



The Super-Sized Second Chamber

The future of the Unreformed House of Lords

Key Findings:

- **The House of Lords remains unsustainable.** Previous estimates on the future size of the Lords have underestimated scope for possible growth.
- The Prime Minister's latest appointments are expected to take the chamber to **876** by the end of 2013. They confirm a direction of travel which takes a super-sized chamber to gargantuan proportions.
- With total prime ministerial patronage and no statutory limits on House numbers, ERS believes that the current rate of growth, based on precedent and protocol, will see the size of the Lords to hit **nearly 1000 peers by the end of the current parliament.**¹
- Based on current party support² an incoming Labour government in 2015 could need to increase this figure to **nearly 2000 peers in the 2015 parliament** in order to realign the party political balance in the Lords following a collapse in the Liberal Democrat vote.³
- Even in another hung Parliament scenario, it remains a problem for Ed Miliband to fix
- Growth will push the chamber beyond the 1,400 peers who occupied it prior to the 1999 reforms.
- With the size of the House of Commons set to remain at 650 MPs, the Society estimates that the **proportion of national lawmakers elected by the public could crash to 1 in 4 in the next Parliament.**
- An upper house of around 2000 members would only be rivalled by the People's Republic of China in terms of absolute size, and on a per capita basis would see one politician for every 435,000 people in China but in the UK one peer for every 35,600 people.

¹ An additional 234 peers creating an Upper House totalling 1062. Allowing an annual attrition rate of 2.67% this equates to **979 peers** in 2015¹

² Headline voting intention, Yougov Omnibus 3 June 2013, Sample Size: 1387 GB Adults.

³ An additional 1017 peers creating an Upper House totalling **1,946** (based on appointments being made in the first session of the Parliament).

Introduction

Allegations of impropriety against Lord Cunningham, Lord Mackenzie, and Ulster Unionist Lord Laird have put the future of the Upper House back into the spotlight.

The House of Lords Reform Bill is gone. But the House of Lords remains unsustainable.

At the heart of this problem is the chamber's scope for growth. The House of Lords is already the largest Second Chamber in the world. A chamber that had approximately 50 members in the early 1700s has grown unchecked through the power of patronage. As former Minister for Political and Constitutional Reform Mark Harper MP observed in February last year:

"If we have one more change of government, it's going to have over 1,000 members."⁴

Existing estimates however have underestimated the problem. In recent years Prime Ministers have sought to attain broad political balance within the Upper House following a general election. But that principle has never been tested by the kind of the result the next election could yield.

If we consider the predicted collapse in the Liberal Democrat share of the vote then we are looking at a future House of Lords being realigned around a fixed number of Liberal Democrat peers. The Lords was 1400 strong before the 1999 reforms. We can reasonably expect to break that barrier within the lifetime of the next parliament.

We already have a Super-Sized Second Chamber, and elected lawmakers are set to become an ever-dwindling minority on the national stage.

It is clear Lords Reform will return to the national agenda, it's a simple matter of maths.

Peerage Creations

The majority of peerages are created following the dissolution of Parliament following the calling of a General Election (the Dissolution Honours List) and the resignation of a Prime Minister (the Resignation Honours List). A minority of peerages are announced in the New Year and Queen's Birthday Honours Lists, Peerages can also be created on an ad hoc basis throughout the year.

The Prime Minister decides on the number of new peerages that are appropriate and on the balance of political parties in the Upper House. There is no statutory limit.

As well as recommendations from the Prime Minister, the House of Lords Appointments Commission makes recommendations for non-party political peers – this usually amounts to around four or five per year. The Chairman of the Appointments Commission, Lord Jay outlined the procedure for appointments:

The decision on how many to appoint rests with the Prime Minister, to whom we are accountable. The decision that he has reached is to follow the precedent of his predecessors, which is that roughly four or five appointments per year to the crossbenches should be made through our Commission. I think

⁴ 'Bloated' House of Lords will soon have 1,000 members, minister warns Daily Mail, 24 February 2012

that at the moment we are working on the basis of about four over the past year or so.⁵

The Prime Minister can also recommend appointments to the Crossbenches but typically fewer crossbench appointments are made this way. Since the first nominations in 2001 a further 61 new crossbench appointments have been made (125 Crossbench appointments have been made since 1997 compared to 405 party political appointments).

Peerage Creations by Prime Minister

Typically new peers are created in the early stages of a new government in the dissolution honours list and with a change of Prime Minister in the resignation honours lists.

These tables summarise the number of peerages created during the tenure of each Prime Minister since 1997.⁶

2.1 Tony Blair (May 1997–June 2007)

Party	Number
Conservative	62
Labour	162
Liberal Democrat	54
Independent/Crossbench/other	96
Total	374

2.2 Gordon Brown (June 2007–May 2010)

Party	Number
Conservative	4
Labour	11
Liberal Democrat	2
Independent/Crossbench/other	17
Total	34

2.3 David Cameron (May 2010 – Feb 2013)

Party	Number
Conservative	50
Labour	39
Liberal Democrat	24
Independent/Crossbench/other	16
Total	129

Excluding 2 hereditary peers and 13 Law Lords created under the Appellate Jurisdiction Act 1876.

⁵ House of Lords Select Committee on the Constitution, Unrevised transcript of evidence taken in meeting with Lord Jay of Ewelme, Chairman of the House of Lords Appointments Commission, 25 January 2012, p 4

⁶ Table adapted from House of Commons library note "Peerage Creations Since 1997", 13 June 2012, Richard Kelly and Alex Brocklehurst

Total numbers as at 1st June 2013

756 peers

646 Life Peers (161 Conservative; 212 Labour; 85 Lib Dem; 150 Crossbench; 21 Other)
88 Hereditary Peers
25 Bishops

This does not include:

39 Peers on leave of absence
10 disqualified as senior members of the judiciary
1 disqualified as an MEP

Total number: 806

Party political breakdown of current Peers

	Numbers	% of Lords
Conservative	210	27.7
Labour	217	28.6
Lib Dem	89	11.7
Other (incl. non affiliated)	36	4.7
Crossbench	181	23.9
Bishops	25	3.3
Totals	756	
Total party political		% of party political Lords
Conservative	210	39.5
Labour	217	40.9
Lib Dem	89	16.8
Other (political parties)	15	2.8
Totals	531	

Increases this Parliament - calculation

Currently the House of Lords is balanced towards the Labour Party (with 222 Peers). However, this does not equate to a majority as the formation of the Coalition means governing party peers have the majority in the Upper House (303). Even so, the party political balance in the Upper House does not reflect the party shares of electoral support.

As with any incoming government, the governing party will seek to rebalance the Upper Chamber to increase their strength.

Percentages of votes (2010 General Election)

	Seats	% vote
Conservative	307	36
Labour	258	29
Liberal Democrat	57	23
Other	28	12
	650	100

Increases this Parliament (2010 – 2015)

	Number of Lords	% of party political Lords	% share of General Election vote
Conservative	210	39.5	36
Labour	217	40.9	29
Liberal Democrat	89	16.8	23
Other	15	2.8	12

Without any mechanism for retiring Lords, rebalancing the Upper House means appointing more Peers.

Were the percentages of the other parties in the Lords brought in line with Labour reflecting the vote share at the 2010 General Election (Labour Lords = 217 and 29% of the vote), the House would need to increase to 748 party political peers – an increase of 217 Peers

Of the 217 this would mean:

59 extra Conservative Peers
 83 extra Lib Dem peers
 74 extra peers from other parties
 Plus an extra 4 Crossbenchers per year (8)

Between now and 2015 that's an extra 216 Peers creating a total house of 1024
(including those currently on leave of absence or disqualified)

Minus an attrition rate of 2.67% per year (assuming all appointment made in 2013) = **970**

	Current peers	By 2015 realignment
Conservative	210	269
Labour	217	217
Lib Dem	89	172
Other	15	90
Total	531	748

At the next election this will need to be rebalanced again ...

2015 and beyond

Should the Labour Party win a majority at the next election, the party political balance in the Upper Chamber would need to be rebalanced again.

Using headline vote intention currently and applying the same principle that without any mechanism for retiring Lords, rebalancing the Upper House means appointing more Peers, the number of Peers would need to increase again.

Headline voting intention % (YouGov 3 rd June 2013)		% vote 2010 General Election	% change
Conservative	31	36	-5%
Labour	38	29	9%
Lib Dem	10	23	-13%
Other	21	12	9%

Lib Dems have the largest % drop in vote share on these figures so in 2015 would have the largest advantage in the upper house. To rebalance the chamber, the other parties would have to increase their share accordingly.

Lib Dem Lords = 172, Lib Dem vote share = 10%
So the party political element of the House would need to be **1720**

Conservatives would need 533 peers (an increase of 264)
Labour would need 654 peers (an increase of 437)
And there would need to be 361 peers from other parties (an increase of 271)
If UKIP were to be fairly represented amongst these figures then they would need 273 peers (an increase of 270, meaning that almost all the new peers from other parties would be UKIP).

Taking the final number from the last Parliament 970 and adding the increases (264 Conservative, 437 Labour, 271 Other) = 1942
Plus an additional set of Crossbenchers (4 per year) = 1946

In the early stages of the next Parliament, were the new Prime Minister to deem it acceptable and have a desire to see their party stronger in the Upper House (which if the House of Lords continues to flex its muscles in the way it has, may be required in order to see through Government legislation) the House could once again grow dramatically. This holds true even in a hung Parliament scenario given the current numbers are based on a Liberal Democrat vote share of 23% - polling trends indicate it is most likely that their vote will fall significantly.

What this could mean for Parliamentary Democracy

A far larger unelected Lords would see the balance between elected and unelected representatives shift even further.

Already there are greater numbers of unelected Parliamentarians than elected. More Lords would see this imbalance increase.

Year	House of Commons size	House of Lords Size	Total size parliament	MPs as a % of parliament	Peers as a % of parliament
2013	650	759	1409	46.1. %	53.9%
2015	650	970	1620	40.1%	59.9%
2015 onwards	650	1946	2596	25.0%	75.0%