



House of Commons
Political and Constitutional
Reform Committee

**Seminar on the House
of Lords: Outcomes**

Seventh Report of Session 2010–12

Report, together with formal minutes

*Ordered by the House of Commons
to be printed 28 April 2011*

HC 961

Published on 10 May 2011
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

Current membership

Mr Graham Allen MP (*Labour, Nottingham North*) (*Chair*)
Mr Christopher Chope MP (*Conservative, Christchurch*)
Sheila Gilmore MP (*Labour, Edinburgh East*)
Andrew Griffiths MP (*Conservative, Burton*)
Simon Hart MP (*Conservative, Carmarthen West and South Pembrokeshire*)
Fabian Hamilton MP, (*Labour, Leeds North East*)
Tristram Hunt MP (*Labour, Stoke on Trent Central*)
Mrs Eleanor Laing MP (*Conservative, Epping Forest*)
Mr Andrew Turner MP (*Conservative, Isle of Wight*)
Stephen Williams MP (*Liberal Democrat, Bristol West*)

Powers

The Committee's powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via <http://www.publications.parliament.uk/pa/cm/cmstords.htm>.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pcrc. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Steven Mark (Clerk), Lydia Menzies (Second Clerk), Hannah Stewart (Legal Specialist), Lorna Horton (Inquiry Manager), Emma Sawyer (Senior Committee Assistant), Annabel Goddard (Committee Assistant), Keith Pryke (Committee Support Assistant) and Rebecca Jones (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Political and Constitutional Reform Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6287; the Committee's email address is pcrc@parliament.uk.

Contents

| | |
|---|-------------|
| Report | <i>Page</i> |
| Summary | 3 |
| Seminar on the House of Lords: Outcomes | 4 |
| Immediate concerns, including size of the House of Lords | 4 |
| Principles for scrutiny of the Government's proposals | 5 |
| Practicalities of scrutiny: the Joint Committee | 6 |
| Conclusions and recommendations | 7 |
| Formal Minutes | 8 |
| List of Reports from the Committee during the current Parliament | 9 |

Summary

We recently organised a seminar to discuss the House of Lords. This short Report aims to identify those points on which there was general consensus, and to bring them to the attention of the House of Commons before the Government publishes specific proposals for Lords reform:

- The growth in the membership of the Lords threatens its functioning in the shorter term, and is a problem that should not wait four years to be resolved.
- Proposals to change the membership of the upper House need to be examined:
 - in the context of the role intended for that House, and
 - in the understanding that reform will have an impact on the conventions governing relations between the two Houses.
- The Joint Committee that is to be set up to consider the Government's proposals for reform should have as long as possible—substantially more than the standard twelve weeks—to do its work. It should not be so large as to be unwieldy. We, as the Committee elected by political parties and the House to scrutinise the Government's programme of political and constitutional reform, need to be given a role in determining its membership.

Seminar on the House of Lords: Outcomes

1. This Report is the result of a seminar on the House of Lords, held in March 2011 under the Chatham House rule, to which we invited Members of the Lords and others with relevant experience and expertise. **Our main aim here is to identify those points on which there was general consensus at our seminar, and to bring them to the attention of the House before the Government publishes specific proposals for reform of the House of Lords.**

2. Different views were expressed at our seminar on how well the current House of Lords functions, and whether a largely or wholly elected upper House would be desirable or not. These are not issues that we can seek to resolve in this short Report.

3. The Government is committed to bringing forward “proposals for a wholly or mainly elected upper chamber on the basis of proportional representation”.¹ The Deputy Prime Minister has told the House of Commons that these proposals would be in the form of a draft Bill, which would “then be subject to pre-legislative scrutiny by a Joint Committee of both Houses”.² The Cabinet Office Business Plan indicates that the Government expects legislation to implement proposals for reform to be in the Queen’s Speech in May 2012.³

4. We on this Committee have different views on the merits of the Government’s proposals and the process being adopted for their implementation. We note, however, that it would be entirely possible for the Government to take on board the points made in this Report without endangering either the principle or the process of their reforms. Our Report is not and should not be portrayed as an attempt to hold up the Government’s programme.

Immediate concerns, including size of the House of Lords

5. We found consensus at our seminar that **those proposing radical reform need also to address other incremental, urgent reforms that would improve the functioning of the existing House of Lords.** A Government committed to radical reform in the medium term should see and portray short-term incremental reform as preparatory and complementary to its programme.

6. It was also noted that Governments have envisaged radical reform of the composition of the upper House for over a century, without seeing these plans reach complete fruition. The current Government no doubt intends that its proposals will be an exception to this trend, but it needs to ensure that the country is not left with a bloated, dysfunctional upper House if radical reform were to stall.

7. 117 new Members of the House of Lords have been announced since May 2010. Of these, 61 were on the recommendation of Rt Hon David Cameron MP, the current Prime Minister, and 56 on the recommendation of Rt Hon Gordon Brown MP, the former Prime

1 HM Government, *Our Programme for Government*, May 2010, p 27

2 HC Deb, 7 Jun 2010, col47

3 Cabinet Office, *Business Plan 2011–15*, November 2010, p 20, <http://www.number10.gov.uk/wp-content/uploads/Cabinet-Office-Final-Business-Plan.pdf>

Minister. This has led to several problems, on which a Leader's Group in the Lords has reported: risk to the House's reputation, difficulty of conducting business effectively, and pressure on the services provided by the House administration.⁴ These problems have also been discussed in a recent report by the Constitution Unit, University College London.⁵ The Government is committed to implementing the transition to a wholly or predominantly elected House of Lords in 2015.⁶ However, **the current, effectively untrammelled, process for making party-political appointments to the House of Lords, coupled with the lack of any mechanism for Members to leave the upper House, threatens that House's effective functioning in the shorter term.**

8. **This is a pressing issue that cannot wait four years to be resolved.** Many of the recommendations of the Leader's Group on leaving the House of Lords could be implemented without the need for legislation, in particular their plea

that restraint should be exercised by all concerned in the recommendation of new appointments to the House, until such time as debate over the size of membership is conclusively determined.⁷

This call to "all concerned" is diplomatically phrased, but in practice, the person who ultimately exercises control over the number of new appointments to the House of Lords is the Prime Minister.

9. We also heard substantial support for Lord Steel of Aikwood's House of Lords Bill, in particular the provisions that would allow Members of the Lords to choose to leave the House, and to remove absentees and those sentenced to more than a year in prison.

Principles for scrutiny of the Government's proposals

10. A theme that emerged from our seminar was that **membership of the House of Lords needs to be considered in the context of its intended functions.** The upper House is often described as an expert revising Chamber. The House will want to examine how the Government's proposals will support or enhance this role, or if another kind of role is intended for the revised upper House, how this will impact on the role and primacy of the House of Commons.

11. On a similar note, much of the relationship between the two Houses is regulated by conventions, which rely for their effectiveness on the fact that the House of Lords lacks any democratic mandate. **The existing conventions governing relations between the two Houses will not survive in their current form if the upper House is given democratic legitimacy, and the Government's proposals need to be examined with this in mind.**

4 House of Lords, Report of the Leader's Group on Members Leaving the House, Session 2010–12 (published as Session 2010–11), HL Paper 83, paras 14–18

5 Meg Russell, *House Full: Time to get a grip on appointments*, Constitution Unit, University College London, April 2011

6 HM Government, *Our Programme for Government*, May 2010

7 HL Paper 83, para 67

Practicalities of scrutiny: the Joint Committee

12. The Government has indicated that once a draft Bill has been published, it intends to invite Parliament to appoint a new joint committee, comprising Members of both Houses, to carry out pre-legislative scrutiny.⁸ Our seminar concluded that there is a strong tension between having an effective committee of a manageable size, and ensuring that a wide range of parties, viewpoints within parties, and other interested groups (such as bishops) are represented.

13. The Liaison Committee and the Select Committee on Rebuilding the House have both made the case in recent years for smaller, more effective committees.⁹ **A large and unwieldy joint committee would be unlikely to serve the process well.** A balanced programme of public evidence sessions could sensibly ensure that the widest possible range of views are heard and taken into account.

14. **We on this Committee have all been elected by our parties, and in the case of our Chair by the House, to scrutinise the Government's programme of political and constitutional reform.** House of Lords reform is a major component of this programme. We have written to the Leader of the House proposing that we (or some of us, in keeping with the above) should be the Commons Members of the Joint Committee. **We need at least to be given a role in determining the membership of the Commons part of the Joint Committee.**

15. The risk otherwise, unless they are similarly elected, is that the Commons Members of the Joint Committee will lack the degree of democratic mandate that we have. Given the proposed content of the draft bill, this would be ironic to say the least.

16. **We also trust that the House will want to give the Joint Committee substantially more than the standard twelve weeks to carry out its scrutiny of the draft bill.** There is no reason that the Joint Committee should not have at least until the end of this calendar year to report. This would in no way compromise the Government's intention to announce a bill in the Queen's Speech in May 2012.

8 HC Deb, 7 Jun 2010, col47

9 Liaison Committee, First Report of Session 2008-09, *The Work of Committees in 2007-08*, HC 291, paras 78-81; Select Committee on Reform of the House of Commons, First Report of Session 2008-09, *Rebuilding the House*, HC 117, para 55

Conclusions and recommendations

1. Our main aim here is to identify those points on which there was general consensus at our seminar, and to bring them to the attention of the House before the Government publishes specific proposals for reform of the House of Lords. (Paragraph 1)

Immediate concerns, including size of the House of Lords

2. Those proposing radical reform need also to address other incremental, urgent reforms that would improve the functioning of the existing House of Lords. (Paragraph 5)
3. The current, effectively untrammelled, process for making party-political appointments to the House of Lords, coupled with the lack of any mechanism for Members to leave the upper House, threatens that House's effective functioning in the shorter term. This is a pressing issue that cannot wait four years to be resolved. (Paragraphs 7-8)

Principles for scrutiny of the Government's proposals

4. Membership of the House of Lords needs to be considered in the context of its intended functions. (Paragraph 10)
5. The existing conventions governing relations between the two Houses will not survive in their current form if the upper House is given democratic legitimacy, and the Government's proposals need to be examined with this in mind. (Paragraph 11)

Practicalities of scrutiny: the Joint Committee

6. A large and unwieldy joint committee would be unlikely to serve the process well. (Paragraph 13)
7. We on this Committee have all been elected by our parties, and in the case of our Chair by the House, to scrutinise the Government's programme of political and constitutional reform. We need at least to be given a role in determining the membership of the Commons part of the Joint Committee. (Paragraph 14)
8. We also trust that the House will want to give the Joint Committee substantially more than the standard twelve weeks to carry out its scrutiny of the draft bill. (Paragraph 16)

Formal Minutes

Thursday 28 April 2011

Members present:

Mr Graham Allen, in the Chair

Mr Christopher Chope

Simon Hart

Tristram Hunt

Mr Andrew Turner

Mr Stephen Williams

Draft Report (*Seminar on the House of Lords: Outcomes*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 16 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 10 May at 10.00 a.m.]

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

| | | |
|----------------|--|------------------|
| First Report | Parliamentary Voting System and Constituencies Bill | HC 422 |
| Second Report | Fixed-term Parliaments Bill | HC 436 (Cm 7951) |
| Third Report | Parliamentary Voting System and Constituencies Bill | HC 437 (Cm 7997) |
| Fourth Report | Lessons from the process of Government formation after the 2010 General Election | HC 528 (HC 866) |
| Fifth Report | Voting by convicted prisoners: Summary of evidence | HC 776 |
| Sixth Report | Constitutional implications of the Cabinet Manual | HC 734 |
| Seventh Report | Seminar on the House of Lords: Outcomes | HC 961 |
