

## Lords Reform 100 years on Monday 7th November 2011

"The House of Lords has for a long period been the habitual and vigilant enemy of every Liberal Government" So said Gladstone in 1884 as their Lordships threatened to block his franchise bill. Liberals have wanted reform ever since as Nick Clegg puts it: "Lords Reform has huge symbolic importance to our party" The aspiration is expressed in the Coalition Agreement in these words: *'to bring forward proposals for a wholly or mainly elected upper chamber on the basis of proportional representation'* Libdem deputy leader Simon Hughes will be close to the process of trying to make it good. Difficult. The wording leaves more wriggle room than he would have liked. And now potentially a poison chalice after the other 100-year LibDem aspiration – Proportional Representation for the Commons – was rejected by voters. Nevertheless he is undaunted. Those who make our laws, says Hughes, should be elected by those to whom they apply.

### Second chamber

Though still called the Upper House, the second chamber's role now is to scrutinise and revise government bills. The legislative supremacy of the Commons was established in 1832 when the Great Reform Bill was forced through a reluctant House of Lords under threat from King William IV to appoint 80 pro-reform peers. A similar threat was used under Edward VII when peers opposed 'The People's Budget' that introduced a Land Value Tax. That episode culminated in the 1911 Parliament Act empowering the Commons to force a bill through without royal assistance. It has been used very sparingly since and it is interesting to observe on what issues:

1. 1914 Disestablish Welsh Church (Lib)
  2. 1914 Irish given Home Rule (Lib)
  3. 1949 Parliament Act extended (Lab)
  4. 1991 Nazi War Crimes Act (Con)
- The only use by a Tory government and the War Crimes Act was used once only!
5. 1999 PR in European Elections (Lab)
  6. 2000 Homosexual age of consent lowered from 21 to 16 (Lab)
  7. 2004 Fox hunting banned (Lab)

Mr. Clegg advocates 20% appointed and 80% elected on a 15 year term by Single Transferable Vote. In 2003 the Commons voted 320 : 245 against an all appointed second chamber but 290 : 270 against all elected. By 2007 they were 60% in favour of a fully elected Lords. Lords remain 3:1 against their chamber being elected and Lord De Souza leader of the cross-benchers commented in May 2011 "To use the Parliamentary Act on a constitutional matter of Parliamentary reform would be very bad form."

### Wakeham report

In 1997 Labour launched a Royal Commission. The Wakeham Report 2000 recommended the House should have 550 members of which 12, 16 or 35% should be elected by PR; The proposals would reduce the role of the house as a source of political patronage resonating particularly in 2006-7 when the 'cash for peerages' scandal erupted and a number of Blair nominations were rejected by the House Appointments Committee when it transpired that Lord Levy was offering peerages in exchange for significant loans to the Labour Party. This was not new. The Honours Act 1925 followed similar allegations against Lloyd George. but Wakeham 'could not recommend a wholly or largely directly elected 2nd chamber'.

The House is composed of the Lords Spiritual and Temporal. Hereditary peers are there by nobility of birth but in 1999 on a manifesto pledge Labour ousted them. In the event 92 were allowed to remain, elected from among their number. Life peers are appointed on merit. Among them were the senior judges removed in 2009 on creation of the Supreme Court.

### Appointments / Size

The House today has 786 members. Over 11 years Margaret Thatcher added 18 peers per year. Blair averaged 36. In his first year David Cameron appointed 117 though this was forced upon him. Brown left an unconventionally large (39) resignation honours list, Labour were already over-represented and the Coalition Agreement required progress toward proportionality: that is, composition of the Lords should reflect the result of the last election. To achieve it now would require another 269 appointments. But in a recent report 'House Full' peers complained that there is not enough space in the chamber or offices and they 'can't get a cup of tea'.

Given the Commons is reducing from 650 to 600, Mr. Hughes reckons the optimum number of 'senators' would be 300. He could think of no second chamber with more and broadly he is right. The Spanish Senate is among the largest at 264, India's Council of States 245, Japan's House of Councillors 242, Russia's Federation Council 166, Mexico 126, Canada 105, Pakistan 100, S. Africa 90, the German Bundesrat 69 and the Swiss Council of States 48. But most of these countries are federal with full bicameral (2-chamber) government at state or regional level. The exception is France. Like Britain she has no elaborate regional governments. Even so the French Senate has only 348 members. Mr Hughes concedes that pressure of work may justify 400-450.



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Most appointments today are 'working peers', nominated for service to party and expected to continue to serve party ends in the House. The system serves the work of the house and provides honourable retirement for past PMs etc and draws upon their talents and unique experience.

### Crossbenchers

So called because they sit on the benches perpendicular to the govt and opposition, are there not from party preference but service to charities, academia, the civil service etc. They include former Speakers of the Commons and since 2007 'People's Peers' selected by the Appointments Commission. There are currently 183 making them the third largest bloc when they vote together. The 26 Lords Spiritual are also non-aligned but have seats on the govt benches. Simon Hughes wants to reduce their number to 12. The crossbenchers are popular and much quoted in the press but they express concern that eminent people with business experience may not be willing to expose themselves to an election process. A former Chief Inspector of Prisons Lord Ramsbotham reckons none of the existing Crossbenchers would stand for election.

Surprisingly Labour not Cons are the largest bloc today and Libdems hold the balance of power, a far cry from 1884. In the latter Blair years peers were seen as more in tune with the public than the government-dominated Commons. Dr Meg Russell of UCL found *"Despite the unelected basis of the Lords ... it enjoys support from MPs and the general public to block policies ... perceived as unpopular. Far from clashing with the Commons it may even inflict government defeats with the silent approval of Labour MPs... voters are really quite happy with things as they are."* Mr Clegg argues that Lords Reform was in all parties' manifestos. But manifestos today are overlarge and little read by the electorate. And in 2010 there can be no doubt Lords Reform had one purpose only – to court a Libdem alliance in the event of a hung parliament. 100 years ago they vetoed the most intelligent programme for economic justice yet devised. Lords Reform today is the shell of that project. Supposedly about democratic legitimacy but itself lacking it.