

# Parliamentary briefing

House of Lords 'abolition' – Westminster Hall debate

4:30pm, Monday 18th June 2018

From its ever-expanding size, to its challenges to the government's Brexit legislation, questions about the House of Lords are being asked – urgently and often – by political figures of all persuasions and the wider public alike.

The Electoral Reform Society's answer to these questions is a smaller, more efficient, directly elected second chamber.

## Abolition?

It is unusual for a country as large and diverse as the United Kingdom to have a unicameral legislature. It is important, therefore, to distinguish between those calling for the House of Lords to be abolished, with Westminster operating unilaterally, – and our fellow reformers, calling for it to be 'abolished and replaced with' a reformed second chamber.

## Size

The House of Lords is the world's second largest legislative chamber – behind only the Chinese National People's Congress. It has so many members the House of Lords itself set up a Lord Speaker's Committee on the size of the House<sup>1</sup>. One of the committee's proposals was a voluntary two-out-one-in system until the House reached 600 members, a system which even the committee concedes would take some 10 to 15 years to achieve.

The first test of this proposal is coming up, as the House will have to decide whether to table Introductions of the dozen new members announced in the Prime Minister's recent appointments.

Even 600 would be an unusually large second chamber. Most democracies' second houses have around 100 members. For example, India's, France's and Germany's have 245, 348 and 69 respectively. 88% of people think the Lords should have fewer than 600 members<sup>2</sup>. The average number of members supported was 383 – excluding those who thought it should be abolished.

## Public opinion

YouGov polling<sup>3</sup> conducted last month showed more than twice as many members of the public have a negative view (38%) of the House of Lords than a positive one (17%). The largest plurality supports a partly or wholly elected chamber – more than twice as many as those who think it should remain appointed (34% versus 16%).

An elected second chamber is more popular than an appointed one regardless of party, Brexit position, gender, age, socioeconomic class or region.

1. <https://www.parliament.uk/size-of-house-committee>

2. <http://www.bmgresearch.co.uk/electoral-reform-society-bmg-poll-majority-feel-house-lords-large/>

3. <https://yougov.co.uk/news/2018/05/25/no-public-are-not-furious-house-lords/>

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# Unrepresentativeness

## Partisan backgrounds

Opponents of reforming the House of Lords say it is a ‘chamber of experts’ who otherwise would not get a say in improving legislation. While some peers undertake excellent scrutiny work, the suggestion that it is a chamber of non-political experts does not stand up to examination. Election does not exclude expertise, as the House of Commons demonstrates.

New ERS analysis published for this debate shows 235 peers (29%) are former MPs, MEPs or Councillors. A further 68 peers (8%) are former political staff and activists. Moreover, the House of Lords is increasingly becoming a chamber of former politicians and party staffers – there has been a net increase of 26 peers in these categories since 2015.

In contrast, non-partisan fields are either less represented or still poorly represented when compared to 2015. There has been a net reduction of nine peers from Higher Education backgrounds. The number of peers from manual and skilled trades remains static: at one – compared to two peers who previously worked in the royal household.

The effect of this unrepresentativeness is twofold: the House of Lords fails to fulfil the ‘nonpartisan chamber of experts’ role claimed by its proponents, and it does not reflect the socioeconomic diversity of the country.

## Regional disparities<sup>4</sup>

The professional background of peers is not the only way in which the House of Lords fails to represent the United Kingdom. New ERS analysis shows 54% of peers’ primary residence is in just one part of one of our nations (– London, the South East and East of England) – almost 20 percentage points higher than its population share (35%). Scotland, Wales along with all regions of England other than London and the South East have fewer than their fair share of peers. The East Midlands, West Midlands and the North West, in particular, which are underrepresented by 4, 5 and 6 percentage points respectively. This South-dominated chamber is failing to speak for the North or the nations when it comes to legislation.

## Other characteristics

Our *The High Cost of Small Change: The House of Lords Audit* report from November 2017 noted that just 26% of members of the House of Lords were women – a worse rate than the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the London Assembly.

141 peers (18%) are over the age of 80, almost three times more than that group’s share of the UK-wide over-21 population (6.6%). 74% of members of the House of Lords are over the age of 65.

Operation Black Vote listed only 46 peers as representing BME communities<sup>5</sup>. Despite being a larger chamber, it has approximately only a third as many openly LGBT parliamentarians as the House of Commons<sup>6</sup>.

4. This applies to peers who published their location in the December 2017 expenses register

5. <http://www.obv.org.uk/our-communities/profiles/peers>

6. <http://lgbtrepresentationandrights.org>

## Partisan voting

The extent of the House of Lords’ partisanship is not limited to their political backgrounds – it is true of their voting habits too. Conservative peers who voted in the 2016/17 session voted with the government 99% of the time, while Labour peers who voted did so against the government 90% of the time.

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7. <https://www.electoral-reform.org.uk/latest-news-and-research/publications/the-high-cost-of-small-change/>

70% of peers take a party whip, and those who do not are significantly less likely to vote at all. 41% voted fewer than ten times (compared to 14%, 7% and 6% of respectively for Conservative, Labour and Liberal Democrat peers)<sup>7</sup>.

### **Cost**

More than £19 million was claimed in allowances and travel costs by peers in the 2016/17 session.

Yet 63 peers who did not speak in the Lords once during the session claimed £1,095,701. 33 did not speak in the chamber, serve on a committee or table a single written question but collectively claimed £462,510 – and 21, a majority, of these voted in less than a quarter of divisions. These facts speak for themselves and create a great deal of distrust and anger among the public – which, given that voters often see ‘politicians’ as a unified group, reflects poorly on Parliament as a whole.

A smaller, more efficient, fully elected chamber of salaried representatives would provide much better value-for-money for taxpayers, and improve the standing of our Parliament.

### **Primacy**

Many MPs are concerned an elected upper chamber would challenge the primacy of the House of Commons. However, international experience and clear legal/constitutional restraints would prevent this.

After the introduction of an elected second chamber, a number of institutional and other barriers would prevent the House of Lords from challenging the primacy of the Commons. Longer, one-off, staggered terms, in which the Lords was elected by thirds (as happens in many local authorities in England) for 10-15 years, would ensure the House of Commons always has a more recent mandate.

The government of the day would continue to be based on which party or parties could command a majority in the House of Commons, with a mandate for its manifesto and all the prerogatives such as money resolutions which come with government, further ensuring the primacy of the Commons.

The Parliament Act would continue to be effective, meaning the House of Commons would continue to wield the threat of unilaterally either abolishing or reforming the House of Lords if it overstepped its remit.

### **Conclusion**

As has been shown, the House of Lords is reflecting poorly upon our politics. It is failing to represent huge swathes of the UK – whether by region, profession or demographics. This is bad both for legislation and public trust. The public are consistently in favour of reforms which have been promised for many years.

A fairly-elected chamber of the regions would ensure guaranteed, proportional representation and a strong voice for all parts of the UK.

For more information on this briefing, or on other democratic issues, please contact Charley Jarrett (Policy & Public Affairs Officer) on 020 3743 6051 or [charley.jarrett@electoral-reform.org.uk](mailto:charley.jarrett@electoral-reform.org.uk)