

## **House of Lords Reform...**

# **Do we really want a Second Chamber of the Second Rate?**

*"I am David Puttnam. I was appointed to this House in 1997. I left school at 16 and started working as a messenger. I spent 30 years of my life as a film producer and I was for 12 of my 13 years here one of only two people in this House who knew anything about or represented the film and television industries. There was no one at all in the House of Commons. .... My second point is on climate change, which will affect all your lives very deeply. Of the 20 world experts that exist, six sit on the Cross Benches in this House; there are none in the House of Commons. Lastly, on tuition fees, I show you the Hansard of yesterday's Commons debate on tuition fees, which is being debated in this House next Tuesday. I beg you to read that and to read the Hansard of this House's debate next Tuesday and judge for yourselves where you think the expertise lies and where you feel that your views are being best represented."*

Thus spake Lord Puttnam to a gathering of students during a 2010 debate on the future of the House of Lords, held in the chamber of the Upper House itself. The students then voted for a wholly appointed House of Lords by a substantial majority!

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## **Do we want a Second Chamber of the Second Rate?**

Some years ago, I was given a booklet containing the manifestos of Liberal Democrats who were contesting an internal election being run by their party to establish who should be considered for any Life Peerages the LibDems might be offered in the House of Lords.

This compendium of nonentities with its blurred photographs, infantile slogans and endorsements of the not-so-great & good would be a worthy bedside book of humour were it not for the sobering fact that many of these prospective peers would be featuring on ballot papers up and down the land if plans to elect the House of Lords ever came to fruition.

Leave aside that British voters currently view elections with about as much enthusiasm as a dental appointment and are likely to register their displeasure with the election of yet another tier of party politicians by refusing to vote.

Leave aside that today's emaciated political parties are scarcely able to find adequate funds and suitable candidates for elections to all the existing tiers of government, never mind resource yet another ballot.

The crucial question is whether there is any point in replicating the House of Commons with an elected House of Lords, populated by the same type of politicians who are forever accountable to the parties that ensured their election.

Are we content to allow the Upper House to become as partisan as the Lower House?

Do we really wish to end up with a chamber populated by party hacks who bring nothing to the House of Lords but their adversarial party politics and whose only meaningful qualification was their failure to achieve election to the House of Commons?

Do we really want a second chamber of the second rate and if we don't, how else do we go about reforming the House of Lords?

This paper endeavours to provide some answers.

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## The Quest for the Top 400

If it were possible to conjure up a definitive list of 400 of the most wise, the most honest, the most financially prudent, the most assiduous, the most compassionate and the most visionary Britons who were the most experienced and the most competent in their field, it is unlikely that any of those identified would include a single member of the current House of Commons.

This should not be surprising; excellence is not what the House of Commons is about. The House of Commons is about power and politics, where the ultimate and final decisions are taken; it is where burgeoning public expectation has to be reconciled with scarcity of resources; it is where the art of the possible is practised. The only skill members of the House of Commons require is an ability to communicate successfully with, and speak for, people, an aptitude perhaps first evidenced by their successful selection and election.

The aptitude required for membership of the House of Lords is, surely, different. In performing its agreed and long established role as a revising chamber, the Upper House needs to comprise people of skill, experience and independence of thought, who are impervious to party political pressure and short term electoral considerations.

If we cannot have an Upper House so constituted, then there really is no point in having one at all.

Our present Upper House, with its odd mixture of Life Peers, bishops and remnants of the British nobility, seems to perform its task of scrutiny to the extent that even those who want the existing members replaced with elected representatives acknowledge their achievements in bringing the Government to account and amending faulty legislation in the face of an over-powerful Executive and a supine House of Commons. Certainly, it might be argued that a few of our imaginary Top 400 might already be in the Lords and that, if left to its own devices, the House of Lords Appointments Commission could, over time, be expected to recommend some more.

The problem is, the continual topping up of Party Peers by incoming governments to secure extra voting power in the Lords has undermined the work of the Appointments Commission and sullied the reputation of the Lords for independence in the eyes of voters. Scandals about cash for peerages, absentees and questionable expenses claims add fuel to the fire and, while a YouGov poll of 2018 reveals that the public are not all that obsessed about the Lords, nevertheless, if they think of it at all, they are not impressed. Even without these pressures, the Lords as presently constituted will always be vulnerable to the accusation that it lacks the authority of a representative body.

The quest, then, is to perfect a system to ensure that, over time, as many as possible of our imaginary "Top 400" end up in the House of Lords.

However, there is a more pressing problem which requires our immediate attention...

## The current House of Lords needs a cull!

If past experience is anything to go by, altering the method of choosing who sits in the House of Lords will take some many years, but the question of the size of the Second Chamber is a separate issue which can be addressed quite quickly.

Everyone agrees that the current 800-member House of Lords is too large and a smaller Upper House could be achieved almost immediately by legislating for the following:-

1. Remaining Hereditary Peers to be put on the same footing as Life Peers.
2. Crossbench Peers and Bishops not to exceed 100 in number, with the Appointments Commission tasked with ensuring that this level is maintained.
3. A maximum of 300 "Party Peers", the numbers being reflective of the support for the parties in the previous general election, either in terms of votes or of seats:

	CON	LAB	LIBD	SNP	BRX	DUP	SF	PC	UU	GRN	SDL	ALL
Existing	262	180	87			5		1	2	2		
In terms of votes	132	98	35	12	6	3	2	1	1	8	1	1
In terms of seats	168	94	5	22		4	3	2	0	1	1	

4. In order to reduce the current membership to the proposed levels, the holding of a ballot within each party group using a procedure similar to the one used to give effect to the Weatherill amendment of the 1999 House of Lords Act, when there was a ballot among the Hereditary Peers to decide which 92 of their number would remain in the Lords. Cross Bench, non-aligned, independent and spiritual peers would conduct a similar ballot to get their combined numbers down to 100.
5. In order to maintain the levels of representation achieved by this cull, the holding of a "Reckoning" immediately after every future general election, whereby the calculation of the composition of the 300 Party Peers is re-worked and group elections are held for those parties over-represented in the Lords and new peerages created for those parties under-represented.
6. The phased introduction of a 12 year term of office, to allow Party managers and the Appointments Commission to recruit new blood to the House over time.

In this way, a concentrate of the current House would be created to keep the show on the road until such time as lasting reform of the Second Chamber can be implemented.

More improvements could be introduced incrementally in this way but first we need to take account of a major structural flaw in British democracy...

## Our Political Parties are no longer fit for purpose

The advocacy of a bog-standard general election to fill the Second Chamber is posited on the rather bland assumption that our political parties can cope with another tier of elections but, if current studies are to be believed, the UK's political parties are in dire straits. A useful summary of the current state of play can be found in a 2019 House of Commons Library Briefing on the membership of political parties, which reveals that:-

- While membership of the main Conservative, Labour and Liberal parties represented 17% of the entire UK electorate in 1953, that percentage had reduced to 5.5% by 1970 and shrank further to a miniscule 1.7% in 2019;
- Males dominate party membership, ranging from 53% for Labour, 63% for the LibDems, to 71% for the Conservatives;
- Over three quarters of the main party membership belong to the upper AB&C1 social classes;
- The mean age of the main party membership is currently in the 50s;
- BME representation is low at between 3% and 4%;
- Over half the main party membership lives in London and the South of England.

So, what's happened? Perhaps political parties as we know them may be approaching extinction, having been no more than a passing phase in our political development, victorian museum pieces from the steam age of politics when simplistic Christmas hampers of policies were required for a badly educated population which had just been given the vote. After all, philosophies fuel political parties but the battles of the "isms" were decided a long time ago and today's British polity is now a fusion of philosophies, a liberal democracy with a social welfare programme resourced by a capitalist economy.

Despite this convergence of views and policies, the main parties persist in the prosecution of adversarial politics. Outside of sport, no other profession seems to spend so much time in plotting the downfall of the competition and this is clearly at odds with the life experience of most people who do their best to co-operate with colleagues in their communities and workplaces, even those they do not particularly get on with.

Perhaps the decline of local government is also in part responsible. Long gone are the days when membership of a political party was a mainstream social activity, a conduit for local service and political discourse where ordinary folk happily gave of their spare time to support and work for something they believed in, perhaps even standing for a local council that met locally, regularly, and in the evening. Perhaps the 1972 re-organisation, with its monster budgets and daytime meetings in distant locations, started the rot: Once "local" became "regional", the whole process of participation went off the boil and people's appreciation of the relevance of local party associations as the means of prosecuting democracy at the grassroots diminished as genuine local government collapsed into larger and more remote authorities, a process which continues apace.

In any event, today's political parties are clearly in trouble. Their abysmal level of membership indicates that they are no more representative of mainstream society than the current House of Lords. Clearly, we might need to look elsewhere for our "Top 400".

## **A House of Vocations...**

A programme of reform might yet resuscitate our established political parties or at least hasten their replacement by new, “pop-up” or fusion parties. Nigel Farage’s Brexit Party and Emmanuel Macron’s La République En Marche Party have shown us what’s possible. But even if political parties bounced back, would we necessarily want them in a reformed Upper House? If parties already hold sway in the Commons, should we not try to identify another sort of representation for the Upper House?

And so our quest takes us across the Irish Sea to a prosperous and civilized nation where excesses of government are constrained by a written constitution which cannot be altered without popular consent, where citizens elect MPs and councillors using the most powerful and sophisticated vote on the Planet, and where the Seanad Éireann comprises for the most part a “Vocational Senate” whose membership is drawn from panels representing commercial and cultural institutions, rather than political parties.

The Irish rather spoil it all by restricting the right to vote in their Senatorial elections to Parliamentarians and local councillors, which has given the Irish parties undue influence, prompting calls for reform and even abolition. Even so, Ireland’s Vocational Senate provides an interesting template on which a UK Upper House of the Talents could be based, with membership drawn from a completely different cross-section of society, a conduit for the nation’s leading professionals and wealth creators to influence law-making.

Clearly Eire is not the UK; the size and complexity of both communities are quite different. In particular, while Eire is one nation, the UK comprises several distinct nations and English regions, so any reformed House of Lords would need to establish a link between peers and all parts of the Kingdom.

## **...and the Nations!**

At the moment, a geographical balance of representation is lacking in the House of Lords. The Electoral Reform Society reported that, as of June 2018, most peers (54%) lived in Greater London, the South East or the East of England. A peerage does not currently come with any bailiwick and any reforms that alter this will need to be careful to avoid any turf wars with the Commons. Even so, the disconnect between London & the Home Counties and the rest of the UK now threatens the Union and so will necessarily inform any reform of the Lords, whether it is appointed or elected. Besides, vocational experience will vary from one nation/region to the next and a UK-wide vocational representation will enrich the newly constituted House.

Vocational representation in the new House would be drawn from groups of professions, as in Eire where there are 5 “panels” representing Public Administration, Farming, Education & the Arts, Commerce & Industry, and Labour. In the UK, we might need to create, say, 9 equivalent bodies, perhaps representing Education, Health & Welfare, Defence & International Relations, Law & Enforcement, Commerce & Industry, Sport & Leisure, the Arts & the Sciences, Coast & Country, and Spiritual Matters. We must then consider the number and extent of the bailiwicks these new peers would represent and it seems sensible to use the existing nations of Wales, Northern Ireland, Scotland and the 9 English Regions.

# The Devil in the Detail

There are any number of permutations that can be used to bring about an appointed House of Nations and Vocations but the detailed work that would need to be undertaken to ponder all the options is beyond the scope of this short paper. Even so, a flavour of what is intended can be gained from the following ideas:-

Assuming a reformed House of no more than 400 Peers appointed by 9 equally represented vocational panels representing Scotland, Wales, Northern Ireland and 9 English regions, each vocation would have 3 members per nation/region, giving a total Upper House representation of 36 members per vocation, 324 vocational peers in all.

The proposed 9 vocational panels could be administered by the existing Electoral Commission, or by the House of Lords Appointments Commission, with the various devolved bodies consulted on proposed appointments. Each vocational grouping would maintain a register of professional bodies who would be able to nominate prospective peers but the electorate might also be able to nominate prospective peers by petition.

In changing from a party political to a vocational Upper House, there would be merit in having a transitional period of, say, 12 years, as existing peers retired/expired and were replaced by vocational peers who, given 3 members per nation/region, could be introduced by thirds every 4 years. The total number of peers would fluctuate during this transitional period.

Vocational peers would receive a salary in exchange for performance of duties set out in a contract entered into on acceptance of nomination/ selection. On retirement, peers under this scheme would retain their title and enjoy some sort of emeritus status, although they would no longer be able to sit in the House or draw a salary.

Finally, what's in a name? While a reformed Upper House is usually referred to as a Senate and its members as Senators, the Welsh already have their "Senedd" and what is being proposed for the UK's reformed Upper House trumps anything Senate-shaped elsewhere. While the term "Lord" has in the past suggested undeserved privilege, its continued use in a reformed vocational chamber provides a link between the past, present and future. After all, the term "aristocracy" is from the Greek *aristokratia*, translated as "rule of the best", which just happens to accurately describe what our proposed vocational Upper House would be.

Reform of an appointed Upper House could be achieved well before 2040, as follows:-

**By 2025:** the Cull, as described on page 4 of this paper;

**By 2026:** Legislation passed to establish 9 vocational panels and the phased replacement of party and cross bench peers with vocational peers.

**By 2028:** The appointment of the first batch of vocational peers, one per vocation per nation/region, 108 in all;

**By 2032:** The appointment of the second batch of 108 vocational peers, 216 in all;

**By 2036:** The appointment of the third and last batch of vocational peers, 324 in all.

So far, so good, but there is one more reform we might wish to contemplate...

## Could we directly elect a Vocational Upper House?

If the ideas in this paper were to be implemented, we would by 2040 have a wholly appointed Upper House half the size of the present one, with peers from the regions and nations of the UK representing vocational groups rather than political parties. This represents quite a transformation which would put our reformed House of Lords streets ahead of any other second chamber on the planet.

But could we go one step further? Could we, in time, directly elect a vocational Upper House? Would it be expecting too much of British voters to make informed choices from what would in effect be a list of independent candidates shorn of any political affiliation in an election lacking any of the traction and grit usually present in a party political contest?

The popular election of a vocational House of Lords representing the nations and the regions presents formidable difficulties but just because something is politically difficult does not mean it ought not to be attempted or at least investigated. Indeed, in politics, the difficult option is often the only way to go, and the prize of directly electing an Upper House of nations and vocations drawn from another cross-section of society and without a single party politician in sight is surely worth the effort, especially since voters appear increasingly exasperated with the negativity of our current adversarial party-oriented process and are desperate for change.

The appointed vocational house as suggested in this paper has been designed to allow for the eventual direct election of peers from 3-member constituencies of the nations and regions. Assuming elections every 4 years and a 12 year term of office, it would be possible to hold ballots at the rate of 3 vocations per election, with 3 peers per vocation elected for each of the 12 nations/regions using the Single Transferable Vote, which is the only voting system capable of delivering proportionality outside party politics.

As for the election campaign itself, the absence of political parties creates a unique and welcome opportunity to hold a completely different sort of national election. Money and undue influence could be designed out of our electoral process altogether by making available to vocational candidates a whole range of means of communicating with voters, paid for by the Exchequer. The bankrolling of campaigns by third parties would be unnecessary and could therefore be made illegal. While candidates would be free to publicise political affiliations and beliefs, political parties would, by law, be switched out of use for this election. Voters' information packs, interactive websites, issue-led media debates and even a bunting-festooned polling day bank holiday would help to create that elusive level playing field.

It would also achieve something far more important: a British national election metamorphoses into a question of individual suitability and issues, rather than of puerile slogans, meaningless posturing and the colour of somebody's ridiculous rosette. Moreover, it becomes an intelligent process and worthy of voters' interest and participation, demanding in return from them a level of discernment not yet practised in British elections. It might even provide a pointer to future, party-less elections as the next stage in the development of our representative democracy.

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