only for policy issues related to their area of knowledge. This consternation alone calls into question this factor's suitability.
13. However, some consideration should be given to the ejection of those who do not attend for a whole session without being on leave of absence. This is of particular importance given that in the 2010-2015 parliament, £360,000 was claimed by Peers in years they failed to vote once, while in the 2014 Parliamentary session over £100,000 was claimed by Peers who did not vote at all^[1].
14. The Society believes suggested reforms should be a 'stepping stone' to broader reform, as they do little to tackle the other serious deficits that the chamber embodies. Therefore, the ERS restates our disappointment at the limited remit of this inquiry.
15. Nonetheless, we do welcome the Lords debating cutting the numbers of members. However, the democratic price to pay for the current situation is much larger than the financial or 'perceptual' one when it comes to our archaic upper house – something we do not believe this inquiry adequately addresses.
16. Finally, in light of the difficulties of using any of these factors as a means of reducing or capping the size of the House of Lords, and noting the caveat that this is not under consideration, the Society highlights our position that an elected House of Lords is the sole solution.
17. A House of Lords chosen by voters using the Single Transferable Vote system, with a total membership of 450 Peers elected in thirds every five years, would make it the rightful responsibility of voters to decide which factors should determine whether and how all Peers remain or leave the upper chamber. In sum, it would provide both refresh the House's membership and provide continuity, further the House's legitimacy, and both reduce and cap the size of the House.

^[1] Research by the ERS, August 2015 <http://www.telegraph.co.uk/news/politics/11805861/Peers-claim-expenses-worth-360000-in-five-years-and-dont-bother-to-vote.html>